

# Biennial Review of the Status of Planning Implementation Agreement Efforts

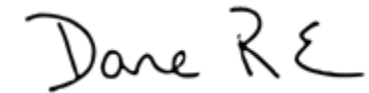
**Township of Lakewood  
Ocean County, New Jersey**

Prepared: November 27, 2024

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*The original of this document has been signed and sealed in accordance with New Jersey Law.*

Table of Contents

1 — Introduction.....1

2 — Planning Implementation Agreement Progress Report .....2

3 — Development Approvals .....34

    3.1 — Planning Board Approvals.....34

    3.2 — Zoning Board Approvals.....35

4 — Ordinance Amendments.....36

5 — Redevelopment .....37

6 — Population Trends.....37

7 — Conclusion .....37

## List of Appendices

Appendix A: Map Change Proposal

Appendix B: Shuttle Bus Schedule

Appendix C: 2022 Planning Board Annual Report

Appendix D: 2023 Planning Board Annual Report

Appendix E: 2022 Zoning Board Annual Report

Appendix F: 2023 Zoning Board Annual Report

Appendix G: Ordinance 2022-30

Appendix H: Ordinance 2022-45

Appendix I: Ordinance 2022-46

Appendix J: Ordinance 2022-47

Appendix K: Ordinance No. 2023-16

Appendix L: Ordinance No. 2023-18

Appendix M: Ordinance No. 2023-28

Appendix N: Ordinance No. 2024-9

Appendix O: Ordinance No. 2024-14

Appendix P: Ordinance No. 2024-23

Appendix Q: Ordinance No. 2024-37

## 1 — Introduction

The New Jersey State Planning Commission approved Lakewood Township’s petition for plan endorsement on December 7, 2017. This approval included the designation of a regional town center, and several cores and nodes, along with associated changes in the State Plan Policy Map. Lakewood’s plan endorsement was the culmination of more than a decade of comprehensive planning and community outreach undertaken by the Township, which included the adoption of the Lakewood Smart Growth Plan and a new Master Plan and related zoning amendments.

Since December 7, 2017, the Township has taken many concrete steps to implement the smart growth planning and center-based development concepts that underlie the terms of its plan endorsement and complete many of the activities that comprise the Planning Implementation Agreement approved by the State Planning Commission. These steps were previously documented in the Township’s first and second Biennial Review, which were submitted in December 2019 and October 2022, respectively. The current report, which constitutes the Township’s third Biennial Review, provides an update on the steps taken since October 2022.

This Biennial Review is divided into the following key sections:

- 2. Planning Implementation Agreement Progress Report:** The Planning Implementation Agreement Progress Report updates the Township’s Planning Implementation Agreement with the State Planning Commission with the status of specific action items as of the submission of this report;
- 3. Development Approvals:** This section provides an overview of development activity in 2022 and 2023, as documented by annual reports of the municipal planning and zoning boards;
- 4. Ordinance Amendments:** This section identifies relevant ordinance amendments that have occurred in 2022 and 2023;
- 5. Redevelopment:** This section provides an overview of the Township’s activities related to redevelopment in 2022 and 2023; and
- 6. Population Trends:** This section provides updated population trend information on the Township to the extent available.

The foregoing sections are supplemented by a series of 17 appendices to document the Township’s planning activities since the submission of its second Biennial Review in 2022.

## 2 — Planning Implementation Agreement Progress Report

Provided below is a reproduction of Lakewood’s Planning Implementation Agreement with the State Planning Commission. The column labeled “Status” provides the status of individual action items as of the submission of this Biennial Review.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
0.1	Update land use and zoning ordinances to reflect agreed upon changes	Lakewood updates land use and zoning ordinances to reflect uses and intensity of development commensurate with their proposed changes to planning areas, designated centers, nodes, and cores.			Will be completed within 1.5 years after receiving Plan Endorsement.	<b>Completed.</b> Zoning Ordinance amendment adopted December 2017. (Ord. No. 2017-51). The zoning amendment implements the recommendations of the master plan and was a condition of plan endorsement. Documentation provided to OPA in 2019.
0.2	Adopt Protection Ordinances	Lakewood SPM after zoning ordinance is adopted: <ul style="list-style-type: none"> <li>Riparian Corridor Ordinance</li> <li>Water Conservation Ordinance</li> <li>Wellhead Protection Ordinance</li> </ul>	DEP offer guidance		Will be addressed after receiving Plan Endorsement and before SPPM boundary changes and prior to start of CAFRA review period.	<b>Completed.</b> Riparian Buffer Conservation Overlay Ord. No. 2017-24 adopted on November 8, 2017. Documentation provided to OPA in 2019.
0.3	CAFRA Consistency	Lakewood submit CAFRA Consistency Statement to DEP	DEP offer guidance		Will be addressed after receiving Plan Endorsement and before SPPM boundary changes and prior to start of CAFRA review period.	<b>Completed.</b> A CAFRA Consistency Statement was submitted to the NJDEP and NJ OPA. NJDEP published a Coastal Area Rule notice in 2018 accepting planning area boundaries, centers, cores, and nodes. Documentation provided to OPA in 2019.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
0.4	WQMP	Work with the County to complete the municipal chapter of the County Plan	DEP, Ocean County		DEP will adopt the WQMP with the Lakewood chapter by the end of January 2016.	<b>Completed.</b> Adopted by County and approved by NJDEP. Documentation provided to OPA in 2019.
0.5	Kettle Creek	Lakewood will provide NJDEP with a current list of all municipally owned parcels which lie outside of the adopted Sewer Service Area mapping within the Kettle Creek watershed, Crystal Lake Preserve area and adjacent to the Metedeconk River or tributaries. The intent of such list is to identify those parcels which will be permanently preserved either by addition by the Township to the Recreation and Open Space Inventory (ROSI) maintained by the NJDEP Green Acres Program or preserved by a mechanism that is agreed to by NJDEP and the Township for mitigative purposes as may be required by a CAFRA permit issued within the Township. Prior to changes to the State Plan Policy Map, such mechanism will be enacted by Township ordinance, establish a date certain by which such preservation is to take place, and shall be binding upon the Township.	DEP		Will be addressed after receiving Plan Endorsement and before SPPM boundary changes and prior to start of CAFRA review period.	<b>Completed.</b> Deed restriction of parcels adopted in December 2017; 290 parcels and 650 acres were restricted. Documentation provided to OPA in 2019.
0.6	Zoning Map and Ordinances	Revise the official zoning map and ordinances based on the Smart Growth Plan	OPA		Will be completed within 1.5 years after receiving Plan Endorsement.	<b>Completed.</b> December 2017 (Ord. No. 2017-51). Documentation provided to OPA in 2019.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
0.7	OPA updates SPC Map with amendments from the SPC PE resolution—Centers, Nodes and Planning Area changes	Zoning and protection ordinances adopted by Lakewood	OPA submits map changes to the State Register		Shortly after Lakewood updates the Land Use ordinance and Zoning Maps.	<b>Completed.</b> NJ OPA updated the State Plan map, published December 2017
0.8	CAFRA Consistency	Lakewood submits CAFRA Consistency Statement	After SPC resolution adopted, OPA submits map changes to the State Register		Within 30 days after Lakewood Updates zoning and OPA updates State Plan Map resolution	<b>Completed.</b> A CAFRA Consistency Statement was submitted to the NJDEP and NJ OPA. NJDEP published Coastal Area rule in February 2018. Documentation provided to OPA in 2019.
0.9	Water Supply Management	Lakewood Twp. coordinates with Lakewood Township MUA and New Jersey American Water to develop a 10-year plan to ensure adequate water supply, including adequate firm capacity, for existing development and future growth.	DEP offer guidance and technical support including a template and designate a single point of contact to assist the Township		1–2 years	<b>Completed.</b> Water Supply Management Plan approved by the NJDEP, November 2018. Documentation provided to OPA in 2019.

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
1.1	NJDEP consideration of SPPM changes for use in CAFRA.	Zoning changes and zoning map changes that reflect SPC map changes			NJDEP will complete review and publish a notice of the review findings within 90 days of the SPPM changes	<b>Completed.</b> NJDEP published a Coastal Area Rule notice in 2018 accepting planning area boundaries, centers, cores, and nodes.
1.2	Plan Endorsement biannual review	By a date agreed upon between the SPC and the Township and biannually thereafter and within 6 months after adoption of any new or significant change to the reexamination report, land use ordinance or other planning documents submitted as part of the Plan Endorsement. Biennially, Lakewood Township shall submit a report to OPA and the public concerning the terms of this PIA and related efforts pursuant to NJAC 5:85-7.12(c).	OPA will provide a template		Ongoing	<b>Ongoing.</b> 2019 Biennial Review was submitted in December 2019 and the 2022 Biennial Review was submitted in October 2022. The 2024 Biennial Review is anticipated to be submitted in December 2024.



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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
1.3	Inter-governmental co-ordination	Coordinate with planning efforts of adjoining municipalities, the County and State and regional planning efforts particularly concerning regional planning, transportation, economic development, tourism, natural resource protection and open space and recreation.	County Planning Board, OPA, DOT, DEP, NJ Transit		Ongoing	<p><b>Ongoing.</b> Lakewood Township worked with Brick Township Municipal Utilities Authority to install green stormwater infrastructure improvements around Lake Carasaljo to improve water quality entering the lake. Lakewood continually works with the County to improve various intersections under the County's jurisdiction as well as to widen County roadways. The Township worked closely with the County for improvements to Vermont Avenue and Locust Street, as well as the intersection of Oberlin and Cedarbridge, which is now under construction. The Township has also installed sidewalks along West County Line Road to facility pedestrian circulation and improve pedestrian safety in the area.</p> <p>Lakewood continually works with the NJDOT to improve various intersections under NJDOT's jurisdiction as well as to widen NJDOT roadways. Some intersections the Township has worked closely with NJDOT include improvements to Route 70 and Vermont Avenue, Route 9 and Broadway, as well as Route 9 and Oak Street.</p>

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
1.4	Center, Node, Core boundary modifications	As part of the biannual review the State Planning Commission agrees to reevaluate boundaries based on implementation of the PIA.	County Planning Board, OPA, DOT, DEP, NJ Transit		Ongoing	<p><b>Ongoing.</b> Lakewood Township submitted a request for an expansion of the Industrial Node to the NJ OPA on November 19, 2019; this request was granted with the passage of Resolution 2021-08 by the SPC at its April 7, 2021 meeting. Thereafter, the SPC granted Lakewood the creation of a new Public Service Node and the further expansion of its Industrial Node. These actions were taken with the passage of Resolution 2023-12 by the SPC on July 5, 2023.</p> <p>Concurrent with the submission of the Township's biennial review for the period including 2022 and 2023, the Township submitted one (1) additional request for boundary modifications. This request is provided in Appendix A.</p>
2.1	Master Plan	Review and update Master Plan goals and objectives as directed by the MLUL. The remaining elements need to be updated to reflect the community vision that was conducted as well as the Growth Management Plan and including Center Boundaries, update: <ul style="list-style-type: none"> <li>• Circulation</li> <li>• Housing</li> <li>• Historic Preservation</li> <li>• Community Facilities</li> <li>• Utilities</li> <li>• Economic Development</li> <li>• Conservation of Open Space</li> </ul>			Reexamination will be as required by the MLUL	<p><b>Completed.</b> New master plan adopted October 25, 2017. First reexamination due by October 25, 2027.</p>

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
2.2	Impact Fees	Implement provisions of the Unified Development Ordinance to promote Township affordable housing goals and the use of impact fees for authorized development by the Township Committee.			6 months	<p><b>Completed.</b> Mandatory affordable housing fees adopted March 8, 2018 (Ord. No. 2018-9). Court has approved a spending plan, which was subsequently amended with approval of the Court in 2021. The Township is currently working on a further amendment of its spending plan. In addition, Transportation Improvement District (TID) was adopted for two areas (viz., TID 1 and TID 2) of the Township on June 8, 2017 (Ord. No. 2017-17).</p> <p>In 2020, Lakewood prepared a Capital Improvement Plan for Transportation Infrastructure (CIP-TI). Said plan, which was provided with the Township's second biennial report, is intended to be used to evaluate roadway and intersection improvements within TIDs. When the need for an improvement is determined and attributed at least in part by future land development, the CIP-TI is to be used to assess fair share costs of the improvements to be contributed by developers in accordance with the NJ Municipal Land Use Law. Currently, the CIP-TI is under review and consideration for adoption by the Township.</p>
2.3	Historic Preservation Element	While laudable efforts have protected the Strand Theater and Georgian Court, the Township lacks a comprehensive framework to protect the stock of historic buildings particularly in downtown. It is recommended that the Township incorporate into its Master Plan an Historic Preservation Element.	OPA and DEP as appropriate		2–3 years	<p><b>Completed.</b> An Historic Preservation Element was adopted as part of the Master Plan on October 25, 2017.</p>

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
2.4	Community Facilities	Continue to review the needs of community facilities to determine the need for replacement or additions including, but not limited to: schools, fire substations, police station, highway department and recreational facilities.	OPA and DEP		2–3 years	<b>Completed.</b> A Community Facilities Plan Element was adopted as part of the Master Plan on October 25, 2017.
2.5	Educational Programs	Encourage educational programs for conservation of lands, historic resources, community facilities and local businesses.	County		3–5 years	<b>Ongoing.</b> The Township website contains educational information and links regarding historic and cultural resources. The Township is a participating community in Sustainable NJ and gained “Bronze-Level” program certification on December 20, 2021.
2.6	Plan Review	Establish a continuing program for re-evaluating the policies established by the Land Use Plan Element			Ongoing	<p><b>Ongoing.</b> Lakewood Township is subject to the master plan reexamination requirements of the Municipal Land Use Law, which are provided at N.J.S.A. 40:55D-89. These requirements provide a statutory framework for reevaluation of policies established by the Land Use Plan Element.</p> <p>Beyond the scope of periodic master plan reexaminations, it is noted that when Lakewood Township receives requests for zoning amendments, it coordinates with its planning professionals to thoroughly evaluate each request.</p>

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
3.1	Projected Need for Affordable Housing	In light of the Township's rapid growth and development, and the concerns mentioned during public review of the SGP, Lakewood will ensure that they adhere to the Fair Housing Act.	Courts as well as Local, County, State, Federal government if applicable.		Ongoing. To be reported in the biennial review.	<p><b>Ongoing.</b> Lakewood Township is an Urban Aid municipality. The Township has an ongoing housing rehabilitation program funded by CDBG and the Township's affordable housing trust fund. The Township also is supporting, using the affordable housing trust fund, affordability assistance programs administered by STEPS and the LRRC. New affordable housing is currently being constructed by NJ HAND as part of a previously approved development. The development is known as "Lakewood Commons" and contains 446 dwelling units, of which 100% are affordable. The last phase of the development is currently under construction. In 2021, the Township amended, with approval of the court, its adopted Spending Plan to provide affordable housing trust funds to provide increased affordability levels within the NJ HAND project. A copy of the Township's most recent approved Spending Plan was provided at the time of the Township's second biennial review.</p> <p>Currently, the Township is preparing a further amendment to its Spending Plan to provide increased support to the NJ Hand Project, as well as affordability assistance programs operated by Solutions to End Poverty Soon (STEPS) and the Lakewood Resource and Referral Center (LRRC).</p>

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
3.2	Rehabilitation	Consider partnering with Ocean County to utilize resources like tax abatement and CDBG funding to rehabilitate the aging housing stock.	Ocean County		2-3 years	<b>Ongoing.</b> Lakewood Township has an on-going housing rehab program that uses a mix of CDBG and Affordable Housing Trust Fund monies. This program is described in the Township's most recent approved Spending Plan that was provided at the time of the last Biennial Review.
3.3	Housing Mixture	Identify opportunities to create diverse housing mixture and affordable housing in the centers.	HMFA as well as Local, County, State, Federal government as applicable.		Ongoing	<b>Ongoing.</b> Lakewood has allocated funding from its Affordable Housing Trust Fund to provide support for the development of housing units contained in a 100-percent affordable project developed by NJ Hand within the Oak Street Core. More details are provided with Item 3.1 (above).
3.4	Housing—Affordable Housing Sites	Ensure that any new sites identified for affordable housing be free of environmental constraints that would render them not developable as described in the amended Draft Housing Element and Fair Share Plan and applicable regulations.	Courts as well as Local, County, State, Federal government as applicable.		Ongoing	<b>N/A.</b> No new housing sites are required. Lakewood is an Urban Aid Municipality.
3.5	Ensure compliance with the affirmative marketing requirements of N.J.A.C. 5:80-26.1 et seq.	There were a number of public comments made during the public comment period of the SGP that not all affordable housing was marketed fairly. The biannual report should address steps being taken to ensure that it is.	Courts as well as Local, County, State, Federal government if applicable.		Ongoing. To be reported in the biannual review	<b>Ongoing.</b> The Township's Community Development office administers the affirmative marketing program.
4.1	Open Space Plan & Update ROSI	Continually prioritize high value open space lands for acquisition. Implement the Open Space Plan Element of the Township Master Plan that identifies parcels for potential acquisition.	Ocean County and DEP-Green Acres		Ongoing as acquisitions are made or when plans change.	<b>Ongoing.</b> No major acquisitions. An Open Space and Recreation Plan Element was adopted in the Master Plan in October 2017 that identified potential acquisitions. The ROSI will be updated as necessary as new acquisitions occur.

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
4.2	Pedestrian Linkages	Design, obtain funding and construct the trail network and pedestrian linkages with assistance provided by Environmental Commission.	DOT, County		1–5 years	Items 4.2 and 4.3 have been combined. See Item 4.3 for status.
4.3	Open Space Linkages	Create linkages between open space and recreation sites.	DEP		2 years	<b>In Progress.</b> Linkages Plan authorized by Township in July 2019. Draft plan provided to Township for review and consideration in December 2019.
4.4	Non-Contiguous Cluster Ordinance					<b>Completed.</b> Ordinance adopted December 7, 2017 (Ord. No. 2017-52). Documentation provided to OPA in December 2019.
5.1	Natural Resource Inventory	Update the Natural Resource Inventory that was produced during Plan Endorsement with assistance provided by the Environmental Commission.	DEP		Ongoing as acquisitions are made and new environmental data is available.	<b>Ongoing.</b> Township will acquire new NJDEP GIS data and update existing GIS mapping of natural resource maps as appropriate data becomes available.
5.2	Stream Corridor Protection Plan	Create and implement a Stream Corridor Protection Plan to protect waterways located within the Township.	DEP		2–5 years	<b>Completed.</b> Riparian Buffer Conservation Overlay Zone ordinance adopted on August 10, 2017. Documentation provided to OPA in December 2019.

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
6.11	The Circulation Element of the Master Plan should be updated.	<p>The Township shall propose a detailed circulation strategy that describes circulation patterns and justifies how these proposals would help enhance mobility without negatively impacting pedestrians.</p> <p>The updated Circulation Element should include a clear statement that recognizes the role of state roads for conveying through rather than local traffic. The plan should provide access to local businesses on local roads.</p> <p>The statement should acknowledge that the State does not have the funds to widen Route 9 in the foreseeable future and that Lakewood has investigated alternative north-south roadways to lessen the traffic congestion on Route 9. More details are needed.</p> <p>It is also important that the plan integrates existing bus and shuttle services to address capacity issues.</p>	DOT, NJ Transit, OPA	Circulation Element	1 Year	<b>Completed.</b> A Circulation Plan Element was adopted as part of the Master Plan on October 25, 2017.
6.15	Implement the Parking Study funded through the OPA Smart Growth Grant	Ensure that opportunities for growth do not impede the ability to construct and to effectively address parking. Utilize best TOD and center-based design strategies.	DOT, NJ Transit		2–5 years	<b>Ongoing.</b> The Township is evaluating funding sources for the recommended projects. In addition, the Township is continuing to implement downtown parking improvements. The Township is also exploring the potential for real estate acquisitions that will facilitate the expansion of its network of parking lots in the Downtown. Demand for parking in the Downtown remains high because of the brisk retail and government activity.



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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
6.2	Work with NJDOT (and Work with NJDOT (and NJT where service is involved) to specifically, adopt a Complete Streets policy that recognizes pedestrian and their needs to access transit, jobs, and neighborhoods. The complete streets approach begins with an understanding that land use and transportation are integral to one another, and planning needs to operate with that understanding.	As circulation plans are developed follow NJ DOT's policy to enable safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities, in addition to motorists that should be developed with context-sensitivity and a firm understanding that Land Use and Circulation planning are integrated with the other.; specifically, adopt a Complete Streets policy.	DOT, NJ Transit		Lakewood adopted a Complete Streets policy on October 17, 2013.	<b>Completed.</b> Township Committee adopted a complete streets policy by resolution on October 17, 2013.
6.25	Work with NJT to implement appropriate Express Bus service along Route 9.	Develop an implementable plan to improve Express Bus service along Route 9.	NJ Transit		2-5 years	<b>Completed.</b> Academy bus & NJ Transit have Route 9 express bus service to NYC.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
6.3	TOD Development	Develop and utilize best TOD and center-based design strategies where appropriate.	DOT, NJ Transit		2–5 years	<p><b>Ongoing.</b> Lakewood Township operates a low-cost shuttle service, called the “Lakewood Shuttle,” that provides service throughout the municipality, including within its designated cores and center and specifically linking residential areas with non-residential areas and the Lakewood Bus Terminal. A copy of the current schedule and route description of the Lakewood Shuttle is provided as Appendix B of this Biennial Review of the Status of Planning Implementation Agreement Efforts.</p> <p>In addition to the above, it is noted that in late October 2022, NJ Transit began the next phase of the Middlesex–Ocean–Monmouth (MOM) Rail Study to evaluate alignment alternatives. Currently, there are three alignment alternatives, all of which would serve to connect Lakewood with Lakehurst/Manchester and, depending on alignment, Matawan, Red Bank, or Monmouth Junction and intermediate points. Lakewood continues to monitor developments related to the MOM Rail Study and the potential for passenger rail service to/from Lakewood, which would support TOD within the Township.</p>
6.4	Access Management	Continue to work with NJTPA, NJ DOT and Toms River to address access management planning along Route 9 and other state highways.	DOT in conjunction with NJTPA's Route 9 corridor study		2–5 years	<p><b>Ongoing.</b> Lakewood participated in 2016 with the North Jersey Transportation Planning Authority in a study of the Route 9 Corridor, NJDOT, Ocean County and Toms River to address congestion and traffic safety. An access management plan was recommended.</p>

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
6.5	Goods movement	As part of the Circulation Plan update, incorporate a strategy for dealing with retail, commercial or truck freight traffic along state, county, and municipal roadways as it relates to existing and future land use patterns.	DOT in conjunction with NJTPA's Route 9 corridor study		1.5 years	<b>Completed.</b> A Circulation Plan Element was adopted as part of the Master Plan on October 25, 2017.
6.6	Transportation Demand Management (TDM)	As part of the Circulation Plan update, incorporate a strategy to utilize transportation demand management (TDM) measures for trip reduction where applicable, such as ridesharing, vanpooling, transit, and park-and-rides	NJTPA, Greater Mercer TMA, NJ TRANSIT and DOT in conjunction with NJTPA's Route 9 corridor study		1.5 years	<b>Completed.</b> Action-oriented objectives were listed in the Circulation Plan Element to enhance public transit access and service.
6.7	Transportation—Route 9 right of way	The Township will implement land use controls consistent with the desirable typical section (DTS) for Route 9 in the Access Code. The Township's HD zoning along Route 9 south of downtown provides for setbacks to help preserve a right of way for future Route 9 widening. However, based on field observation, there appears to be significant development close to the highway. The Township shall provide copies of variances and other provisions that have allowed for encroaching development.	OPA and DOT		1 year	<b>Ongoing.</b> The desired typical section requirements are enforced during site plan approval at the stage of Planning Board and Zoning Board approvals. Route 9 improvements are scheduled to be implemented in the coming months by the DOT. These will include: many intersection enhancements; two additional traffic lights (at Oak Street and Broadway); and sidewalks along the western side of Route 9 to enhance pedestrian safety. This project stretches from Route 9 and Central Avenue (CR 528) to the southern municipal border and beyond into Toms River Township.
6.8	Airport Activities	Prepare a discussion in the Land Use Element of the Master Plan that describes appropriate land uses adjacent to the airport. The role the airport plays should also be discussed in the Circulation Element. Market the airport for greater economic development in the Township.	DOT		1 year	<b>Completed.</b> The Airport facilities were discussed in the Circulation Element of the 2017 Master Plan. In addition, a zoning amendment was adopted in December 2017 to promote the economic activities in the tracts adjoining Lakewood Municipal Airport.

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
6.9	Mass Transit Improve-ments	Remain actively engaged with NJ Transit & Ocean County to explore mass transit op-tions.	NJ Transit & Ocean County		Ongoing	<b>Ongoing.</b> Township continues to be en-gaged with NJ Transit and Ocean County. The Township is operating a shuttle bus service within Lakewood. A copy of the most recent shuttle bus service schedule is provided in Appendix B.
6.10	Lakewood TID	Implement the TID	Lakewood, DOT		1 year	<b>Completed.</b> Transportation Improvement District (TID) ordinance adopted June 8, 2017 for two sub-districts (Ord. No. 2017-17).  In 2020, Lakewood prepared a Capital Im-provement Plan for Transportation Infra-structure (CIP-TI). Said plan, which was in-cluded in the Township's second Biennial Review, is intended to be used to evaluate roadway and intersection improvements within TIDs. When the need for an im-provement is determined and attributed at least in part by future land development, the CIP-TI is to be used to assess fair share costs of the improvements to be contrib-uted by developers in accordance with the NJ Municipal Land Use Law.  Currently, the CIP-TI is under review and consideration for adoption by the Town-ship.
7.1	Stormwater Manage-ment Plan	The Township will adopt a stormwater management ordinance and implement its stormwater management program in ac-cordance with NJDEP regulations.	DEP and Ocean County		1 year	<b>Completed.</b> Stormwater regulations are a part of the Unified Development Ordi-nance. The Township has a stormwater management plan, which was provided to the OPA in December 2019.

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
7.2	Wellhead Protection Plan	Create and implement a Wellhead Protection Plan to protect water supply wells.	DEP		2 years	<b>Completed.</b> Ordinance adopted in June 2017 (Ord. No. 2017-26). Documentation was provided to the OPA in December 2019.
8.1	Urban Enterprise Zone	Continue to actively promote the UEZ programs (employment, financial, public safety).			Ongoing	<b>Ongoing.</b> Efforts are directed by the Lakewood Development Corp (LDC). The LDC, which manages the UEZ for Lakewood Township has over 500 companies active in the UEZ and is recognized as one the best performing UEZs in NJ. UEZ programs assist companies in their efforts to grow and hire, contributing to the economic growth and well-being of the township and the region. Lakewood's UEZ office is currently working to expand its loan offerings and other projects to spur economic development and job creation.

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No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
8.2	Business Retention/ Expansion	Manage the business development and retention program in the Foreign Trade Zone, Industrial Park and Cedar Bridge Corporate Campus.	EDA		Ongoing	<b>Ongoing.</b> Efforts are directed by the Lakewood Dev. Corp. FTZ, Industrial Parks (IPs) and Cedarbridge Corporate Campus (CCC). Lakewood's IP, which covers over 2000 acres and consists of 400+ companies, accounts for the region's largest employment center, with some 15,000 people coming to work every day. The IPs boast many nationally and internationally leading companies. CCC has added a center of Class A office use to Lakewood's economic powerhouse, with a concentration of health care and financial sector companies establishing headquarters or regional bases. The FTZ designation, which is an important tool for certain companies impacted by customs and duty issues, is another asset. The FTZ is administered locally by the LDC, which also manages the UEZ program. Currently, the industrial parks are experiencing a steady and strong demand for expansion, thus creating many jobs and opportunities. Office demand remains extremely strong; this speaks to growth in professional and other high-paying jobs. Migration from NYC and other areas remains a factor in this growth.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
8.3	Revolving Loan Fund	Ensure that the revolving loan fund is promoting small business development with assistance provided by the Chamber of Commerce.	EDA		Ongoing	<b>Ongoing.</b> Efforts are directed by the Lakewood Development Corp (LDC). LDC's flagship ongoing program is a revolving loan fund making mostly microloans to assist new business with startup costs or other strategic investment designed to spur growth and job creation. This self-perpetuating fund is active and a significant resource to the entrepreneurial community in Lakewood.
8.4	Tourism	Maximize the net capture of visitors to State, County, and local open space areas.	DEP		Ongoing	<b>Ongoing.</b> Lakewood continues to be a destination for local and out-of-state tourists. The BlueClaws stadium hosts one of the most successful minor league baseball franchises, and also hosts a variety of activities throughout the year, including concerts, boat and RV shows and the like that draw large crowds to the location. The Strand Center for the Arts, a historic landmark theater in downtown Lakewood, has a strong lineup of musical and other entertainment that draws from around the region.
8.5	Financial Assistance	Apply for public and private community development grants	EDA, OPA, NPP, HUD, CDBG and DOT		Ongoing	<b>Ongoing.</b> Assistance will be applied for as needed and as funding is available. Lakewood has an ongoing interest in working with state and federal agencies to seek grants for various improvements throughout the town which may include the Neighborhood Preservation Program and other forms of assistance.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
8.6	Entertainment/retail/ restaurant	Identify further retail opportunities adjacent to the BlueClaws stadium.	OPA, County		1 year	<b>Ongoing.</b> Cedarbridge Redevelopment Plan amended to allow, inter alia, retail, medical office uses and mixed commercial uses. Recent developments have seen a significant investment in high end retail businesses around the BlueClaws Stadium. The Avenue Shoppes development, just north of the stadium is home to clothiers, restaurants and more. In addition, it is noted that Downtown Lakewood has been home to the Strand Center for the Arts (the Strand), a landmark theater featuring mostly music and dance performances. Having weathered the pandemic, the Strand is now back to presenting a full slate of productions and patrons have returned in good numbers.
8.7	Farmers Market	Promote the creation of a Farmers Market to promote the Jersey Fresh brand in the Regional Center.	DOA		1 year	<b>Ongoing.</b> Farmers Market efforts have been made before, but a suitable location has not been established. Some mention of the BlueClaws lot has been made, and Lakewood would seek a partner entity that could coordinate and manage such an effort.
9.1	Strengthen Regional Center Identity	Build upon Lakewood's economic and cultural identity to establish a destination for Ocean County and Monmouth Counties.	DOT, DEP and OPA		5 years	<b>Ongoing.</b> May require assistance from Ocean County and State with Involvement of the Chamber of Commerce.
9.2	Streetscape Design	Develop a streetscape design, which includes signage to identify the Center.	DOT, Ocean County and OPA		2 years	<b>In progress.</b> Lakewood Township is in the process of preparing a streetscape plan.



**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
9.3	Destination Guide	Publish an easy-to-use destination guide that lists events and places of interest to market the Regional Center	Ocean County		2 years, Ongoing	<p><b>In Progress.</b> Guide has been prepared by the Lakewood Township Tourism Advisory Board. A copy was included in the Township's second Biennial Review.</p> <p>In addition, the municipal website includes pages with relevant information related travel under the menu bar item "Living and Visiting." A direct link to the splash page for "Living and Visiting" is available here: <a href="https://www.lakewoodnj.gov/section/visitors">https://www.lakewoodnj.gov/section/visitors</a></p>
9.4	Educational Programs	Encourage educational programs for conservation of lands, historic resources, community facilities and local businesses.	SHPO		Ongoing	<p><b>Ongoing.</b> The Township website contains educational information and links regarding historic and cultural resources. The Township is a participating community in Sustainable NJ and gained "Bronze-Level" certification on December 20, 2021. The Township anticipates achieving a higher-level certification in the near future.</p>
9.5	Transit Station	Examine land uses around the proposed rail station and propose transit-oriented development.	NJ Transit, DOT, Transit Village Initiative, OPA		2–5 years	<p><b>Ongoing.</b> The Township will require guidance from NJDOT to proceed.</p>

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
C1	Climate Resilience Planning  <i><b>This activity was added to the PIA in 2023.</b></i>	<p>Lakewood should review its existing data, maps, HMP Annex and assessments and compile any additional data into an assessment and strategy to satisfy the requirements for the Community Change Related Hazard Vulnerability Assessment (CCRHVA) in the MLUL per NJDEP. Expand on the local annex to the county HMP to include climate impacts for temperature, precipitation, flooding, heat island, and vulnerability of public and private potable wells, pump stations and wastewater treatment.</p> <ul style="list-style-type: none"> <li>Identify and document any utility sites, facilities, equipment, conveyance piping, overhead utility lines, etc. that may be vulnerable to climate impacts or other environmental hazards.</li> <li>Confirm the condition and capacity of these utility sites, facilities, equipment, etc.</li> <li>DEP strongly advises against new utility development in areas identified as vulnerable to natural hazards in current and projected condition. Findings from the CCRHVA should guide strategies and actions to increase resilience and reduce risk moving forward.</li> </ul>	Ocean County, OPA, NJDEP, Sustainable Jersey	Develop, adopt, and implement a Climate Change-Related Hazard Vulnerability Assessment (CCRHVA) that meets the requirements of the MLUL per P.L.2021, c.6.	1-4 years	<b>In Progress.</b> The Township is in the process of preparing an application to Sustainable Jersey for technical assistance related to the preparation of a CCRHVA. The application deadline is December 20, 2024.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
C2	Climate Resilience Planning  <i>This activity was added to the PIA in 2023.</i>	Lakewood should update its ordinance to be consistent with the Department's riverine model code coordinated Flood Damage Prevention Ordinance. For guidance, please review the riverine model ordinance at <a href="https://www.nj.gov/dep/flood-control/modelord.htm">https://www.nj.gov/dep/flood-control/modelord.htm</a> and FEMA guidance at <a href="https://www.fema.gov/floodplain-management/manage-risk/local">https://www.fema.gov/floodplain-management/manage-risk/local</a> . NJDEP updated the model ordinance in December 2020 to be compliant with NFIP. The model coastal ordinance provided by NJDEP can be found at <a href="https://www.nj.gov/dep/floodcontrol/modelord.htm">https://www.nj.gov/dep/floodcontrol/modelord.htm</a> .	NJDEP	Review and update the Flood Damage Protection Ordinance with the current NJ Riverine Model Ordinance (revised 2020) at <a href="https://www.nj.gov/dep/floodcontrol/modelord.htm">https://www.nj.gov/dep/floodcontrol/modelord.htm</a> in order to stay compliant with NFIP.	1-3 years	<b>Ongoing.</b> Ordinance 2022-30, which was adopted on July 14, 2022 and provides new floodplain management regulations, adopts new flood hazard maps; and designates a floodplain administrator (see Appendix G). The Township will make any further updates pending NJDEP guidance.
C3	Climate Resilience Planning  <i>This activity was added to the PIA in 2023.</i>	Check HMP or ask NJOEM for the Township's # of Repetitive Loss and Severe Repetitive Loss properties, # NFIP properties; # claims, etc. Map these	NJDEP, OEM, FEMA	Review the Blue Acres Program and determine if it is a feasible option for [owners of] Repetitive Loss properties that have not been mitigated, and/or are in flood hazard areas.	Ongoing	<b>In Progress.</b> This exercise will be incorporated within the context of the preparation of a CCRHVA.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
D1	Land Use  <i><b>This activity was added to the PIA in 2023.</b></i>	Review plans and ordinances and remove impediments to, and encourage, green design throughout the community. Make necessary modifications to ensure that innovative and sustainable construction alternatives and materials (such as green roofs) are permitted. Consider approving incentives for using innovative roofing alternatives and materials. Sustainable Jersey points and support.	OPA, NJDEP technical assistance		1-3 years	<b>Ongoing.</b> The Township continuously reviews and updates its ordinance. As any updates are made, information will be recorded and provided with the Township's Biennial Reviews. It is further noted that the need for additional revisions may result from the preparation of the Township's CCRHVA.
D2	Land Use  <i><b>This activity was added to the PIA in 2023.</b></i>	Review and update Master Plan and all associated elements to consider climate resiliency and socially vulnerable populations. Sustainable Jersey points and support. Address MLUL requirements.	NJDEP, Sustainable NJ, OPA	Review and update Master Plan	1-3 years after CCRHVA	<b>Ongoing.</b> The Township's current master plan was adopted in 2017 and the first master plan reexamination report is required in 2027. Nonetheless, it is noted that the need for specific updates may result from the preparation of the Township's CCRHVA.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
D3	Land Use  <i><b>This activity was added to the PIA in 2023.</b></i>	The municipality shall enhance its zoning regulations and building codes to encourage building outside of the flood zone and to minimize construction in flood prone areas to reconstruction of existing buildings. Flood zone area new construction or redevelopment of existing buildings should avoid high density concentration and areas of severe flooding. Placement of critical facilities and utilities in flood zones should be avoided whenever possible. Affordable housing should be sited to avoid flood zone and hazardous areas. Flood damage prevention ordinance date? The municipality needs to follow all regulations set forth by the NJDEP with regards to flood hazard area regulation, wetlands, etc. It does not site or recommend siting any affordable housing projects within a flood zone or a hazardous area.	NJDEP (Bureau of Climate Resilience Planning)		1-3 years After CCRHVA	<b>To be Completed.</b> The Township's activities for this item will be informed by the preparation of the Township's CCRHVA.
D6	Land Use  <i><b>This activity was added to the PIA in 2023.</b></i>	The municipality's zoning ordinance should be updated to include overlays that address stormwater management, aquifer recharge, steep slopes, 100-year and 500-year flood zones and critical habitat and habitat corridors. This includes a CES overlay for structures in the 100-year and 500-year flood zone and environmentally sensitive areas (ESA).	NJDEP, OPA	Add appropriate Overlay Zones to Zoning Ordinance/Map.	After CCRHVA	<b>To be Completed.</b> The Township's activities for this item will be informed by the preparation of the Township's CCRHVA.
D8	Land Use  <i><b>This activity was added to the PIA in 2023.</b></i>	Reconcile and update Area in Need of Redevelopment and Area in Need of Rehabilitation Data	NJDCA, OPA	Ensure that data is maintained and accurate	Ongoing	<b>Ongoing.</b> The Township continuously reviews State mapping and will coordinate on reconciling and updating same as necessary.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
E1	Sustainability  <i><b>This activity was added to the PIA in 2023.</b></i>	Develop green building and sustainable design guidelines for new development. Consider requiring “green buildings” (LEED, Green Globes) in redevelopment areas, to the extent practicable.	SJ, OPA		Ongoing	<b>Ongoing.</b> The Township continuously reviews and updates its ordinance. As any updates are made, information will be recorded and provided with the Township’s Biennial Reviews. It is further noted that the need for additional revisions may result from the preparation of the Township’s CCRHVA.
E2	Sustainability  <i><b>This activity was added to the PIA in 2023.</b></i>	Streamline zoning code and permitting requirements to encourage solar and geothermal. Sustainable Jersey points and support.	NJDEP, NJBPU, SJ		1-2 year	<b>To be Completed.</b> The Township’s activities for this item will be informed by the preparation of the Township’s CCRHVA.
F1	Conservation  <i><b>This activity was added to the PIA in 2023.</b></i>	Tree Protection Ordinance, Tree Risk Assessment Plan as needed. Consider NJUCG accreditation.	NJDEP Bureau of Sustainability; NJDEP Parks and Forestry; NJ Forest Fire Service; Sustainable Jersey		2-3 years	<b>To be Completed.</b> This item remains to be completed.
F2	Conservation  <i><b>This activity was added to the PIA in 2023.</b></i>	Adopt a wellhead protection ordinance in addition to the Environmentally Critical Area protection with specifics to protect water quality and public health.	NJDEP	Adopt a wellhead protection ordinance	2-3 years	<b>Completed.</b> Wellhead protection is addressed by Chapter BH21 of the Code of the Township of Lakewood.
F3	Conservation  <i><b>This activity was added to the PIA in 2023.</b></i>	Develop and adopt a Water Conservation Ordinance that is mutually agreeable to the Township and DEP	NJDEP	Develop and adopt a Water Conservation Ordinance	2-3 years	<b>Completed.</b> Water conservation is addressed in Chapter 16 of the Code of the Township of Lakewood.
F6	Conservation  <i><b>This activity was added to the PIA in 2023.</b></i>	Review and update as necessary the Natural Resource Inventory, including climate change observations and concerns as they are relevant. DEP can assist with identifying what to update.	NJDEP	Review and update as necessary the Natural Resource Inventory	1-3 years After CCRHVA	<b>To be Completed.</b> The Township’s activities for this item will be informed by the preparation of the Township’s CCRHVA.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
F7	Conservation  <i><b>This activity was added to the PIA in 2023.</b></i>	Review and update as necessary the inventory of contaminated sites, identify if any of these Known Contaminated Sites (KCS) are within the proposed center and/or are vulnerable to climate change. Incorporate findings from the CCRHVA, and CES overlays as appropriate.	NJDEP	Update the natural resources inventory documents to account for any changes since the last inventory as well as climate change considerations.	1-3 years After CCRHVA	<b>To be Completed.</b> The Township's activities for this item will be informed by the preparation of the Township's CCRHVA.
F8	Conservation  <i><b>This activity was added to the PIA in 2023.</b></i>	Adopt a stream corridor/Riparian Zone protection ordinance Review and update with climate impact considerations, findings from the CCRHVA, and CES overlays as appropriate. The Township follows the mapping and inventory provided by the NJDEP. This activity could be undertaken as a component of the ERI task above	NJDEP	Adopt or update a stream corridor/Riparian Zone protection ordinance	1-3 years After CCRHVA	<b>To be Completed.</b> The Township's activities for this item will be informed by the preparation of the Township's CCRHVA.
F9	Conservation  <i><b>This activity was added to the PIA in 2023.</b></i>	Update ROSI <ul style="list-style-type: none"> <li>Pay particular attention to the C1 waters in the Township.</li> <li>Review and update with climate impact considerations, findings from the CCRHVA, and CES overlays as appropriate.</li> </ul>	Ocean County, NJDEP	Update ROSI	Within 4 years	<b>To be Completed.</b> The Township's activities for this item will be informed by the preparation of the Township's CCRHVA.
F10	Conservation  <i><b>This activity was added to the PIA in 2023.</b></i>	Continue to work with County to provide and expand corridors of open space and natural features to protect historic structures, support habitat connectivity and adapt to changing climate condition	Ocean County, NJDEP Green Acres	<a href="https://dep.nj.gov/ot-pla/roasi/">https://dep.nj.gov/ot-pla/roasi/</a>	ongoing	<b>Ongoing.</b> The Township will continue to work closely with Ocean County.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
GI	Transportation & Circulation  <i><b>This activity was added to the PIA in 2023.</b></i>	Incorporate Complete and Green Streets policy and Implementation Plan into the Circulation Element of the Master Plan. All new transportation projects that impact any Right-of-Way made within Lakewood will be consistent with this plan and the adopted Complete Streets Policy.	NJDOT, NJ TPA, Ocean County	Provide update during biennial review	2-3 years	<b>Completed.</b> Lakewood has an adopted complete streets policy, which has been provided to the State Planning Commission and New Jersey Office of Planning Advocacy. The complete streets policy is recognized in the circulation element of the 2017 Lakewood Township Master Plan. The Township will continue to work with the NJDOT, NJTPA and Ocean County on issues related to transportation and circulation and will update its policies and implementation as the need arises.
G5	Transportation & Circulation  <i><b>This activity was added to the PIA in 2023.</b></i>	Explore ways to manage goods movement in the community and incorporate into future Master Plan updates.	NJDOT, NJ TPA, Ocean County	Samples provided. Township will seek funding to implement Safe Streets Plan. Complete and Green Streets updates to master plan, development regulations.	When updating Master Plan	<b>Ongoing.</b> This activity is ongoing. The Township will continue to work with the NJDOT, Ocean County, NJTPA and other interested parties to explore ways to manage goods movement. It will incorporate same into the Township's master plan as the need arises.



**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
I1	Energy  <i>This activity was added to the PIA in 2023.</i>	Develop a community Green House Gas (GHG) Reduction Action Plan, including GHG reduction targets. GHG reduction actions should be incorporated into land use element of master plan. 1) Conduct Local Government Energy Audit (LGEA) of municipal facilities and operations, at a minimum, and community-wide audits, if feasible, and 2) using the results of these audits, develop action plans for reducing municipal energy consumption and GHG emissions; use NJ's 2020 GHG emissions reduction target as a goal	Board of Public Utilities (BPU) Clean Energy Program provides funding for municipal energy audits.	Develop a community Green House Gas (GHG) Reduction Action Plan	Timeline as provided in PE guidelines (2 years with phasing)	<b>To be Completed.</b> This activity remains to be completed.
I2	Energy  <i>This activity was added to the PIA in 2023.</i>	Energy Tracking & Management. Establish energy use baselines, tracking, management and reporting systems	NJTPA prepared a greenhouse gas (GHG) inventory. This inventory provides county and municipal-level GHG emissions information for various major community sectors/activities (e.g., residential, transportation, waste generation)	Energy Tracking & Management Plan	Year 1	<b>To be Completed.</b> This activity remains to be completed.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
13	Energy  <i>This activity was added to the PIA in 2023.</i>	Implement energy efficiency measures for facilities	Sustainable Jersey points and support <a href="https://www.sustainablejersey.com/actions/#open/action/482">https://www.sustainablejersey.com/actions/#open/action/482</a>	Report in biennial report	2 years and phased	<b>To be Completed.</b> This activity remains to be completed.
14	Energy  <i>This activity was added to the PIA in 2023.</i>	Greening the municipal fleet: <ul style="list-style-type: none"> <li>Fleet Inventory and target for green fleet conversion.</li> </ul>	Sustainable Jersey points and support	Report in biennial report	Must do year 1	<b>To be Completed.</b> This activity remains to be completed.
15	Energy  <i>This activity was added to the PIA in 2023.</i>	Greening the municipal fleet: <ul style="list-style-type: none"> <li>Purchase electric vehicles to achieve 20% reduction in fuel use w/in 4 years.</li> </ul>	NJBPU, NJDEP, SJ	Report in biennial report	Must initiate by yr. 2 (can be multi-year)	<b>To be Completed.</b> This activity remains to be completed.
16	Energy  <i>This activity was added to the PIA in 2023.</i>	Greening the municipal fleet: <ul style="list-style-type: none"> <li>Trip optimization software</li> <li>Proper vehicle maintenance</li> <li>Driver training</li> <li>Purchase electric vehicles to achieve 20-percent reduction in fuel use within 4 years.</li> </ul>	NJBPU, NJDEP, SJ	Report in biennial report	Recommended	<b>To be Completed.</b> This activity remains to be completed.
17	Energy  <i>This activity was added to the PIA in 2023.</i>	Renewable Energy Generation: <ul style="list-style-type: none"> <li>Onsite Solar or geothermal system or</li> <li>Buy electric from a renewable source or</li> <li>Community solar project or</li> <li>Renewable Energy Aggregation</li> </ul>	NJBPU, NJDEP, SJ	Report in biennial report	Must do 3 within 4 years	<b>To be Completed.</b> This activity remains to be completed.
18	Energy  <i>This activity was added to the PIA in 2023.</i>	Public EV charging infrastructure feasibility and supporting ordinances	NJBPU, NJDEP, SJ	Sustainable Jersey points and support	1-2 years	<b>To be Completed.</b> This activity remains to be completed.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
I9	Energy  <i><b>This activity was added to the PIA in 2023.</b></i>	<p>Make your town EV Friendly (choose 3)</p> <ul style="list-style-type: none"> <li>• Update zoning ordinances to require pre-wiring for EV chargers as part of a redevelopment plan or for a specific zone (1-2 yrs.);</li> <li>• Adopt a PEV ordinance to include regulation and design standards for EVSE, EV parking spaces and design guidelines for installation of EVSE (1-2 yrs.);</li> <li>• Training for local officials and require local first responders to participate in education on PE and EVSE (1-2 yrs.);</li> <li>• Incentivize EV ready by reducing or waiving permit fees and providing recognition for businesses/entities that do it (2-3 yrs.);</li> <li>• Commitment from 3 or more partners for workplace or multi-family chargers (2-5 yrs.).</li> </ul>	BPU, DEP, SJ	Township adopts EV ordinance. (Endorsed communities must do at least 3)	3 years	<b>To be Completed.</b> This activity remains to be completed.
J1	Infrastructure  <i><b>This activity was added to the PIA in 2023.</b></i>	Review and update as necessary Utilities Element of the Master Plan. Confirm the condition and capacity of the stormwater drainage system and water supply. Incorporate climate change implications.	NJDEP Sustainable Jersey points and support	Update Utilities Element of the Master Plan	1-3 years after CCRHVA	<b>To be Completed.</b> The Township's activities for this item will be informed by the preparation of the Township's CCRHVA.
J5	Infrastructure/ Utilities  <i><b>This activity was added to the PIA in 2023.</b></i>	Evaluate and regularly update the Stormwater Management Plan and Ordinance for consistency with the current Stormwater Management Rules. Be sure to submit MS-4 Permit reports each May.	NJDEP and Ocean County technical assistance	Evaluate and regularly update the Stormwater Management Plan and Ordinance	1-2 years	<b>Ongoing.</b> Ordinance 2022-30, which was adopted on July 14, 2022, provides new floodplain management regulations, adopts new flood hazard maps; and designates a floodplain administrator (see Appendix G). The Township will continue to evaluate and regularly update its Stormwater Management Plan and Ordinance. The Township is compliant with MS-4 and all other reporting requirements.

**Table 1: Planning Implementation Agreement**

No.	Activity	Local Effort	State/ County Assistance	Deliverable	Timetable	Status
M1	Planning  <i>This activity was added to the PIA in 2023.</i>	Update the Community Facilities Plan	Technical assistance	Updates to the Storm-water Management Plan and Ordinance	3 years	<b>To be Completed.</b> The Township's activities for this item will be partially informed by the preparation of the Township's CCRHVA.
N1	Environmental Justice  <i>This activity was added to the PIA in 2023.</i>	Follow the requirements of EO23 pursuant to NJDEP guidelines to review, identify, and update documents as necessary.	NJDEP	Monitor for changes in municipality that may warrant more environmental justice actions in the future.	Ongoing	<b>Ongoing.</b> The Township routinely monitors State legal requirements and guidelines and will continue to update its documents as necessary.

### 3 — Development Approvals

#### 3.1 — Planning Board Approvals

In 2022 and 2023, the Lakewood Township Planning Board approved a total of 140 applications, with 79 applications in 2022 and 61 applications in 2023. Additional information is provided in Table 2.

**Table 2: Planning Board Approvals**

	<b>Site Plan</b>	<b>Subdivision</b>	<b>Extension</b>	<b>Other</b>	<b>Total</b>
<b>2022</b>	35	27	7	11	79*
<b>2023</b>	26	20	13	3	61**
<b>Total (2022 and 2023)</b>	61	47	20	14	140***

\* The total of the columns to the left is 80. However, one application was for site plan and subdivision approval and is, therefore, counted twice. Thus, the total number of applications is 79.

\*\* The total of the columns to the left is 62. However, one application was for site plan and subdivision approval and is, therefore, counted twice. Thus, the total number of applications is 61.

\*\*\* The total of the columns to the left is 142. However, one application in each year was for site plan and subdivision approval and are, therefore, counted twice. Thus, the total number of applications is 140.

The annual reports of the Lakewood Township Planning Board for 2022 and 2023 are provided in appendices C and D, respectively.

### 3.2 — Zoning Board Approvals

With regard to the Lakewood Township Zoning Board, it is noted that same heard a total of 102 applications in 2022 and 2023, with 61 applications in 2022 and 41 applications in 2023. Of these applications, 17 resulted in denials. Additional information is provided in Table 3.

**Table 3: Zoning Board Approvals**

	A-1	B-4	B-5	HD-6	HD-7	HD-7/R-12	HD-7/R-15	M-1	R-75	R-10	R-12	R-12/R-10A	R-15	R-20	R-40	RM	R-OP	R-OT	OSP	OT	ABC/M-1	Total
<b>2022</b>	0	1	3	2	1	1	1	2	2	9	13	1	4	12	6	1	1	1	0	0	0	61
<b>2023</b>	1	4	2	3	2	0	0	1	2	4	5	0	5	4	5	0	0	0	1	1	1	41
<b>Total (2022 and 2023)</b>	1	5	5	5	3	1	1	3	4	13	18	1	9	16	11	1	1	1	1	1	1	102

The majority of applications in 2022 and 2023 were located within the R-10, R-12, R-15, R-20 and R-40 zone districts. In total, the applications in these zone districts accounted for 67 of 102, or about 65.7 percent, of all applications. A total of 19 of these applications were related to use variances. Additional information is provided in the annual reports of the Lakewood Township Zoning Board for 2022 and 2023, which are provided in appendices E and F, respectively.

## 4 — Ordinance Amendments

The Lakewood Township Committee adopted several amendments to its Unified Development Ordinance and related provisions in since submission of its last Biennial Report. These include:

- Ordinance 2022-30, which was adopted on July 14, 2022 and provides new floodplain management regulations, adopts new flood hazard maps; and designates a floodplain administrator (see Appendix G);
- Ordinance No. 2022-45, which was adopted on November 10, 2022 and authorizes a modification of the boundary of the Lakewood Urban Enterprise Zone (see Appendix H);
- Ordinance No. 2022-46, which was adopted on December 9, 2022 and regulates catering facilities and banquet halls as accessory uses within school buildings (see Appendix I);
- Ordinance No. 2022-47, which was adopted on December 9, 2022 and amends the Unified Development Ordinance to include new regulations for zoning permits (see Appendix J);
- Ordinance No. 2023-16, which was adopted on March 16, 2023 and amends the Unified Development Ordinance to include general regulations related to corner lots (see Appendix K);
- Ordinance No. 2023-18, which was adopted on May 18, 2023 and amends the boundaries of the LP and ABC zones and includes permitted uses and associated design regulations for the LP Zone (see Appendix L);
- Ordinance No. 2023-28, which was adopted on August 17, 2024 and amends the Unified Development Ordinance to include Supplementary Sign Regulations and Design Considerations for wall signs (see Appendix M);
- Ordinance No. 2024-9, which was adopted on May 16, 2024 and amends the Unified Development Ordinance to include general regulations for “Sheds” (see Appendix N);
- Ordinance No. 2024-14, which was adopted on May 16, 2024 and provides special development requirements for privately-owned salt storage (see Appendix O);
- Ordinance No. 2024-23, which was adopted on July 18, 2024 and provides updated stormwater management and control standards (see Appendix P); and
- Ordinance No. 2024-37, which was adopted on November 14, 2024 and amends the Unified Development Ordinance to include general regulations for “Swimming Pool, Private Residential” and “Accessory Use, Structure or Building” (see Appendix Q).

## 5 — Redevelopment

No or amended redevelopment studies or plans have been prepared since the submission of the Township's second Biennial Review.

## 6 — Population Trends

Since the SPC's grant of Plan Endorsement, Lakewood's population has continued to grow. This is demonstrated by the 2020 US Census, which indicates that the Township had 135,158 residents on April 1, 2020, as well as the US Census Bureau's July 1 annual estimate of: 138,237 residents in 2021; 139,343 residents in 2022; and 139,866 residents in 2024.

The US Census Bureau's July 1, 2024 estimate of 139,866 residents is 16.0 percent lower than the 2024 population projection of 165,990 residents that is included in the Township's 2013 Smart Growth Plan<sup>1</sup>.

## 7 — Conclusion

This Biennial Review demonstrates that Lakewood is making progress in meeting the requirements of its Planning Implementation Agreement with the State Planning Commission.

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<sup>1</sup> Please note that the 2013 Smart Growth Plan does not directly provide annual population projections but, rather, provides the following: "Lakewood's population would be expected to increase by another 50,000 between 2010 and 2020 (approximately 5,000 per year) and yet another 80,000 between 2020 and 2030, for a total increase over the next two decades of 130,000 persons, resulting in a total population of 220,000 by 2030" (2013 Smart Growth Plan, Page 5). Thus, based on the foregoing, the 2024 population projection of 165,990 residents is derived as follows:

Step 1: (2010 US Census Count of 92,843 + Increase of 50,000 by 2020) = 2020 Projection of 142,843; and:

Step 2: 2020 Projection of 142,843 + (((2030 Projection of 220,000 – 2020 Projection of 142,843) ÷ (2030 – 2020)) × [2024 – 2020])



## Appendix A: Map Change Proposal

# **Proposal for State Plan Policy Map Amendment Block 1160.03, Lots 42 and 43**

**Lakewood Township  
Ocean County, New Jersey**

**Originally Prepared:**  
September 23, 2022

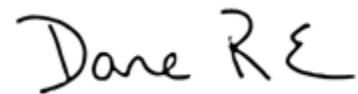
**Revision Prepared:**  
November 14, 2024

**Prepared for:**  
Lakewood Township Committee

Prepared by:



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11 Tindall Road  
Middletown, NJ 07748



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Robert Dare, PP, AICP, MCIP  
NJ Professional Planner: 33LI00596400

*The original of this document was signed and sealed in accordance with N.J.S.A. 45:14A-12*

## Table of Contents

Introduction .....	1
Overview of Proposed Amendment .....	1
Discussion of Environmental Constraints .....	2
Promotion of Municipal, County and State Goals and Objectives .....	8
Municipal Goals and Objectives .....	8
County Goals and Objectives.....	9
State Goals and Objectives.....	9
Federal Goals and Objectives .....	10
Impacts on Zone District .....	10
Impacts on Adjacent Municipalities .....	11
Impacts on Adjoining Zone District of Adjacent Municipalities .....	11
Impacts on Public Sector Decisions .....	11
Planning Consistency of Proposed Amendments .....	11
New Jersey State Development and Redevelopment Plan.....	11
Endorsed Plans of Adjoining Jurisdictions .....	14
Toms River Township Master Plan .....	14
Brick Township Master Plan .....	15
Achieving Consistency with the New Jersey State Development and Redevelopment Plan ...	15
Conclusion.....	16

## Introduction

In areas that are subject to an endorsed plan, N.J.A.C. 5:85-8.3 permits the State Planning Commission to initiate amendments to the State Plan Policy Map based on new information related to the goals, strategies, policies, and delineation criteria of the State Plan, provided that same alters the assumptions that were the basis for adopting the State Plan Policy Map for a particular area.

Lakewood Township achieved Plan Endorsement of its municipal master plan on December 7, 2017. The State Planning Commission is, therefore, permitted to initiate amendments to the State Plan Policy Map within the Township.

The subject of this proposal for amendment to the State Plan Policy Map is Block 1160.03, Lots 42 and 43 in Lakewood Township. This proposal was originally submitted, along with the Township's biennial review of the status of Planning Implementation Agreement efforts, to the New Jersey Office of Planning Advocacy on October 17, 2022.

At its June 21, 2023 meeting, the Plan Implementation Committee subsequently decided that it would not move the proposal for amendment to the State Plan Policy Map to the State Planning Commission due to the presence of potential wildlife habitat areas as indicated by digital geographic data prepared by the State of New Jersey. This decision of the Plan Implementation Committee was subsequently upheld at the July 5, 2023 meeting of the State Planning Commission.

Since the aforementioned meetings of the Plan Implementation Committee and State Planning Commission, however, the owner of Block 1160.03, Lots 42 and 43 has commissioned a Habitat Suitability Determination Report dated September 13, 2024 and prepared by Edward A. Kuc of the firm Environmental Associates, Inc. The information contained in said Habitat Suitability Determination Report significantly alters the assumptions that were the basis for the decisions made on this matter at the aforementioned meetings of the Plan Implementation Committee and State Planning Commission.

As a result of the above, the Township has prepared this revised proposal for amendment to the State Plan Policy Map relative to Block 1160.02, Lots 42 and 43. This revised proposal has been designed to meet applicable requirements of N.J.A.C. 5:85-8.4.

## Overview of Proposed Amendment

The proposed amendment to the State Plan Policy Map concerns Block 1160.03, Lots 42 and 43 in Lakewood Township, which are under common ownership. The area of the proposed amendment is located at the southwestern corner of Healthcare Way and Towbin Avenue in the southeastern portion of the Township. In addition to fronting on Healthcare Way and Towbin Avenue, the area of the proposed amendment also fronts on NJ Route 70.

The Township seeks to include all areas of Block 1160.03, Lots 42 and 43 that are currently located within the Suburban Planning Area (Planning Area 2) in the Lakewood Industrial Park Node, which is a designated node on the State Plan Policy Map and exists to the east and north of the area of the proposed amendment.

Please note that commercial and industrial uses are the predominant land uses of surrounding areas. In addition, the area of the proposed amendment is located within an Urban Enterprise Zone, as well as a Foreign Trade Zone.

The area impacted by the proposed amendment is approximately 35.12 acres. Map 1 depicts the current and proposed State Plan Policy Map boundaries.

#### Discussion of Environmental Constraints

As shown on Map 1, Block 1160.03, Lots 42 and 43 contain areas located within the Suburban Planning Area (Planning Area 2) and the Environmentally Sensitive Planning Area (Planning Area 5). The current proposal relates only to those areas of Block 1160.03, Lots 42 and 43 that are located within the Suburban Planning Area (Planning Area 2). Said areas are proposed to be located within the Lakewood Industrial Park Node. The current proposal does not relate to any portion of Block 1160.03, Lots 42 and 43 that is located within the Environmentally Sensitive Planning Area (Planning Area 5). No portion of the Environmentally Sensitive Planning Area (Planning Area 5) is proposed to be located within the Lakewood Industrial Park Node.

Notwithstanding the above, it is noted that mapped environmental constraints on Block 1160.02, Lots 42 and 43 were the reason for the Plan Implementation Committee's 2023 decision to not move the original proposal for amendment to the State Plan Policy Map to the State Planning Commission. The primary concern as the original proposal was being reviewed by the Plan Implementation Committee was the presence of potential wildlife habitat areas as mapped by the New Jersey Department of Environmental Protection within the context of its Landscape Project. Since then, however, the owner of Block 1160.03, Lots 42 and 43 has commissioned a Habitat Suitability Determination Report dated September 13, 2024 and prepared by Edward A. Kuc of the firm Environmental Associates, Inc. Said report, a copy of which is provided in Appendix 1, indicates that:

*... [the New Jersey Natural Heritage Program] utilizes Landscape Project Version 3.3 (Landscape Project) for the compilation of threatened and endangered species occurrences and species-based habitat mapping associated with the Property and general area. Landscape Protect reports that habitat for the Pine Barrens Treefrog (*Hyla andersonii*) may be associated with the entire Property. Landscape Project indicates that foraging habitat for the*

*Black-crowned Night Heron (Nycticorax nycticorax) (BCNH) may be associated with the wetlands in the eastern-central region of the Property.*

*Field identification and evaluations of the natural habitats associated with the Property determined that suitable habitat characteristics for the Pine Barren's Treefrog and BCNH do occur on the Property but are limited to the broad wetland complex which exists in the eastern-central region of the Property. The remainder of the Property does NOT contain sustainable habitat characteristics required by the Pine Barrens Treefrog or BCNH.*

*It is determined by field evaluation that ecologically sensitive areas are associated with the delineated wetlands associated with the Property. The broad wetland complex in the eastern-central region of the Property was also determined to support utilization potential for the Pine Barrens Treefrog and BCNH given the occurrence of habitat characteristics preferred by those species. Although Landscape Project maps the entire Property as suitable habitat, field evaluations determined that the uplands in the eastern region and the western-central region of the Property do not consist of ecologically sensitive areas since said upland areas do not consist of wetlands and do not possess suitable habitat for the Pine Barrens Treefrog or BCNH.*

(Habitat Suitability Determination Report, Pages 3 to 4)

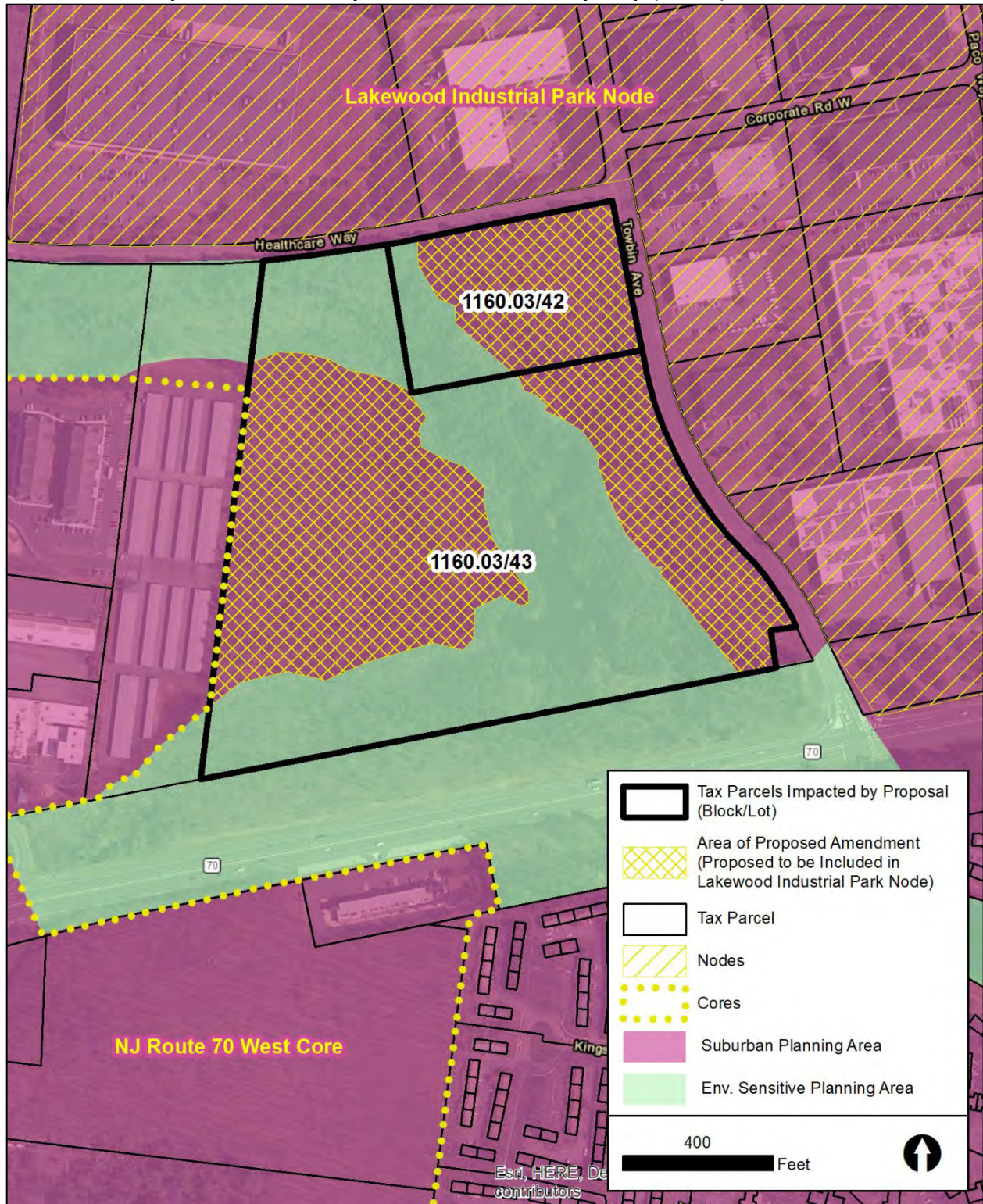
As can be seen above, although the Landscape Project reports that habitat for the Pine Barrens Tree Frog and the Black-Crowned Night Heron may be associated with the property, field identification and evaluations as detailed in the Habitat Suitability Determination Report (see Appendix 1) indicate that suitable habitat for said species is limited to wetland areas, and that upland areas do not possess suitable habitat.

It is noted that the wetland areas of Block 1160.03, Lots 42 and 43 are generally located within the area of the Environmentally Sensitive Planning Area (Planning Area 5). As previously stated, the current proposal for an amendment to the State Plan Policy Map relates only to those areas of Block 1160.03, Lots 42 and 43 that are currently located within the Suburban Planning Area (Planning Area 2). No portion of the Environmentally Sensitive Planning Area (Planning Area 5) would be impacted by the current proposal. Map 2 depicts the extent of delineated wetlands on Block 1160.03, Lots 42 and 43, and their relationship to both the Environmentally Sensitive Planning Area (Planning Area 5) and the Suburban Planning Area (Planning Area 2).

With further regard to the location of environmental constraints on Block 1160.03, Lots 42 and 43, it is noted that regulatory wetland buffers, which range from 50 to 150 feet in width, would apply to any proposed development. Additionally, it is noted that delineated flood hazard areas that largely correspond with the delineated wetland area are also found on Block 1160.03, Lots 42 and 43. These regulatory wetland buffers and flood hazard areas serve to provide enhanced protection of the delineated wetlands. Indeed, they help to safeguard the resource potential of delineated wetland areas, including any suitable habitat area for the Pine Barrens Tree Frog and the Black-Crowned Night Heron. Map 3 depicts the full extent of delineated wetlands, regulatory buffers of delineated wetlands, and delineated flood hazard areas found on Block 1160.03, Lots 42 and 43.

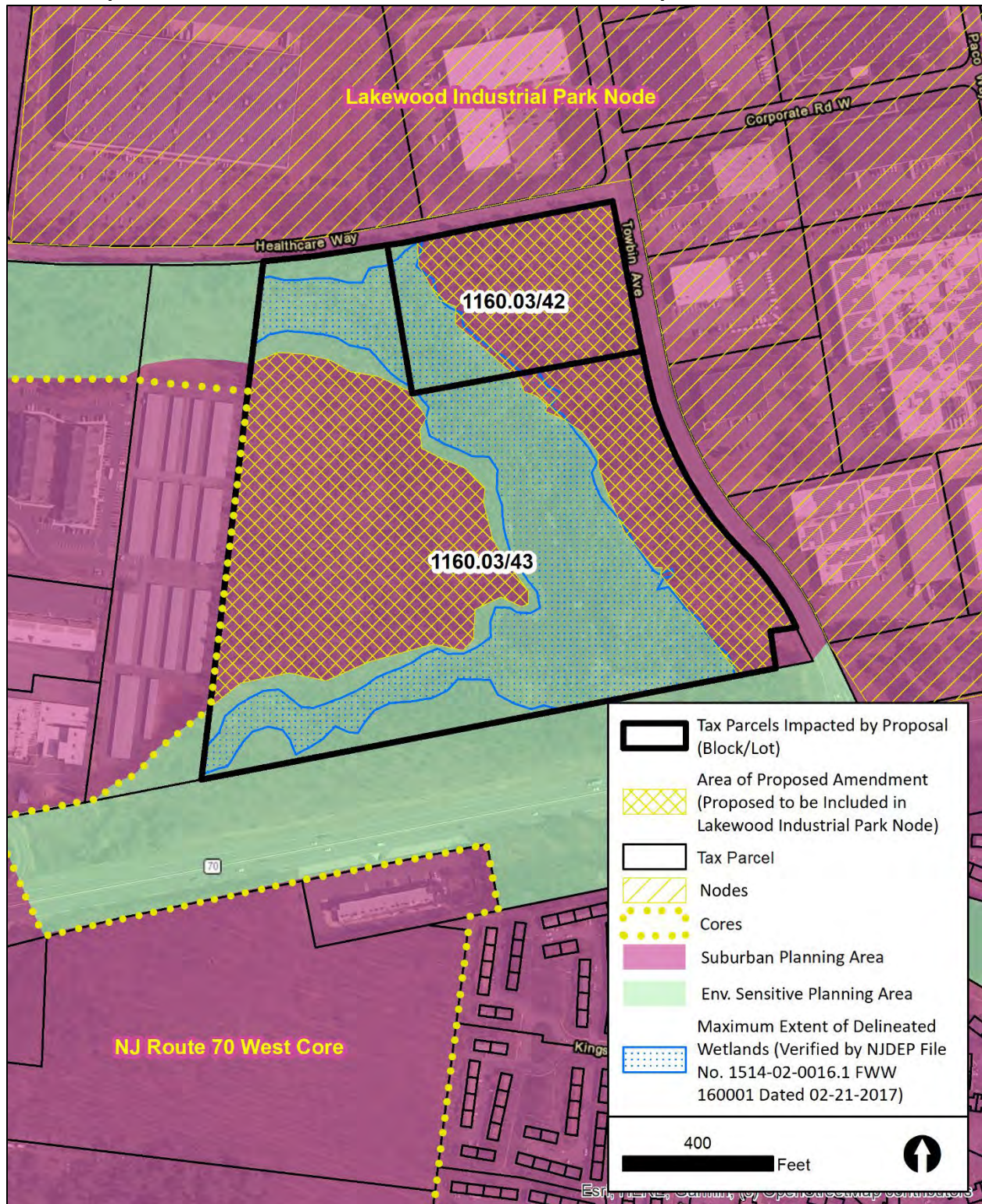


Map 1: Current + Proposed State Plan Policy Map (SPPM) Boundaries



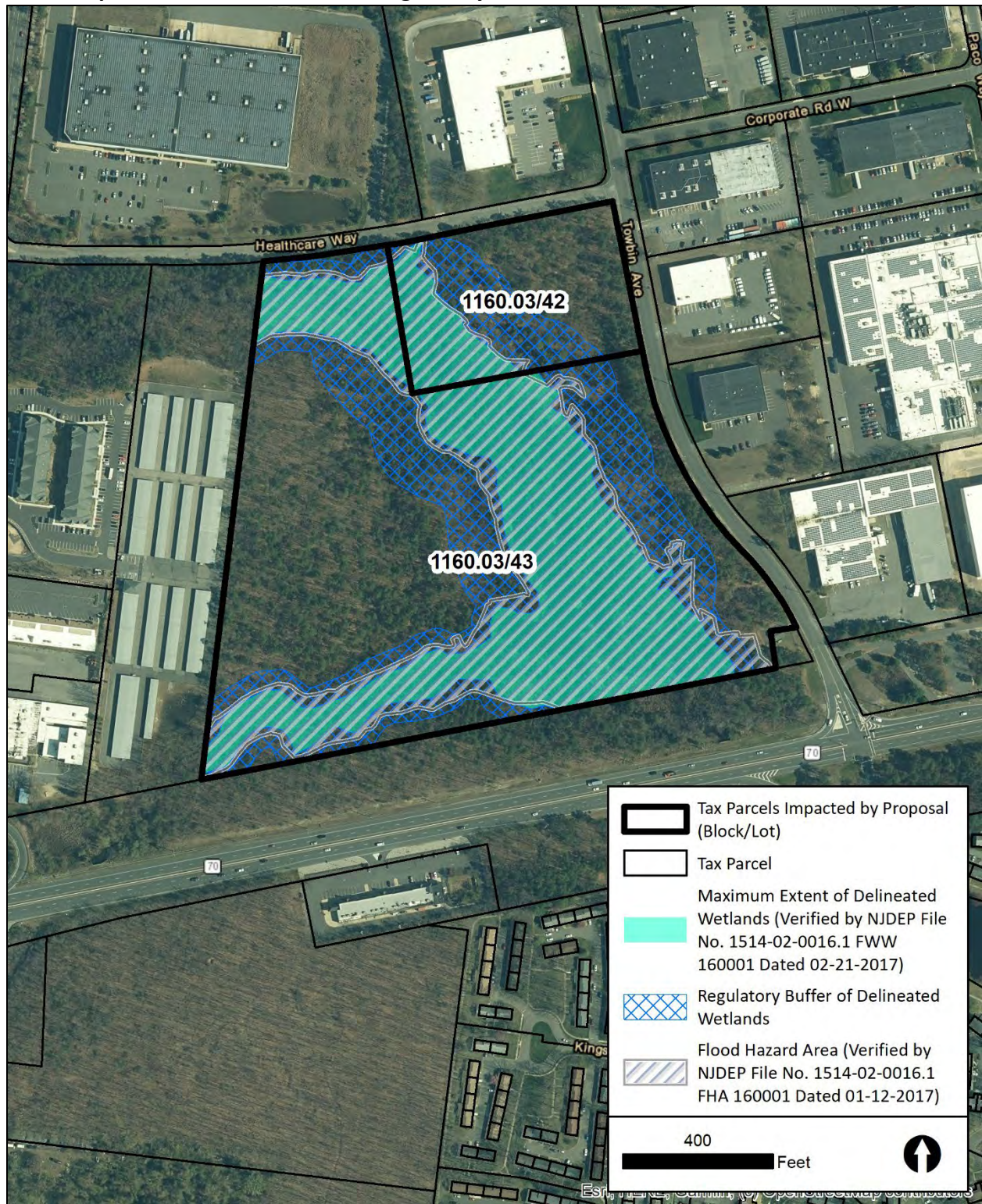


Map 2: Delineated Wetlands in Relation to Current + Proposed SPPM Boundaries





Map 3: Delineated Wetlands, Regulatory Wetland Buffers, and Flood Hazard Areas



### Promotion of Municipal, County and State Goals and Objectives

The following subsections describe how the proposed State Plan Policy Map amendment would promote municipal, county, State and Federal goals and objectives.

#### *Municipal Goals and Objectives*

A grant of the proposed State Plan Policy Map amendment would support the implementation and advancement of several land use and economic development strategies provided in the 2017 Lakewood Township Master Plan. Relevant strategies are listed below (*comments provided in italics*):

#### **Land Use Strategies:**

- Land use planning in Lakewood shall be guided by the following smart growth principle:
  - Strengthen and direct development towards existing communities.
  - *The proposed State Plan Policy Map amendment would facilitate development within an established industrial park that is located within an Urban Enterprise Zone and a Foreign Trade Zone.*
- Create a balanced and compatible arrangement of residential, business, and industrial land uses and minimize land use conflicts.
  - *The area of the proposed amendment is located within the M-1 (Industrial) Zone District, as well as within an Urban Enterprise Zone and a Foreign Trade Zone. The proposed State Plan Policy Map amendment, which would result in the expansion of the Lakewood Industrial Park Node to include areas of Block 1160.03, Lots 42 and 43 that are located in the Suburban Planning Area (Planning Area 2), would promote and facilitate balanced and compatible development.*
- Encourage future residential and non-residential growth in a coordinated and managed manner.
  - *The proposed State Plan Policy Map amendment would facilitate development within an established industrial park that is located within the M-1 (Industrial) Zone District, as well as within an Urban Enterprise Zone and a Foreign Trade Zone. Clearly, the proposed amendment would encourage future growth in a manner that is coordinated and managed in accordance with the established land use plan of the Township, as well as State and Federal economic development initiatives.*

#### **Economic Development Strategies:**

- Actively promote the Urban Enterprise Zone program and Foreign Trade Zone.
  - *As has been described above, the area of the proposed amendment is located within an Urban Enterprise Zone and a Foreign Trade Zone.*



### *County Goals and Objectives*

The proposed State Plan Policy Map amendment, if approved, would support the implementation of recommendations of the 2011 Ocean County Comprehensive Master Plan. The recommendations that would be supported are listed below (*comments provided in italics*):

#### **Economic Planning Recommendation:**

- Continue County economic development efforts to reduce unemployment, connect residents to local year-round employment opportunities, and enhance the tax base by encouraging compatible industrial and commercial operations to locate or expand in Ocean County.
  - *The proposed State Plan Policy Map amendment would facilitate development within an established industrial park that is located within the M-1 (Industrial) Zone District, as well as within an Urban Enterprise Zone and a Foreign Trade Zone. This would not only provide an opportunity to enhance the municipal and county tax bases, but also to facilitate job creation.*

#### **Land Use Recommendation:**

- Encourage municipalities to grow in a fashion that is true to smart growth principals and Town Center design standards, allowing for a mix of land uses in a singular area to increase accessibility by all residents.
  - *The Lakewood Industrial Park Node is an integral part of Lakewood Township’s overall center-based development strategy. The proposed State Plan Policy Map amendment would further legitimize the Township’s center-based development strategy, which was originally outlined in the 2013 Lakewood Smart Growth Plan and endorsed by the State Planning Commission.*

### *State Goals and Objectives*

By granting the proposed State Plan Policy Map amendment, the State Planning Commission would act to facilitate development on an underutilized site within an Urban Enterprise Zone. Thus, by granting the proposed amendment, the State Planning Commission would be promoting the Urban Enterprise Program and its objective of fostering “an economic climate that revitalizes designated urban communities and stimulates their growth by encouraging businesses to develop and create private sector jobs through public and private investment.”<sup>1</sup> At the same time, because Block 1160.03, Lots 42 and 43 contain areas within the Environmentally Sensitive Planning Area (Planning Area 5) that are not included in the proposed amendment, the State would continue to protect the corridor of Kettle Creek.

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<sup>1</sup> New Jersey Department of Community Affairs. (2018). *New Jersey Urban Enterprise Zone Program* [Brochure]. New Jersey Department of Community Affairs, Trenton. Online Linkage: <https://www.nj.gov/dca/affiliates/uez/publications/pdf/UEZBrochure.pdf>

Promotion of the goals and objectives of the New Jersey State Development and Redevelopment Plan is discussed later in this proposal.

#### *Federal Goals and Objectives*

By granting the proposed State Plan Policy Map amendment, the State Planning Commission would facilitate development within a designated Foreign Trade Zone. Thus, by granting the proposed amendment, the State Planning Commission would be promoting the United States Foreign Trade Zone Program, which was authorized by the United States Congress in 1934 and is used to encourage activity and added value at American facilities in competition with foreign alternatives by allowing delayed or reduced duty payments on foreign merchandise, as well as other savings. These benefits are important, because they enhance the competitiveness of American industries, promote job retention and creation, and encourage further investment.

#### *Impacts on Zone District*

The area of the proposed amendment is located within the M-1 (Industrial) Zone District. The purpose of the M-1 (Industrial) Zone District is to facilitate the development of uses of an industrial nature, such as: bulk storage; manufacturing or assembly facilities; warehouses; public utility uses; airports; office buildings; hotels and motels; health and human services; restaurants; laboratories; uses affiliated with the operations of the United States Postal Service; and similar uses. Quasi-public and private educational facilities are also permitted.

The area of the proposed amendment is also located within the PDNC (Planned Development Non-Contiguous Cluster) Overlay Zone District. Said overlay zone district provides the option to use non-contiguous clustering when: 1) the tree-save requirements of N.J.A.C. 7:7-13.4, N.J.A.C. 7:7-13.14, or N.J.A.C. 7:7-13.18 apply; and 2) the specific development project qualifies as planned development, a subdivision, or a site plan.

The proposed amendment would have no impact on the zone district. Indeed, no change in zoning is proposed. The area of the proposed amendment would remain within the M-1 (Industrial) Zone District and PDNC (Planned Development Non-Contiguous Cluster) Overlay Zone District.

In addition to the above, it is noted that surrounding properties located to the east, north, and west of the area of the proposed amendment are similarly zoned. Indeed, surrounding properties located to the east, north, and west of the area of the proposed amendment are located within the M-1 (Industrial) Zone District. Adjacent properties to the east of the area of the proposed amendment are also located within the PDNC (Planned Development Non-Contiguous Cluster) Overlay Zone District. The NJ Route 70 right-of-way, which is situated to the south of the area of the proposed amendment, is located in the B-5 (Highway Development) Zone District.

### Impacts on Adjacent Municipalities

The area of the proposed amendment is located approximately 4,700 feet (0.89 mile) from the nearest adjacent municipality. Given the small size of area of the proposed amendment and its distance from adjacent municipalities, no impact on adjacent municipalities is anticipated.

### Impacts on Adjoining Zone District of Adjacent Municipalities

As previously noted, the area of the proposed amendment is located approximately 4,700 feet (0.89 mile) from the nearest adjacent municipality. It is, therefore, anticipated that there will be no impacts on the zone plan of adjoining municipalities.

### Impacts on Public Sector Decisions

Approval of the proposed amendment would allow for an increase in permitted impervious cover and a reduction in vegetative cover requirements pursuant to Subchapter 13 of N.J.A.C. 7:7.

The proposed amendment would have no impact on municipal- or county-level decisions.

### Planning Consistency of Proposed Amendments

The following subsections describe how the proposed amendment is consistent with: the New Jersey State Development and Redevelopment Plan; and adjoining municipal, county, or regional plans endorsed by the State Planning Commission.

#### New Jersey State Development and Redevelopment Plan

The area of the proposed State Plan Policy Map amendment is, and would continue to be, located within the Suburban Planning Area (Planning Area 2), the intent of which is to:

- Provide for much of the State's future development;
- Promote growth in centers and other compact forms;
- Protect the character of existing stable communities;
- Protect natural resources;
- Redesign areas of sprawl;
- Reverse the current trend toward further sprawl; and,
- Revitalize cities and towns.

Granting the proposed amendment to the State Plan Policy Map would facilitate development on an underutilized site, which is located within an established industrial park that is situated in an Urban Enterprise Zone and Foreign Trade Zone and has access to existing roadway, sewer, and water infrastructure. Based on the foregoing, the proposed State Plan Policy Map amendment would be consistent with the intent of the Suburban Planning Area (Planning Area 2). Indeed, it would: facilitate future development in the Suburban Planning Area (Planning Area 2); promote center-based growth; protect the character of the Township without impact on the existing zone plan; and mitigate sprawl and, therewith, protect natural resources.

A grant of the proposed State Plan Policy Map amendment would also be consistent with the following policy objectives of the New Jersey State Development and Redevelopment Plan for the Suburban Planning Area (Planning Area 2; *comments provided in italics*):

**Land Use:**

- Guide development and redevelopment into more compact forms—Centers and former single-use developments that have been retrofitted or restructured to accommodate mixed-use development, redevelopment, services, and cultural amenities. Plan and zone for a wide range of land uses and users, in order to achieve more balanced communities. Seek to better integrate different land uses and remove or mitigate physical barriers between them. Encourage densities capable of supporting transit. Preserve the Environs as park land, farmland, or partially developed low-density uses without compromising the Planning Area’s capacity to accommodate future growth.
  - *A grant of the proposed amendment to the State Plan Policy Map, which would have the effect of expanding the Lakewood Industrial Park Node to include areas of Block 1160.03, Lots 42 and 43 that are located within the Suburban Planning Area (Planning Area 2) and in an established industrial park, would further legitimize and promote the Township’s center-based approach to development.*

**Economic Development:**

- Guide opportunities for economic development into Centers or existing pedestrian- and transit-supportive single-use areas and target new jobs to these locations.
  - *A grant of the proposed amendment would facilitate development on an underutilized site within an established industrial park that is part of an Urban Enterprise Zone and Free Trade Zone. This would not only increase Lakewood Township’s position in the global marketplace, but also promote job creation.*

**Natural Resource Conservation:**

- Conserve continuous natural systems, strategically locate open space, and buffer Critical Environmental Sites. Use open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link into other Planning Areas.
  - *The proposed State Plan Policy Map amendment would have no impact on the areas of the site that are located within the Environmentally Sensitive Planning Area (Planning Area 5). In addition, any development within the area of the proposed amendment would be subject to CAFRA oversight.*
  - *Wetlands located on Block 1160.03, Lots 42 and 43 are generally located within the Environmentally Sensitive Planning Area (Planning Area 5), which is not within the area of the proposed State Plan Policy Map amendment. In addition, a regulatory buffer of up to 150 feet from delineated wetland areas would apply to all future development on Block 1160.03, Lots 42 and 43. This regulatory buffer would extend into the area of the*

*proposed State Plan Policy Map amendment, which is located within the Suburban Planning Area (Planning Area 2).*

- *The Habitat Suitability Determination Report that has been discussed within this proposal for an amendment to the State Plan Policy Map and is provided in Appendix 1 has found that no upland areas found on Block 1160.03, Lots 42 and 43 contain suitable wildlife habitat.*

In addition to the above, it is noted that granting the proposed State Plan Policy Map amendment, which would effectuate an expansion of the Lakewood Industrial Park Node, would be consistent with the New Jersey State Development and Redevelopment Plan's policy for nodes, which states that "[...] concentrations of commercial, light manufacturing or warehousing and distribution facilities and activities should be organized in a compact form and located in Centers and other appropriate areas [...] in Suburban Planning Areas [...]." Thus, expansion of the Lakewood Industrial Park Node in the Suburban Planning Area (Planning Area 2) would be consistent with the New Jersey State Development and Redevelopment Plan's policy for nodes.

Finally, it is noted that the proposed State Plan Policy Map amendment would promote the following overall goals of the New Jersey State Development and Redevelopment Plan (*comments in italics*):

- Goal 1: Revitalize the State's Cities and Towns
  - *Expanding the Lakewood Industrial Park Node would facilitate development on an underutilized site within the Suburban Planning Area (Planning Area 2), thereby providing an opportunity to develop a valuable economic asset through private investment and stimulate job creation.*
- Goal 2: Conserve the State's Natural Resources and Systems
  - *Development within the Lakewood Industrial Park Node would channel development into a sustainable location, which has access to public improved roadways and is located in public water and sewer service areas. By developing within the Lakewood Industrial Park Node, sprawl-type development would be mitigated, and the environs would be protected.*
  - *The proposed State Plan Policy Map amendment does not impact areas located within the Environmentally Sensitive Planning Area (Planning Area 5).*
  - *Wetlands located on Block 1160.03, Lots 42 and 43 are generally located within the Environmentally Sensitive Planning Area (Planning Area 5), which is not within the area of the proposed State Plan Policy Map amendment. In addition, a regulatory buffer of up to 150 feet from delineated wetland areas would apply to all future development on Block 1160.03, Lots 42 and 43. This regulatory buffer would extend into the area of the proposed State Plan Policy Map amendment, which is located within the Suburban Planning Area (Planning Area 2).*
  - *The Habitat Suitability Determination Report that has been discussed within this proposal for an amendment to the State Plan Policy Map and is provided in Appendix 1*



*has found that no upland areas found on Block 1160.03, Lots 42 and 43 contain suitable wildlife habitat.*

- Goal 3: Promote Beneficial Economic Growth, Development and Renewal for All Residents of New Jersey
  - *The proposed State Plan Policy Map amendment would facilitate development on an underutilized site located within an established industrial park in an Urban Enterprise Zone, a Foreign Trade Zone, and the M-1 (Industrial) Zone District of Lakewood Township. Development of this site would not only promote job creation, but also strengthen Lakewood's place in the global marketplace.*

#### Endorsed Plans of Adjoining Jurisdictions

Lakewood is adjacent to: Brick, Toms River, and Jackson townships in Ocean County; and Howell Township in Monmouth County. The municipal master plans of Brick and Toms River townships have been endorsed by the State Planning Commission. As of the preparation of this proposal, neither the municipal master plans of Howell or Jackson townships, nor the county master plans of Monmouth or Ocean counties, have been endorsed by the State Planning Commission.

#### *Toms River Township Master Plan*

The area of the proposed State Plan Policy Map amendment is located approximately 4,700 feet (0.89 mile) from Toms River Township. Granting the proposed amendment will have no impact on the implementation of Toms River Township's municipal master plan.

Notwithstanding the above, it is noted that the proposed State Plan Policy Map amendment would be consistent with the following land use objectives of the Toms River Township master plan (*comments provided in italics*):

- To guide future residential and non-residential growth in a coordinated and managed approach [...] and to provide for logical transitional uses between residential and non-residential areas of the [t]ownship.
  - *Granting the proposed amendment to the State Plan Policy Map would further legitimize Lakewood Township's overall, center-based development concept by promoting development within the Lakewood Industrial Park Node. In addition, there would be no negative impact on the transition of uses since the area of the proposed amendment is located entirely within the M-1 (Industrial) Zone District and PDNC (Planned Development Non-Contiguous Cluster) Overlay Zone District, and no changes to existing zoning are proposed.*
- Continue to use practical and flexible development controls in order to gain open space, conserve the natural landscape and protect the environmentally sensitive areas of the [t]ownship.
  - *Granting the proposed amendment to the State Plan Policy Map would facilitate development within the Lakewood Industrial Park Node, which is part of Lakewood*

*Township's overall, center-based development concept. Center-based development prioritizes and concentrates development in planned centers, cores, and nodes and, therewith, facilitates environmental conservation and protection.*

- Encourage controlled and properly designed commercial and industrial development in areas so designated on the [m]aster [p]lan.
  - *Granting the proposed amendment would encourage development within the M-1 (Industrial) Zone District.*

#### *Brick Township Master Plan*

The area of the proposed State Plan Policy Map amendment is located more than 8,100 feet (1.53 miles) from Brick Township. Granting the proposed amendment will have no impact on the implementation of Brick Township's municipal master plan.

Nonetheless, it is noted that Brick Township's municipal master plan supports center-based development. This is demonstrated by the fact that it identifies the Brick Town Center<sup>2</sup> as its approach to center-based development. Although the Brick Town Center does not include an industrial component, there is consistency between the Brick Township and Lakewood Township municipal master plans in that they both provide support for center-based development. By granting the proposed amendment to the State Plan Policy Map, the State Planning Commission would further legitimize Lakewood Township's approach to center-based development and, moreover, promote development within the Lakewood Industrial Park Core, which is an integral part of Lakewood Township's overall, center-based development concept.

In addition to the above, it is noted that granting the proposed amendment to the State Plan Policy Map would be consistent with the following objectives of Brick Township's municipal master plan (*comments provided in italics*):

- To encourage a balanced and compatible arrangement of residential and other appropriate land uses.
  - *Granting the proposed amendment to the State Plan Policy Map would facilitate development of an underutilized site within the M-1 (Industrial) Zone District.*
- To [...] direct new development into areas of existing infrastructure.
  - *Granting the proposed amendment to the State Plan Policy Map would facilitate development of a site that: has existing access to three public improved roadways; and is located within sewer and public water service areas.*

#### *Achieving Consistency with the New Jersey State Development and Redevelopment Plan*

As detailed in the consistency assessments above, the proposed State Plan Policy Map amendment is consistent with and promotes goals, objectives, and policies of the New Jersey

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<sup>2</sup> The Brick Town Center borders on Lakewood Township and has key frontages along Chambers Bridge Road (Ocean County Route 549), NJ Route 70, NJ Route 88, Brick Boulevard, Hooper Avenue, and Jack Martin Boulevard.

State Development and Redevelopment Plan. Additionally, by granting the proposed amendment, numerous strategies and recommendations of the 2017 Lakewood Township Master Plan and 2011 Ocean County Comprehensive Master Plan would be advanced, and the State of New Jersey's Urban Enterprise Zone Program, as well as the United States Government's Foreign Trade Zone Program, would be advanced while maintaining consistency with the New Jersey State Development and Redevelopment Plan.

## Conclusion

Lakewood proposes a State Plan Policy Map amendment, which would have the impact of including portions of Block 1160.03, Lots 42 and 43 that are located within the Suburban Planning Area (Planning Area 2) within the Lakewood Industrial Park Node. As shown in this proposal, the requested amendment would not only be consistent with the New Jersey State Development and Redevelopment Plan, but also promote the implementation of the 2017 Lakewood Township Master Plan and the 2011 Ocean County Comprehensive Master Plan, while advancing the State of New Jersey's Urban Enterprise Zone Program and the United States Government's Foreign Trade Zone Program. In addition, the proposed amendment would have no impact on surrounding municipalities.

## **Appendix 1: Habitat Suitability Determination Report**




## **HABITAT SUITABILITY DETERMINATION REPORT**

**Block 1160.03 - Lots 42 and 43**

**Lakewood Township**

**Ocean County, New Jersey**



Edward A. Kuc  
Principal Ecologist

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## **HABITAT SUITABILITY DETERMINATION REPORT**

**Block 1160.03 - Lots 42 and 43**

**Lakewood Township**

**Ocean County, New Jersey**

*Prepared For:*

**Sudler Lakewood Land, LLC**

**245 Green Village Road  
Chatham, New Jersey 07928**

*Prepared By:*

**Eastern States Environmental Associates, Inc.**

**September 13, 2024**

EASTERN STATES  
ENVIRONMENTAL ASSOCIATES  
INC.

i.

## **HABITAT SUITABILITY DETERMINATION REPORT**

### **TABLE OF CONTENTS**

<b><u>Section</u></b>	<b><u>Page</u></b>
I. Introduction	1
II. Landscape Project Mapping and NJNHP Database Review	5
III. Habitat Requirements of Species Identified by the Landscape Project and NJNHP	8
IV. Overview of Site Specific Conditions and Characteristics	11
V. Vegetation and Natural Communities of the Subject Property	13
VI. Map of Natural Communities	18
VII. Geology of the Property	20
VIII. Soils of the Property	22
IX. Hydrologic Features of the Property	24
X. NJDEP Wetlands Letter of Interpretation	26
XI. Site Specific Determinations of Species Identified by the Landscape Project and NJNHP	34
XII. Professional Credentials	38
XIII. Figures	43
XIV. Photographs	48

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Page 1.

# **SECTION I**

## **INTRODUCTION**



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Page 2.

This Habitat Suitability Determination (HSD) is prepared pursuant to the evaluation of potential ecologically sensitive areas associated with the property presently known as **Block 1160.03 - Lots 42 and 43** in **Lakewood Township, Ocean County, New Jersey** (Property). This HSD is prepared to support a Township Plan Endorsement submission for the inclusion of the Property in the Industrial Node.

The desired use includes the future development of the Property for industrial purposes similar in characteristics to that occurring on all adjacent lands and lands within the general vicinity of the Property.

The Property is undeveloped and generally wooded. Kettle Creek enters the Property in the northwestern corner and flows in a southeasterly direction through the Property. Kettle Creek forms a broad wetland complex in the central region of the Property. A tributary to Kettle Creek enters the southwestern corner of the Property and flows in an easterly direction until its confluence with the aforementioned broad wetland and Kettle Creek in the southern region of the Property. In addition to the broad wetland in the central region of the Property, wetlands are also associated with the Kettle Creek and tributary stream corridors in the northwestern and southwestern regions of the Property.

Multiple field evaluations of the Property have been conducted to determine the extent of ecologically sensitive areas on the Property and whether the inclusion of the Property in the Industrial Node will result in detrimental impacts to rare, threatened and endangered species or critical habitat potentially associated with the Property. The conducted research addressed in this report consists of both literature review and field investigations conducted of the Property and surrounding lands in April, May and July of 2024.

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Page 3.

***SUMMARY OF DETERMINATIONS***

On February 21, 2017, the NJDEP issued a Wetlands Letter of Interpretation (LOI) (#1221-14-0002.1 FWW140001) for this Property which verified the limits of jurisdictional areas associated with the Property and classified the jurisdictional wetlands as Exceptional, Intermediate and Ordinary Resource Value. On August 30, 2024, application was submitted for a new Wetlands LOI to re-confirm said wetlands limits and resource value classifications. The wetlands limits represented at present are those identical to the wetlands limits previously approved by the original NJDEP Wetlands LOI. As of the preparation date of this HSD, the NJDEP has not completed the review of said Wetlands LOI application.

The New Jersey Natural Heritage Program (NJNHP) database results have not been received as of the preparation of this report. However, NHP utilizes Landscape Project Version 3.3 (Landscape Project) for the compilation of threatened and endangered species occurrences and species based habitat mapping associated with the Property and general area. Landscape Project reports that habitat for the Pine Barrens Treefrog (*Hyla andersonii*) may be associated with the entire Property. Landscape Project indicates that foraging habitat for the Black-crowned Night Heron (*Nycticorax nycticorax*) (BCNH) may be associated with the wetlands in the eastern-central region of the Property

Field identification and evaluations of the natural habitats associated with the Property determined that suitable habitat characteristics for the Pine Barren's Treefrog and BCNH do occur on the Property but are limited to the broad wetland complex which exists in the eastern-central region of the Property. The remainder of the Property does NOT contain suitable habitat characteristics required by the Pine Barrens Treefrog or BCNH.

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Page 4.

It is determined by field evaluation that ecologically sensitive areas are associated with the delineated wetlands associated with the Property. The broad wetland complex in the eastern-central region of the Property was also determined to support utilization potential for the Pine Barrens Treefrog and BCNH given the occurrence of habitat characteristics preferred by those species. Although Landscape Project maps the entire Property as suitable habitat, field evaluations determined that the uplands in the eastern region and the western-central region of the Property do not consist of ecologically sensitive areas since said upland areas do not consist of wetlands and do not possess suitable habitat for the Pine Barrens Treefrog or BCNH.

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Page 5.

**SECTION II**

**LANDSCAPE PROJECT VERSION 3.3 MAPPING**  
**and**  
**NJ NATURAL HERITAGE PROGRAM**  
**THREATENED/ENDANGERED SPECIES**  
**DATABASE REVIEW**

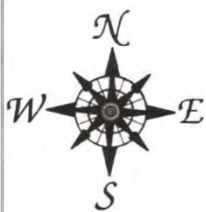
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Page 6.

The New Jersey Natural Heritage Program (NJNHP) database results have not been received as of the preparation of this report. However, NHP utilizes Landscape Project Version 3.3 (Landscape Project) for the compilation of threatened and endangered species occurrences and species based habitat mapping associated with a Property and general area.

Landscape Project reports that habitat for the Pine Barrens Treefrog (*Hyla andersonii*) may be associated with the entire Property. Landscape Project indicates that foraging habitat for the Black-crowned Night Heron (*Nycticorax nycticorax*) (BCNH) may be associated with the wetlands in the eastern-central region of the Property

No portion of the Property or any lands adjacent or in the vicinity of the Property are included within a Natural Heritage Priority Site.



**FIGURE #2.1**  
**LANDSCAPE PROJECT**  
**MAPPING**

**Data Source:**

NJ Geoweb,  
 Landscape Project  
 Version 3.3  
 Habitat Mapping



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Page 8.

## **SECTION III**

### **HABITAT REQUIREMENTS OF SPECIES IDENTIFIED BY THE LANDSCAPE PROJECT AND NJNHP**

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Page 9.

In accordance with Landscape Project Version 3.3 and NJNHP Database Review, suitable habitat for the following threatened, endangered and special concern species was indicated to possibly occur on the Property:

***Black-crowned Night Heron* (*Nycticorax nycticorax*):**

Landscape Project Version 3.3 reports that **foraging** habitat for this species may be associated with the broad wetland area in the eastern-central region of the Property. Landscape Project indicates that the last reporting of the BCNH on the Property was in 2009.

The BCNH is listed as a State Threatened Species. The primary food source of this species includes fish. However, the BCNH may commonly feed on crustaceans, mussels and aquatic insects. Preferred foraging habitat for this species includes freshwater wetlands and marshes along with edges of ponds and creeks. Within coastal areas, the BCNH typically forages in salt marshes, shallow tide pools, tidal channels, mudflats and vegetated waters edge.

***Pine Barrens Treefrog* (*Hyla andersonii*):**

Landscape Project Version 3.3 reports that habitat for this species may be associated with the entire Property. Landscape Project indicates that the last reporting of the Pine Barrens Treefrog on this Property was in 2003.

The Pine Barrens Treefrog is listed as a State Threatened species. The Pine Barrens Treefrog prefers specialized acidic habitats such as Atlantic White Cedar swamps and Pitch Pine lowlands with dense ground cover mats of Sphagnum moss. Structural characteristics of preferred habitats include an open canopy, dense shrub layer and heavy ground cover. Soil types include saturated sands and muck. Temporary woodland ponds, Atlantic White Cedar swamps or cranberry bogs and seepage areas along tributaries of major streams also serve as breeding areas for the Pine Barrens Treefrog. The Pine Barrens Treefrog prefers ponds that support sphagnum moss, sedges, grasses and



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Page 10.

aquatic plants and are surrounded by dense woody vegetation. Although breeding pools may dry up by mid to late summer, acidic shallow water during breeding is required.

Although secure globally, in New Jersey, the Pine Barrens Treefrog was listed as State Endangered in 1979 due to its restricted range, habitat loss and pollution of breeding ponds. In areas of suitable habitat, the Pine Barrens Treefrog may seem abundant. However, protection of this species is warranted as suitable habitat is limited to specialized Pine Barrens ecosystems which are disjunct in availability throughout the southeastern United States.

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Page 11.

# **SECTION IV**

## **OVERVIEW OF SITE SPECIFIC CONDITIONS AND CHARACTERISTICS**

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Page 12.

The Property is undeveloped and generally wooded. Kettle Creek enters the Property in the northwestern corner and flows in a southeasterly direction through the Property. Kettle Creek forms a broad, multi-habitat wetland complex in the central region of the Property. A tributary to Kettle Creek enters the southwestern corner of the Property and flows in an easterly direction until it's confluence with the aforementioned broad wetland and Kettle Creek in the southern region of the Property. In addition to the broad wetland in the central region of the Property, wetlands are also associated with the Kettle Creek and tributary stream corridors in the northwestern and southwestern regions of the Property. The remainder of the Property consists of forested uplands.

Lands immediately adjacent and to the north, east and west of the Property are developed for industrial purposes. Lands to the south of the Property consist of higher density residential development.

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Page 13.

# **SECTION V**

## **VEGETATION and NATURAL COMMUNITIES OF THE Property**

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Page 14.

Vegetation and natural communities associated with the Property and general region are illustrated in Figure #6.1. Field evaluations determined that the wetland complex in the eastern-central region of the Property does consist of critical wildlife habitats. Furthermore, field evaluations of the habitats in the vicinity of the Property determined that said habitats do not possess any unique characteristics.

***Wetlands/Stream Corridor (northwestern region):***

This designated wetland area consists of the stream corridor associated with Kettle Creek which enters the Property in the northwestern corner and flows in an easterly direction through the northern region of the Property. This wetland stream corridor is primarily forested and is not considered to be an isolated wetland.

Canopy (tree layer) and subcanopy (understory layer) vegetation throughout this wetland area consists predominantly of Atlantic White Cedar (FacW), Sweetgum (Fac) and Black Gum (Fac). Shrub layer vegetation throughout the wetland area consists predominantly of Highbush Blueberry (FacW), Sweet Pepperbush (Fac) and Greenbriar (Fac). Ground cover vegetation consists predominantly of Smartweed (FacW), Cinnamon Fern (FacW) and Mosses (V)

This wetland stream corridor habitat was not determined to provide suitable habitat characteristics for the Pine Barren Treefrog or Black-crowned Night Heron. This habitat was not determined to consist of critical wildlife habitat.

***Wetlands/Stream Corridor (southwestern region)***

This designated wetland area consists of the stream corridor associated with the tributary of Kettle Creek which enters the Property in the southwestern corner and flows in an easterly direction

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Page 15.

through the southern region of the Property until its confluence with Kettle Creek In the southern-central region of the Property. This wetland corridor is primarily forested and is not considered to be an isolated wetland.

Canopy (tree layer) and subcanopy (understory layer) vegetation throughout this wetland area consists predominantly of Red Maple (Fac) and Black Gum (Fac). Shrub layer vegetation throughout the wetland stream corridor consists predominantly of Highbush Blueberry (FacW), Sweet Pepperbush (Fac) and Greenbriar (Fac). Ground cover vegetation consists predominantly of Smartweed (FacW), Cinnamon Fern (FacW) and Mosses (V)

This wetland stream corridor habitat was not determined to provide suitable habitat characteristics for the Pine Barren Treefrog or Black-crowned Night Heron. This habitat was not determined to consist of critical wildlife habitat.

***Wetlands/Broad Habitat Intermix (eastern-central region)***

This designated wetland area consists of a broad wetland complex associated with Kettle Creek in the central region of the Property. This broad wetland consists of an intermix of forested and scrub/shrub wetland habitats. This wetland complex is not considered to be an isolated wetland.

Canopy (tree layer) and subcanopy (understory layer) vegetation throughout this wetland area consists predominantly of Atlantic White Cedar (FacW), Sweetgum (Fac), Red Maple (Fac) and Black Gum (Fac). Shrub layer vegetation throughout the wetland area consists predominantly of Highbush Blueberry (FacW), Sweet Pepperbush (Fac), Holly (Fac) and Greenbriar (Fac). Ground cover vegetation consists predominantly of Smartweed (FacW), Cinnamon Fern (FacW) and Sphagnum Moss (Obl).

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Page 16.

This area consisting of a broad intermix of wetland habitats was determined to provide areas of suitable habitat characteristics for the Pine Barren Treefrog and Black-crowned Night Heron. Accordingly, this habitat complex was determined to consist of critical wildlife habitat.

***Forested Uplands (eastern region):***

This area consists of the forested uplands in the eastern region of the Property. This forested upland area exists between the central wetland complex and Towbin Avenue. This area is primarily forested although certain areas of past disturbance are evident.

Canopy (tree layer) and subcanopy (understory layer) vegetation throughout this forested upland area consists predominantly of Pitch Pine (FacU), Chestnut Oak (Upl) and White Oak (FacU). Shrub layer vegetation throughout this upland area consists predominantly of Lowbush Blueberry (FacU), Sweet Pepperbush (Fac) and Mountain Laurel (FacU). Ground cover vegetation throughout this upland area is very sparse.

This forested upland area was not determined to provide suitable habitat characteristics for the Pine Barren Treefrog or Black-crowned Night Heron. This habitat was not determined to consist of critical wildlife habitat.

***Forested Uplands (western-central region):***

This area consists of the forested uplands in the western-central region of the Property. This forested upland area exists between the central wetland complex and the western property border. This upland habitat is bordered to the north by the Kettle Creek stream corridor and is bordered to the south by the Kettle Creek Tributary stream corridor. This area is forested in its entirety.

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Page 17.

Canopy (tree layer) and subcanopy (understory layer) vegetation throughout this forested upland area consists predominantly of Chestnut Oak (Upl), Pitch Pine (FacU), White Oak (FacU) and Black Oak (FacU). Shrub layer vegetation throughout this upland area consists predominantly of Lowbush Blueberry (FacU), Sweet Pepperbush (Fac) and Mountain Laurel (FacU). Ground cover vegetation throughout this upland area is very sparse.

This forested upland area was not determined to provide suitable habitat characteristics for the Pine Barren Treefrog or Black-crowned Night Heron. This habitat was not determined to consist of critical wildlife habitat.

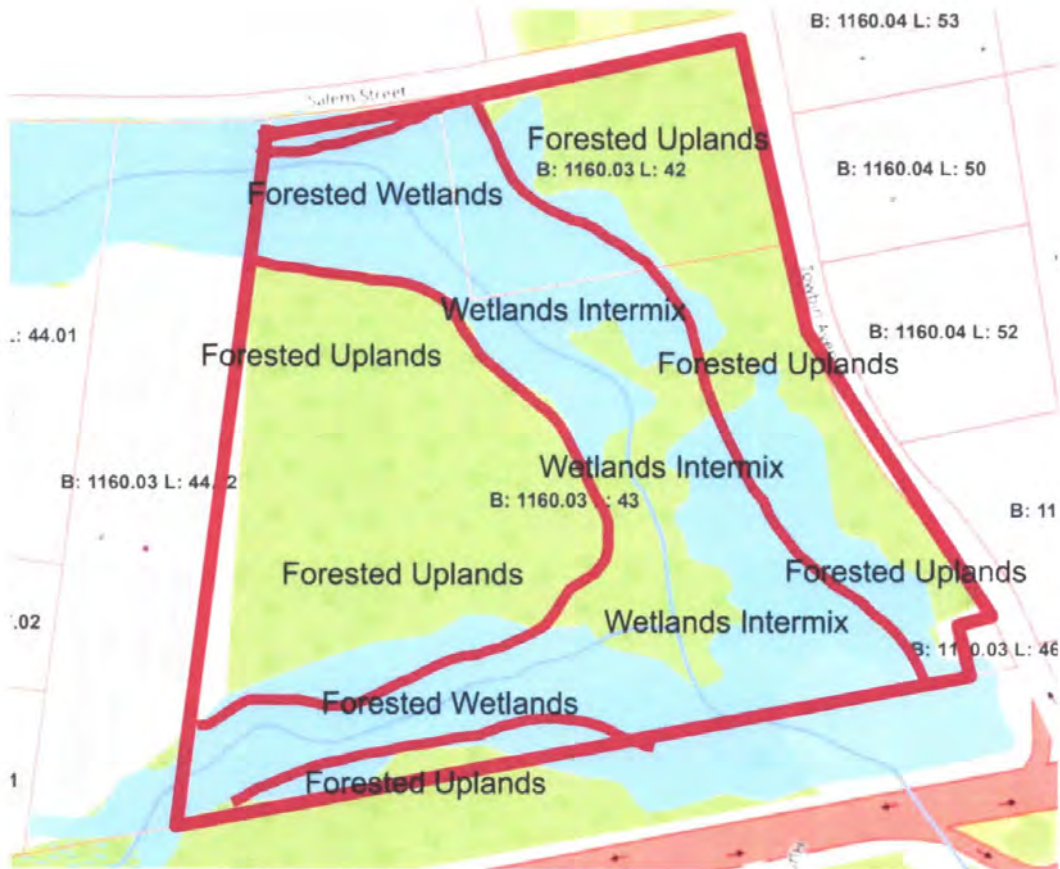


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Page 18.

# **SECTION VI**

## **MAP OF NATURAL COMMUNITIES**



**FIGURE #6.1**  
**MAP OF NATURAL**  
**COMMUNITIES**

Date Source:  
 NJ GeoWEB



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Page 20.

# **SECTION VII**

## **GEOLOGY OF THE SUBJECT PROPERTY**

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Page 21.

As illustrated on NJDEP GeoWeb, the Property along with the lands in the general region are underlain by the Cohansey Formation (Tch) consisting of medium to coarse grained quartz sand. Surficial geology associated with the Property consists primarily of Weathered Coastal Plain Formation (Qwcp).

No significant geologic features including cliffs, bluffs, talus, caves, extremely steep slopes or sinkholes are known to exist on the Property.

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Page 22.

# **SECTION VIII**

## **SOILS OF THE SUBJECT PROPERTY**

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Page 23.

The NRCS SSURGO Database was consulted with regard to the soil types existing on the Property along with general characteristics and limitations of said soils.

As depicted on the SSURGO Database, four (4) soil types are determined to be associated with the Property ( Figure #13.4). The soil types determined to be associated with the Property include the following:

- Downer loamy sand, 0 to 5% slopes (DocBO)
- Lakewood sand, 0 to 5% slopes (LasB)
- Manahawkin muck 0 to 2% slopes, frequently flooded (MakAd)
- Urban Land (UR)

Some characteristics and limitations of the soil types which are determined to occur on the Property are illustrated in Table #8.1.

<b>TABLE #8.1      Selected characteristics and limitations of on-site soil types.</b>				
<b>Soil Type</b>	<b>Hydric. Classif. (USSCS)</b>	<b>Seasonal High Water (feet)</b>	<b>Delineated Wetlands / SOW</b>	<b>Development Limitations Due to Wetness</b>
DocBO	No	6+ feet	No	Slight
LasB	No	6+ feet	No	Slight
MakAd	Yes	Surface	Yes	Severe
UR	No	Variable	No	Slight

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Page 24.

# **SECTION IX**

## **HYDROLOGIC FEATURES OF THE SUBJECT PROPERTY**

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Page 25.

The Property is located in the Kettle Creek Sub-watershed; Kettle Creek/Barnegate Bay North Watershed, Atlantic Ocean Drainage Basin. Drainage of the Property is directly associated with Kettle Creek which enters the Property in the northwestern corner and flows in a southeasterly direction through the Property. Additionally, a tributary to Kettle Creek enters the southwestern corner of the Property and flows in an easterly direction until it's confluence with the aforementioned broad wetland and Kettle Creek in the southern region of the Property.

Kettle Creek, into which drainage of the Property and surrounding lands is directly associated, is classified as an FW-2 Non-Trout Water by the NJDEP. These classified waters are determined to be unable to support trout species throughout the entire year. Trout are generally used as indicator species of high quality waters because of the species' demand of well oxygenated, minimal sedimentation impacted and overall high quality waters. Kettle Creek is not classified as a Category One Water.



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Page 26.

# **SECTION X**

## **JURISDICTIONAL WETLANDS and NJDEP WETLANDS LETTER OF INTERPRETATION**

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Page 27.

On February 21, 2017, the NJDEP issued a Wetlands Letter of Interpretation (LOI) (#1221-14-0002.1 FWW140001) for this Property which verified the limits of jurisdictional areas associated with the Property and classified the jurisdictional wetlands as Exceptional, Intermediate and Ordinary Resource Value. On August 30, 2024, application was submitted for a new Wetlands LOI to re-confirm said wetlands limits and resource value classifications. The wetlands limits represented at present are those identical to the wetlands limits previously approved by the original NJDEP Wetlands LOI. As of the preparation date of this HSDA, the NJDEP has not completed the review of said Wetlands LOI application.

Wetlands are associated with the Kettle Creek and tributary stream corridors in the northwestern and southwestern regions of the Property, respectively. Kettle Creek also forms a very broad wetland complex in the central region of the Property. The jurisdictional area delineated on the Property is described in detail as follows.

***W1-1/W1-13; W2-1/W2-6; W3-1/W3-8 Wetlands/SOW (northwestern region):***

This designated wetland area consists of the stream corridor associated with Kettle Creek which enters the Property in the northwestern corner and flows in an easterly direction through the northern region of the Property. This wetland stream corridor is primarily forested and is not considered to be an isolated wetland.

Canopy (tree layer) and subcanopy (understory layer) vegetation throughout this wetland area consists predominantly of Atlantic White Cedar (FacW), Sweetgum (Fac) and Black Gum (Fac). Shrub layer vegetation throughout the wetland area consists predominantly of Highbush Blueberry (FacW), Sweet Pepperbush (Fac) and Greenbriar (Fac). Ground cover vegetation consists predominantly of Smartweed (FacW), Cinnamon Fern (FacW) and Mosses (V)

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Page 28.

Hydric soils were determined to exist throughout this designated wetland area consisting primarily of sandy loams and muck which produced Munsell Soil Color Chart readings with matrix Hues of 10YR; Values ranging from 3 to 4; and Chromas of 1.

The predominant evidence of long term hydrology throughout this designated jurisdictional wetland stream corridor consists of inundation, water flow, saturation and exposed roots of vegetation.

***W3-30/W3-60; W5-3/W5-33 Wetlands/SOW (southwestern region)***

This designated wetland area consists of the stream corridor associated with the tributary of Kettle Creek which enters the Property in the southwestern corner and flows in an easterly direction through the southern region of the Property until its confluence with Kettle Creek In the southern-central region of the Property. This wetland corridor is primarily forested and is not considered to be an isolated wetland.

Canopy (tree layer) and subcanopy (understory layer) vegetation throughout this wetland area consists predominantly of Red Maple (Fac) and Black Gum (Fac). Shrub layer vegetation throughout the wetland stream corridor consists predominantly of Highbush Blueberry (FacW), Sweet Pepperbush (Fac) and Greenbriar (Fac). Ground cover vegetation consists predominantly of Smartweed (FacW), Cinnamon Fern (FacW) and Mosses (V)

Hydric soils were determined to exist throughout this designated wetland area consisting primarily of sandy loams and muck which produced Munsell Soil Color Chart readings with matrix Hues of 10YR; Values ranging from 3 to 4; and Chromas of 1.

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Page 29.

The predominant evidence of long term hydrology throughout this designated jurisdictional wetland area consists of inundation, water flow, saturation and exposed roots of vegetation.

***W2-6/W2-30; W3-8/W3-30 Wetlands/SOW (eastern-central region)***

This designated wetland area consists of a broad wetland complex associated with Kettle Creek in the central region of the Property. This broad wetland consists of an intermix of forested and scrub/shrub wetland habitats. This wetland complex is not considered to be an isolated wetland.

Canopy (tree layer) and subcanopy (understory layer) vegetation throughout this wetland area consists predominantly of Atlantic White Cedar (FacW), Sweetgum (Fac), Red Maple (Fac) and Black Gum (Fac). Shrub layer vegetation throughout the wetland area consists predominantly of Highbush Blueberry (FacW), Sweet Pepperbush (Fac), Holly (Fac) and Greenbriar (Fac). Ground cover vegetation consists predominantly of Smartweed (FacW), Cinnamon Fern (FacW) and Sphagnum Moss (Obl).

Hydric soils were determined to exist throughout this designated wetland area consisting primarily of sandy loams and muck which produced Munsell Soil Color Chart readings with matrix Hues of 10YR; Values ranging from 3 to 4; and Chromas of 1.

The predominant evidence of long term hydrology throughout this designated jurisdictional wetland complex consists of inundation, water flow, saturation and exposed roots of vegetation.

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Page 30.

***W2-30/W2-33 Wetlands Ditch (northern region)***

This designated wetland area consists of a ditch which conveys stormwaters from Salem Street to the wetland stream corridor in the northern region of the Property. This ditch is narrow and linear in characteristics and does not possess a separate and distinct habitat.

Vegetation within this ditch consists predominantly of Red Maple (Fac), Black Gum (Fac), Sweet Pepperbush (Fac) and Greenbriar (Fac) and Smartweed (FacW).

Hydric soils were determined to exist within this designated wetland ditch consisting primarily of sandy loams which produced Munsell Soil Color Chart readings with matrix Hues of 10YR; Values ranging from 3 to 4; and Chromas of 1.

The predominant evidence of long term hydrology throughout this designated jurisdictional wetland area consists of drainage patterns and saturation.



State of New Jersey

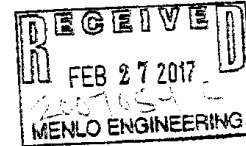
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation

Mail Code 501-02A, P. O. Box 420

Trenton, New Jersey 08625-0420

[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

BOB MARTIN  
Commissioner

FEB 27 2017

Sudler Lakewood Land, LLC  
c/o Steven C. Spinweber  
245 Green Village Rd, P.O. Box 39  
Chatham, NJ 07928

RE: **Freshwater Wetlands Letter of Interpretation: Line Verification**  
File No.: 1514-02-0016.1  
Activity Number: FWW160001  
Applicant: Sudler Lakewood Land, LLC  
Block(s) and Lot(s): [1160.03, 42] [1160.03, 43]  
Lakewood Township, Ocean County

Dear Mr. Spinweber:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers Philadelphia and New York Districts, and the U.S. Environmental Protection Agency, the NJDEP, the Division is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate.

Based upon the information submitted, and upon a site inspection conducted by Division staff on February 1, 2017 the Division has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled: "LIP—BLOCK 1160.03 LOTS 42&43, TOWNSHIP OF LAKEWOOD, OCEAN COUNTY, NEW JERSEY, WETLANDS MAP, BLOCK 1160.03 LOTS 42 & 43 TAX MAP SHEET:165 & 167 36.00 ACRES", consisting of one (1) sheet, dated December 7, 2016, unrevised, and prepared by Alfred R. Coco, NJ PE & LS of Menlo Engineering Associates, Inc., is accurate as shown.

Freshwater Wetlands Letter of Interpretation: Line Verification  
DLUR File # 1514-02-0016.1 FWW160001  
Page 2

**Wetlands Resource Value Classification ("RVC")**

In addition, the Division has determined that the resource value and the standard transition area or buffer required adjacent to the delineated wetlands are as follows:

**Exceptional:** Flags identified as W2-6 through W2-30, W2-33 through W2-34 and W3-8 through W3-30 [150-foot wetland buffer]

**Ordinary:** Flags identified as W2-30 through W2-33. [No wetland buffer]

**Intermediate:** All other freshwater wetland flags on or immediately adjacent to site. [50-foot wetland buffer]

The wetlands have also been identified as being priority wetlands by the U.S. Environmental Protection Agency. This classification may affect the types of permits or transition area waivers available for the above referenced property.

RVC may affect requirements for wetland and/or transition area permitting. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-7), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-4 & 5) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-6). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

Wetlands resource value classification is based on the best information available to the Department. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

Under N.J.S.A. 13:9B-7a(2), if the Division has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the address at the top of this letter.

**General Information**

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Freshwater Wetlands Letter of Interpretation: Line Verification  
DLUR File # 1514-02-0016.1 FWW160001  
Page 3

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.6 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.8. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

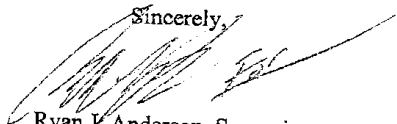
This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called out in this letter as such. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Appeal Process

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the date the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at [www.state.nj.us/dep/landuse/forms](http://www.state.nj.us/dep/landuse/forms). Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at [www.state.nj.us/dep/bulletin](http://www.state.nj.us/dep/bulletin). In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information on this process.

Please contact Iman Olguin-Lira of our staff by e-mail at [Iman.Olguin-Lira@dep.nj.gov](mailto:Iman.Olguin-Lira@dep.nj.gov) or by phone at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Ryan J. Anderson, Supervisor  
Division of Land Use Regulation

c: Municipal Clerk  
Municipal Construction Official  
Agent (original)



EASTERN STATES  
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Page 34.

# **SECTION XI**

**SITE SPECIFIC DETERMINATIONS  
CONCERNING SPECIES IDENTIFIED IN  
LANDSCAPE PROJECT VERSION 3.3 MAPPING  
and  
NJ NATURAL HERITAGE PROGRAM  
THREATENED/ENDANGERED SPECIES  
DATABASE REVIEW**

**EASTERN STATES  
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INC.**

Page 35.

In accordance with Landscape Project Version 3.3 and NJNHP Database Review, suitable foraging habitat for the following species was indicated to possibly occur on the Property:

***Black-crowned Night Heron*** (*Nycticorax nycticorax*):

The NJNHP Database review indicates that suitable habitat for this species may occur on the Property. More specifically, Landscape Project Version 3.3 reports that **foraging** habitat for this species may be associated with the broad wetland area in the central region of the Property. Landscape Project indicates that the last reporting of the BCNH on the Property was in 2009.

Preferred foraging habitat for this species includes marshes along with edges of ponds and creeks. Within coastal areas, the BCNH typically forages in salt marshes, shallow tide pools, tidal channels, mudflats and vegetated waters edge.

Field evaluations determined that suitable foraging habitat for this species does exist within the broad wetland complex which occurs in the eastern-central region of the Property. This broad wetland complex includes shallow water features along with areas of preferred vegetation species.

Whereas the narrow forested stream corridors in the northwestern and southwestern regions of the Property do contain water features, the narrow and swifter velocity of these water features is not generally preferred by the BCNH. Additionally, the vegetation community and species composition associated with these narrow water features are not that which are preferred by the BCNH.

Field evaluation determined that the forested upland areas in the eastern region and central-western region of the Property do NOT contain any characteristics determined to be suitable for the BCNH. These areas do not possess any water feature and the vegetation species composition is not preferred by the BCNH.

EASTERN STATES  
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Page 36.

***Pine Barrens Treefrog (Hyla andersonii):***

The NJNHP Database review indicates that suitable habitat for this species may occur on the Property. More specifically, Landscape Project Version 3.3 reports that habitat for this species may be associated with the entire Property. Landscape Project indicates that the last reporting of the Pine Barrens Treefrog on this Property was in 20003.

The Pine Barrens Treefrog prefers specialized acidic habitats such as Atlantic White Cedar swamps and Pitch Pine lowlands with dense ground cover mats of Sphagnum moss. Structural characteristics of preferred habitats include an open canopy, dense shrub layer and heavy ground cover. Soil types include saturated sands and muck. Temporary woodland ponds, Atlantic White Cedar swamps or cranberry bogs and seepage areas along tributaries of major streams also serve as breeding areas for the Pine Barrens Treefrog. The Pine Barrens Treefrog prefers ponds that support sphagnum moss, sedges, grasses and aquatic plants and are surrounded by dense woody vegetation. Although breeding pools may dry up by mid to late summer, acidic shallow water during breeding is required.

Field evaluations determined that preferred breeding and foraging habitat for this species does exist within the broad wetland complex which occurs in the eastern-central region of the Property. This broad wetland complex includes areas of open canopy, dense shrub layer, shallow water and Sphagnum Moss dominated ground cover with saturated muck soil characteristics.

Whereas the narrow forested stream corridors in the northwestern and southwestern regions of the Property do contain water features, the narrow and swifter velocity of these water features is not generally preferred by the Pine Barrens Treefrog. Additionally, the vegetation community and species composition associated with these narrow water features are not that which are preferred by the Pine Barrens Treefrog.

EASTERN STATES  
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Page 37.

Field evaluation determined that the forested upland areas in the eastern region and central-western region of the Property do NOT contain any characteristics determined to be suitable for the Pine Barrens Treefrog. These areas do not possess any water features, are not ever saturated and do not contain any vegetation species composition preferred by the Pine Barrens Treefrog.

EASTERN STATES  
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Page 38.

# **SECTION XII**

## **PROFESSIONAL CREDENTIALS**

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Page 39.

**EDWARD A. KUC**  
***PROFESSIONAL CREDENTIALS and QUALIFICATIONS***

**EXPERIENCE:**

**Principal Natural Resource Specialist; Eastern States Environmental Associates, Inc., Kunkletown, Pennsylvania**

Responsible for the coordination, supervision, and implementation of natural resource inventories and evaluations (i.e. natural habitats and communities; terrestrial and aquatic vegetation, wildlife, fisheries, aquatics, threatened and endangered species habitat suitability and utilization potential, and freshwater wetlands), environmental feasibility assessment, environmental impact analysis, natural resources protection and mitigation/restoration programs, and ecological management programs (i.e. terrestrial and aquatic habitats, fisheries and wildlife). Serve as chief representative of public and private clientele of the Association throughout the United States for matters including project design, regulatory compliance, regulatory permit applications and expert testimony. Represented clientele include various state governments, municipalities, utility authorities, boards of education, private corporations, land development organizations, conservation organizations and land owners.

**Natural Resource Specialist; Environmental Associates, Inc., Rockaway, New Jersey**

Responsible for the coordination and supervision of the ecological staff and research projects consisting of natural resource inventories (habitat, vegetation, natural communities, wildlife, fisheries, threatened and endangered species); freshwater wetlands inventory, analysis and functional assessment; environmental feasibility; environmental impact assessment; and environmental protection and natural resource mitigation/restoration programs. Responsible for the coordination and review of associated environmental reports and publications.

**Research and Management Environmental Specialist; New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife, New Jersey**

**Fisheries Research/Management:**

Responsible for collection and analysis of biological information pertaining to fishery population inventories, population reproduction, trout waters classification, fishery population introduction, anadromous species migration, and stream encroachment reviews. Provided riparian habitat

**EASTERN STATES  
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Page 40.

suitability surveys with regard to various fish and wildlife species utilization. Provided recommendations for various stream and riparian conservation and enhancement programs along with fishery management.

**Wildlife Research/Management:**

Responsible for the capture of Black Bear and collection of biological information pertaining to individual and population condition, size, and reproduction. Responsible for the determination of population density and distribution of various furbearers in watersheds throughout New Jersey. Performed various laboratory procedures associated with the collection and analysis of information pertaining to the age composition, sex ratios, and condition of various furbearer populations. Check station supervisor responsible for the collection of biological information pertaining to the Whitetail Deer population. Responsible for the compilation and analysis of relevant whitetail deer harvest data for the determination of population condition and management objective revisions. Responsible for the trapping, banding and collection of biological information pertaining to various waterfowl species. Conducted nest, brood and habitat availability surveys pertaining to various waterfowl populations. Provided habitat suitability evaluations for various game and non-game species. Provided recommendations to various wildlife conservation and management programs.

**Research Biologist; U.S.D.A. Forest Service, Clearwater National Forest, Orofino, Idaho  
Fishery Research/Management:**

Responsible for analysis of stream condition; riparian habitat availability and quality; sport fishery populations; and salmonid spawning area potential. Implemented stream and riparian habitat enhancement projects and determined and performed corrective procedures for salmonid migration barriers. Performed various surveys to determine fish species density and size for impact evaluation of various land use activities.

**Wildlife Research:**

Responsible for habitat evaluation and suitability evaluation and population analysis for various large-game, non-game and endangered species. Responsible for the determination of various wildlife species' population dynamics and seasonal range distributions.

**Forest Fire Management:**

Member of Initial Attack Forest Fire Suppression Strike Team with extensive training in fire behavior, weather prediction and helicopter operations.

**EASTERN STATES  
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Page 41.

**EDUCATION:**

**Rutgers University - Cook College; New Brunswick, New Jersey**

Bachelor of Science degree in Natural Resource Management. Independent research in Fishery Science regarding the migration of American Shad (*Alosa sapidissima*) in the Delaware River. Received the New Jersey Chapter of The Wildlife Society Outstanding Student in Wildlife Sciences Award. President and Treasurer of the Rutgers University Chapter of The Wildlife Society.

**RELEVANT PROFESSIONAL CERTIFICATION and TRAINING:**

**Professional Wetland Scientist Certificate #000835**

Certification based upon recognition of professional requirements mandated by the Society of Wetland Scientists Certification Program and verified by the Society's Certification Review Panel.

**Advanced Wetland Delineation**

Interagency Cooperative Program Certificate: U.S. Fish and Wildlife Service, U.S. Soil Conservation Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers. Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

**Watershed Management**

Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

**Wetlands Identification and Delineation Methodology**

Interagency Cooperative Program Certificate: U.S. Fish and Wildlife Service, U.S. Soil Conservation Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers. Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.

**Wetland Systems of the Northeast**

Office of Continuing Education, Cook College - Rutgers University, New Brunswick, New Jersey.



**EASTERN STATES  
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Page 42.

**PROFESSIONAL AFFILIATIONS:**

The Wildlife Society; New Jersey Chapter  
Past President and Executive Board

New Jersey Division of Fish, Game and Wildlife Conservation Corps Program  
Black Bear Project Research Team

Member:     The Wildlife Society (National, NJ Chapter)  
                  American Fisheries Society  
                  Society of Wetland Scientists  
                  National Wildlife Federation  
                  The Nature Conservancy  
                  Audubon Society  
                  Association of Urban Wildlife Managers

**PUBLICATIONS:**

Numerous technical reports and articles have been authored pertaining to various natural resource related topics and issues. A listing of these reports and articles is available upon request.

**SEMINARS/PRESENTATIONS:**

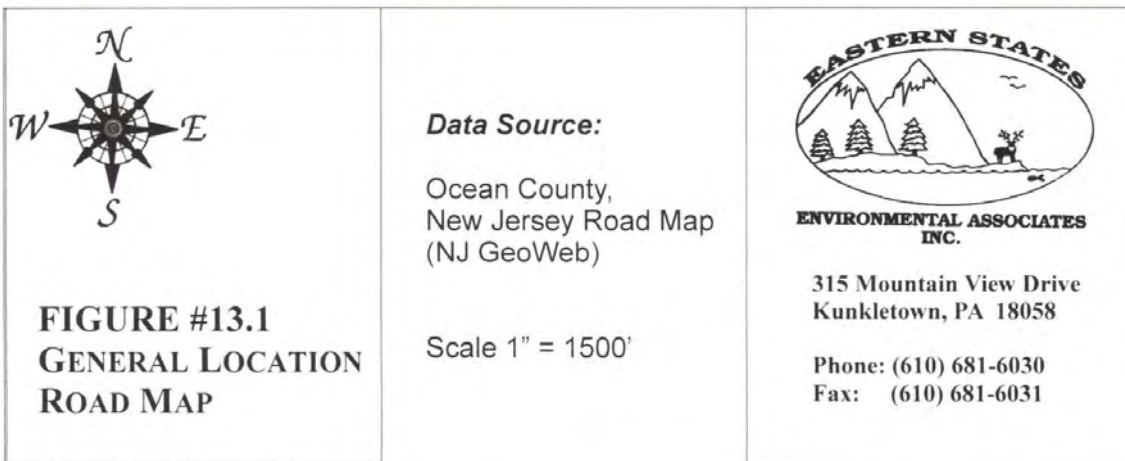
Numerous seminars and presentations have been conducted pertaining to a variety of environmental topics and issues including natural resource evaluation and impact assessment, natural resource mitigation and restoration, wetlands management and regulatory compliance, wildlife resource management, environmental careers, etc. Seminars and presentations have been provided to numerous audiences including universities, colleges, corporations, New Jersey Association of Municipal Engineers, New Jersey Board of Realtors, and various special interest organizations.

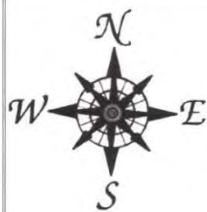
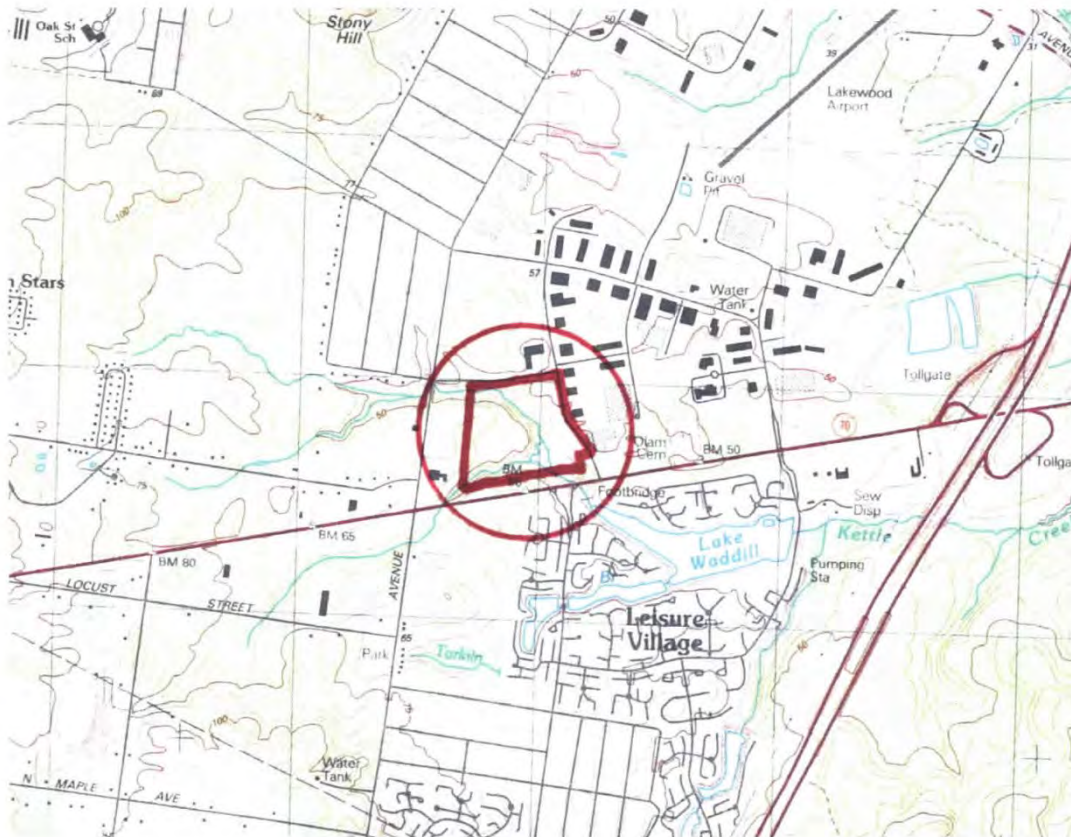
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Page 43.

# **SECTION XIII**

## **FIGURES**





**FIGURE #13.2**  
**GENERAL LOCATION**  
**USGS MAP**

**Data Source:**

USGS Quadangle Map,  
 Monmouth Junction,  
 New Jersey

*Coordinates of Center  
 of Property:*

578502 feet East  
 444533 feet North

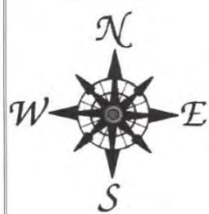
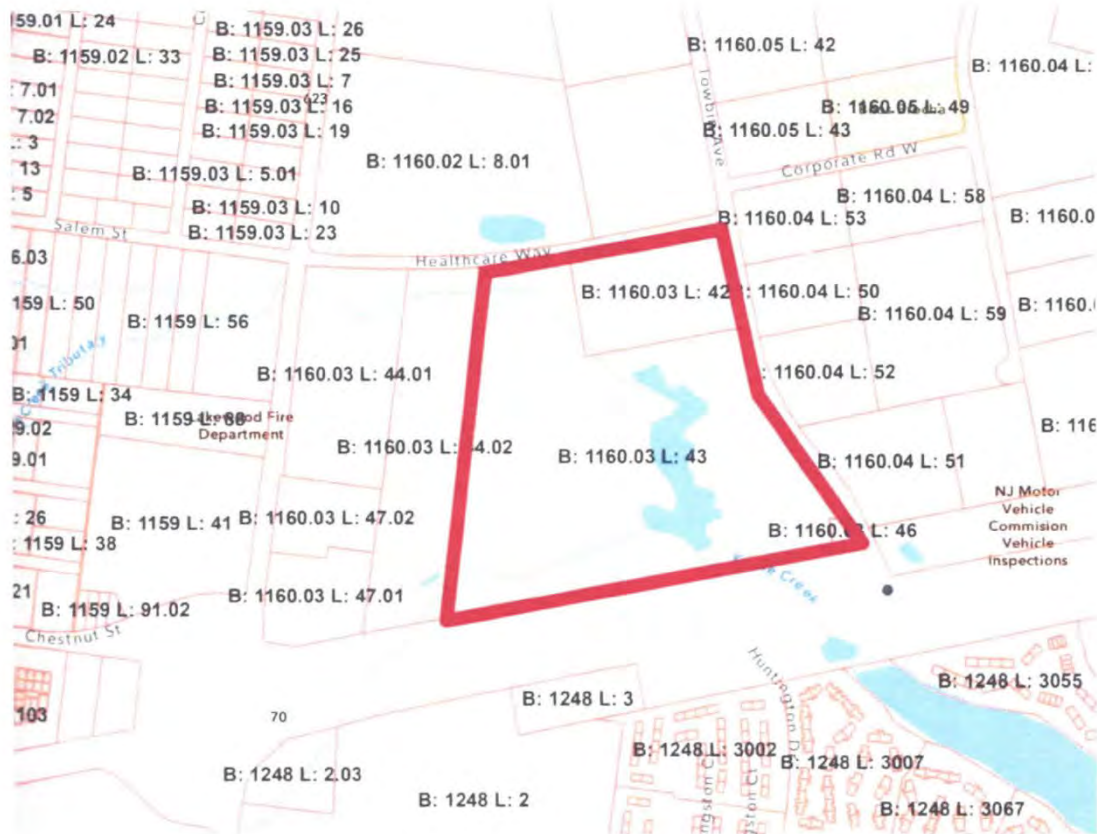
Scale 1" = 2000'



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315 Mountain View Drive  
 Kunkletown, PA 18058

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 Fax: (610) 681-6031



**FIGURE #13.3**  
**GENERAL LOCATION**  
**TAX MAP**

**Data Source:**

Municipal Tax Map  
Lakewood Township,  
Ocean County,  
New Jersey  
(NJ GeoWeb)

Scale: 1" = 750'

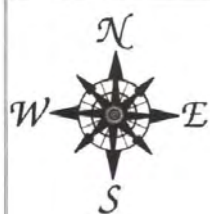


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**FIGURE #13.4**  
**GENERAL LOCATION**  
**SOILS MAP**

**Data Source:**

NRCS Soil Survey  
 Geographic Database  
 (SSURGO), New Jersey

Scale 1" = 295'



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Page 48.

# **SECTION XIV**

## **PHOTOGRAPHS**



**PHOTOGRAPH #1**

Wetland ditch in the northern region of the Property.





**PHOTOGRAPH #2**

Wetland stream corridor associated with Kettle Creek in the northwestern region of the Property.



**PHOTOGRAPH #3**

Wetland stream corridor associated with Kettle Creek tributary in the southwestern region of the Property.



**PHOTOGRAPH #4**

Broad wetland complex in the central region of the Property.





**PHOTOGRAPH #5**

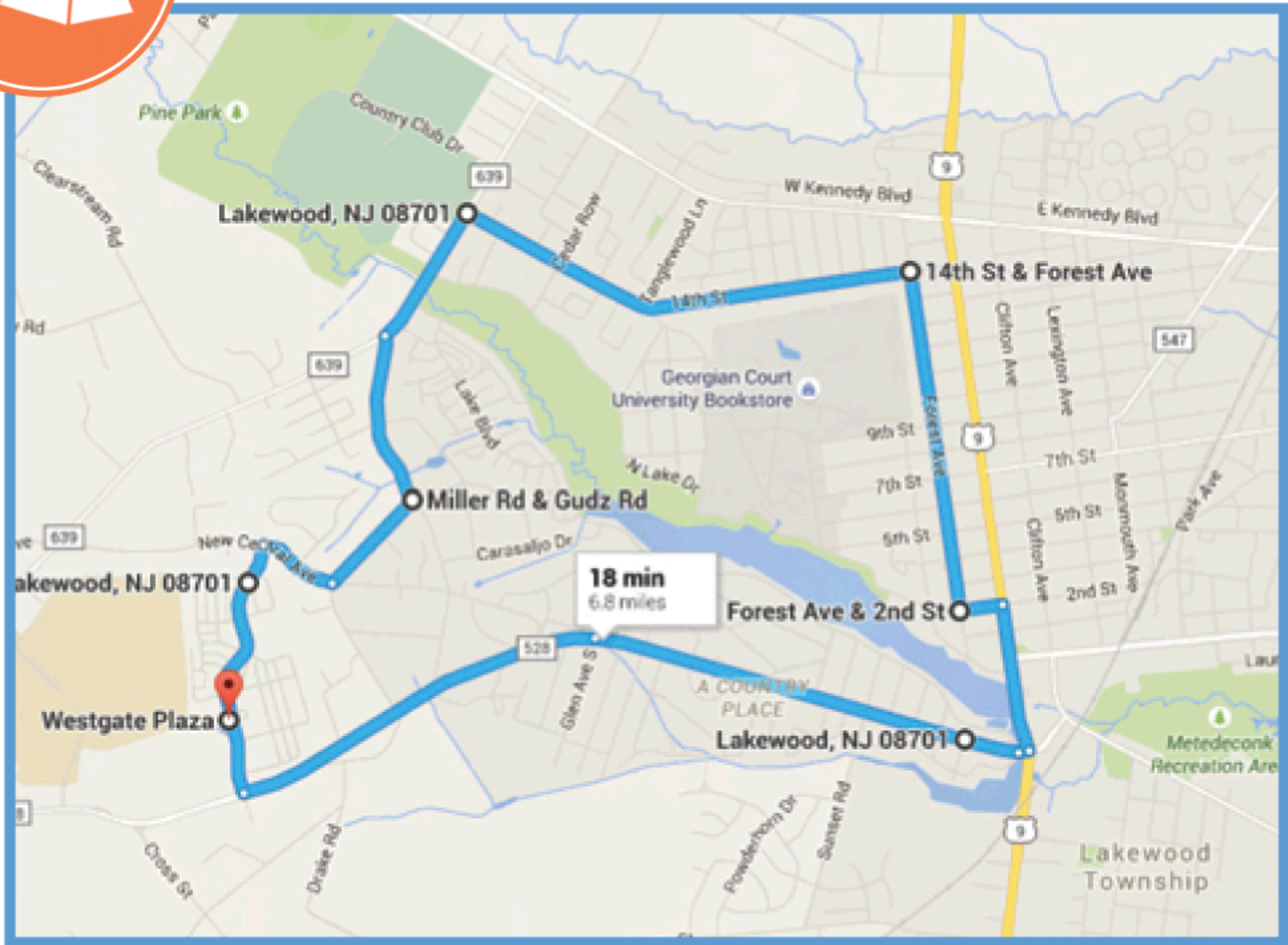
Broad wetland complex in the central region of the Property.

## Appendix B: Shuttle Bus Schedule





## Lakewood Shuttle Route



## Fare Information

**One Way Trip: \$1.00**

**Children 5 & Under: Free\***

*Exact change required*

*Driver cannot give change*

*\* A Maximum of two children ages 5 and under ride free with one paid adult fare*

Divine Design • 732.367.7198



## What You Need to Know About Riding the “L”:

**L** is a bus service provided by the Township of Lakewood as part of its mission to increase mobility and reduce carbon emissions in our community.

### Where does the bus stop?

The bus will stop only at the places listed on the bus schedule.

### What days does the bus run?

Service is provided Sunday - Friday. There is no bus service on the following holidays:

*New Year’s Day*  
*Memorial Day*  
*July 4<sup>th</sup>*  
*Labor Day*  
*Thanksgiving*  
*December 25<sup>th</sup>*  
*Rosh Hashana*  
*Yom Kippur*

### Please:

- No eating, drinking or smoking.
- No disruptive/ loud cell phone use or music.
- Seats in the front are reserved for seniors and disabled citizens.
- Stand back from the yellow line.

The Lakewood Shuttle (“L”) is a service provided by the Township of Lakewood. The vehicles used in this service are provided through a grant from the Federal Transit Administration administered by NJ TRANSIT.

**The Lakewood Shuttle service is available for everyone in the community to ride.** Service animals and persons with portable oxygen tanks are permitted to ride the bus.

Routes may deviate daily upon request. The Lakewood Shuttle requires advance notice of 48 business hours to accommodate requests; call 732-994-4087. The bus will deviate up to a 2 block radius from the designated route. There is a \$2.00 fee per route deviation; however, this service is free for seniors and individuals with disabilities.



**Sunday - Friday**



**Serving:**  
Westgate Plaza  
Georgian Court University  
Beth Medrash Govoha  
Downtown

**For information:**  
732.994.4087  
lakewoodshuttle.com  
info@lakewoodshuttle.com



Non-Discrimination Policy - Lakewood Shuttle is committed to ensuring that no person is excluded from, or denied the benefits of our services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended. Any person who believes that they have, individually, or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, or national origin, may file a complaint in writing to Lakewood Shuttle. To file a complaint, or for more information on Lakewood Shuttle's obligations under Title VI write to: 672 Cross St., Lakewood, NJ 08701 or visit [www.lakewoodshuttle.com](http://www.lakewoodshuttle.com). Transportation services provided by this agency are in whole or part funded through federal funds received through NJ TRANSIT and as an individual you also have the right to file your complaint under Title VI to NJ TRANSIT by writing to: New Jersey Transit Customer Service – Title VI Division, One Penn Plaza East, Newark, NJ 07105 or visit [njtransit.com/diversity](http://njtransit.com/diversity). A complaint must be filed within 180 days of the alleged discrimination. This timetable is available in alternate formats upon request.



LAKESIDE L SHUTTLE BUS SCHEDULE

Sunday thru Friday

WESTBOUND

Westgate Plaza	Kelmwoods & Hillside	N. Crest & Hillside	Gudz & Miller	Miller & Adams	14 <sup>th</sup> & Hope Chapel	14 <sup>th</sup> & Case	14 <sup>th</sup> & Laurelwood	Forest & 14 <sup>th</sup>	Forest & Carey	Forest & 9 <sup>th</sup>	Forest & 7 <sup>th</sup>	Forest & 4 <sup>th</sup>	2 <sup>nd</sup> St. (bet. Forest & Madison)\Route 9)	Freeman & Central	Sunset & Central	St. Nicholas & Central	Carlton & Central
9:00	9:01	9:01	9:03	9:04	9:06	9:07	9:08	9:09	9:10	9:11	9:12	9:13	9:14	9:17	9:18	9:19	9:20
9:30	9:31	9:31	9:33	9:34	9:36	9:37	9:38	9:39	9:40	9:41	9:42	9:43	9:44	9:47	9:48	9:49	9:50
10:00	10:01	10:01	10:03	10:04	10:06	10:07	10:08	10:09	10:10	10:11	10:12	10:13	10:14	10:17	10:18	10:19	10:20
10:30	10:31	10:31	10:33	10:34	10:36	10:37	10:38	10:39	10:40	10:41	10:42	10:43	10:44	10:47	10:48	10:49	10:50
11:00	11:01	11:01	11:03	11:04	11:06	11:07	11:08	11:09	11:10	11:01	11:12	11:13	11:14	11:17	11:18	11:19	11:20
11:30	11:31	11:31	11:33	11:34	11:36	11:37	11:38	11:39	11:40	11:41	11:42	11:43	11:44	11:47	11:48	11:49	11:50
12:00	12:01	12:01	12:03	12:04	12:06	12:07	12:08	12:09	12:10	12:11	12:12	12:13	12:14	12:17	12:18	12:19	12:20
12:30	12:31	12:31	12:33	12:34	12:36	12:37	12:38	12:39	12:40	12:41	12:42	12:43	12:44	12:47	12:48	12:49	12:50
1:00	1:01	1:01	1:03	1:04	1:06	1:07	1:08	1:09	1:10	1:11	1:12	1:13	1:14	1:17	1:18	1:19	1:20
NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS
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2:30	2:31	2:31	2:33	2:34	2:36	2:37	2:38	2:39	2:40	2:41	2:42	2:43	2:44	2:47	2:48	2:49	2:50
3:00	3:01	3:01	3:03	3:04	3:06	3:07	3:08	3:09	3:10	3:11	3:12	3:13	3:14	3:17	3:18	3:19	3:20
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4:00	4:01	4:01	4:03	4:04	4:06	4:07	4:08	4:09	4:10	4:11	4:12	4:13	4:14	4:17	4:18	4:19	4:20
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5:00	5:01	5:01	5:03	5:04	5:06	5:07	5:08	5:09	5:10	5:11	5:12	5:13	5:14	5:17	5:18	5:19	5:20
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6:00	6:01	6:01	6:03	6:04	6:06	6:07	6:08	6:09	6:10	6:11	6:12	6:13	6:14	6:17	6:18	6:19	6:20
6:30	6:31	6:31	6:33	6:34	6:36	6:37	6:38	6:39	6:40	6:41	6:42	6:43	6:44	6:47	6:48	6:49	6:50
7:00	7:01	7:01	7:03	7:04	7:06	7:07	7:08	7:09	7:10	7:11	7:12	7:13	7:14	7:17	7:18	7:19	7:35
7:30	7:31	7:31	7:33	7:34	7:36	7:37	7:38	7:39	7:40	7:41	7:42	7:43	7:44	7:47	7:48	7:49	7:50

EASTBOUND

Westgate Plaza	Pine & Central	Hollywood & Central	Caranetta & Central	Freeman & Central	2 <sup>nd</sup> St. (bet. Forest & Madison)\Route 9)	Forest & 4 <sup>th</sup>	Forest & 7 <sup>th</sup>	Forest & 9 <sup>th</sup>	Forest & Carey	Forest & 14 <sup>th</sup>	14 <sup>th</sup> & Laurelwood	14 <sup>th</sup> & Case	14 <sup>th</sup> & Hope Chapel	Gudz & Miller	N. Crest & Hillside	Kelmwoods & Hillside
9:15	9:17	9:19	9:21	9:23	9:25	9:27	9:29	9:31	9:33	9:35	9:37	9:39	9:41	9:43	9:45	9:47
9:45	9:47	9:49	9:51	9:53	9:55	9:57	9:59	10:01	10:03	10:05	10:07	10:09	10:11	10:13	10:15	10:17
10:15	10:17	10:19	10:21	10:23	10:25	10:27	10:29	10:31	10:33	10:35	10:37	10:39	10:41	10:43	10:45	10:47
10:45	10:47	10:49	10:51	10:53	10:55	10:57	10:59	11:01	11:03	11:05	11:07	11:09	11:11	11:13	11:15	11:17
11:15	11:17	11:19	11:21	11:23	11:25	11:27	11:29	11:31	11:33	11:35	11:37	11:39	11:41	11:43	11:45	11:47
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2:15	2:17	2:19	2:21	2:23	2:25	2:27	2:29	2:31	2:33	2:35	2:37	2:39	2:41	2:43	2:45	2:47
2:45	2:47	2:49	2:51	2:53	2:55	2:57	2:59	3:01	3:03	3:05	3:07	3:09	3:11	3:13	3:15	3:17
3:15	3:17	3:19	3:21	3:23	3:25	3:27	3:29	3:31	3:33	3:35	3:37	3:39	3:41	3:43	3:45	3:47
3:45	3:47	3:49	3:51	3:53	3:55	3:57	3:59	4:01	4:03	4:05	4:07	4:09	4:11	4:13	4:15	4:17
4:15	4:17	4:19	4:21	4:23	4:25	4:27	4:29	4:31	4:33	4:35	4:37	4:39	4:41	4:43	4:45	4:47
NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS
NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS
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NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS	NO BUS
6:45	6:47	6:49	6:51	6:53	6:55	6:57	6:59	7:01	7:03	7:05	7:07	7:09	7:11	7:13	7:15	7:17
7:15	7:17	7:19	7:21	7:23	7:25	7:27	7:29	7:31	7:33	7:35	7:37	7:39	7:41	7:43	7:45	7:47
7:45	7:47	7:49	7:51	7:53	7:55	7:57	7:59	8:01	8:03	8:05	8:07	8:09	8:11	8:13	8:15	8:17

Friday bus schedule: last run of the day leaves Westgate westbound at 4:15

Friday bus schedule: last run of the day leaves Westgate eastbound at 4:00

Please allow 7 minutes before and after the expected time to allow for the flow of traffic.





## "L" Bus Industrial Park Route

- Lakewood Township
- Urban Enterprise Zone
- L Bus Route
- L Bus Stop

**Bus Stop #3 & #28**  
is also a bus stop for the  
**Ocean Ride Brick Link**  
which comes at the  
following times.

<b>Stop #3</b>	<b>Stop #28</b>
8:15 am	8:37 am
10:15 am	10:52 am
2:20 pm	1:07 pm
4:50 pm	3:07 pm
	5:07 pm





# "L" Bus Industrial Park Route Schedule

**Bus departs at 6:00, 7:00 & 8:00 am and 3:00,4:00 & 5:00 pm**

**Service operates Monday through Friday**

**NO SERVICE ON:** Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day

**Servicio de lunes a viernes**

**NO HAY SERVICIO EN:** en el Día de los Caidos, en el Día d'Independencia, en el Día del Trabajo, en el Día de Acción de Gracias, La Navidad, en el Feliz Año Nuevo

<b>Bus Stop #</b> <b>Número de Parada</b> <b>del Autobús</b>	<b>Departure locations,</b> <b>marked with a "BUS</b> <b>STOP" sign</b> <b>Lugares de Salidas,</b> <b>marcados con un letrero</b> <b>que lee "Bus Stop"</b>	<b>Landmark closest to</b> <b>departure/pick-up location</b> <b>Punto de referencia más</b> <b>cercano al lugar de salida/</b> <b>de recogida</b>	<b>Departure times</b> <b>(minutes after the hour)</b> <b>Horas de Salida</b> <b>(minutos después de</b> <b>la hora) para las seis y</b> <b>las siete de la mañana</b>
35	East Kennedy Blvd. & Astor Drive	Bus Shelter	0:00
36	East Kennedy Blvd. & Lexington Ave.	Bus Shelter in front of Washington State Bank	0:01
37	Lexington Ave.& 10th Street	Little League Ballfield	0:02
38	Lexington Ave.& 4th Street	Across the Lakewood Library	0:03
31	Lakewood Bus Terminal, Platform #5	1st St.& Lexington Ave	0:05
1	Cedar Bridge Ave.& M.L. King Drive	Bus Shelter	0:07
2	Cedar Bridge Ave.& South Clover Street	Intersection, east of traffic light	0:07
3	Passenger Transfer Stop to Ocean Ride*	Cedar Bridge Ave. near Stadium Way	0:09
4	1790 Swarthmore Ave.	Vogelsang Corp.	0:11
5	1830 Swarthmore Ave.	After Quik Fab	0:11
6	1890 Swarthmore Ave.	Component Hardware	0:11
7	1935 Swarthmore Ave.	Across from Lesco	0:12
8	1969 Rutgers Univ. Blvd.	Across from Flexabar	0:13
9	1985 Rutgers Univ. Blvd.	Across from American Van	0:13
10	Rutgers Univ. Blvd.& Swarthmore Ave.	Just before intersection	0:15
11	195 Lehigh Ave.	Next to 195 Lehigh Avenue	0:17
12	145 Lehigh Ave.	In front of 145 Lehigh Avenue	0:18
13	185 Oberlin Ave.	North Across from Van Sant Equipment	0:19
14	Oberlin Ave. South & Syracuse Court	Intersection	0:19
15	490 Oberlin Ave. South	Across from Glasseal	0:20
16	750 Vassar Ave.	Bus Shelter in front of Aviv	0:21
17	710 Vassar Ave.	UPS	0:22
18	1800 Cedar Bridge Ave.	Blinds-To-Go, first driveway	0:24
19	40 Airport Road	South of intersection of Cedar Bridge & Airport Rd.	0:25
20	750 Airport Road	Across from Sears	0:26
21	Gusmer Drive & Airport Road	Intersection	0:27
22	1720 Oak Street	In front of Bak-A-Lum	0:28
23	1715 Oak Street	Across from DPT Lakewood	0:28
24	Corporate Drive & Paco Way	Just west of intersection	0:30
25	Towbin Ave.& Corporate Drive	Just north of intersection	0:30
26	Towbin Ave.& Oak Street	Just south of intersection	0:30
27	651 New Hampshire Ave.	Astor Chocolate Corp.	0:31
28	Passenger Transfer Stop to Ocean Ride*	Cedar Bridge Ave. near Stadium Way	0:32
29	Cedar Bridge Ave.& South Clover Ave.	Bus Shelter	0:34
30	Cedar Bridge Ave.& M.L. King Drive	Intersection at traffic light	0:34
31	Lakewood Bus Terminal, Platform #5	1st St.& Lexington Avenue	0:37
32	Clifton Ave.& 4th Street	Intersection	0:41
33	Clifton Ave.& 10th Street	Little League Ballfield	0:41
34	East Kennedy Blvd.& Lexington Ave.	Intersection	0:44
35	East Kennedy Blvd. & Astor Drive	Bus Shelter	0:46

\* See Ocean Ride Schedule.

**Please report to the pick-up location about 5 minutes before the scheduled departure time.**

**Favor de llegar al lugar de la recogida a eso de cincominutos antes de la hora de salida.**



## Appendix C: 2022 Planning Board Annual Report

# 2022 APPROVALS

Updated 11/12/2024

APP #	APPROVAL DATE	MEMORIAL DATE	BLOCK	LOT	LOCATION	APPLICANT/PROJECT	TYPE OF APPROVAL
SD 2496	01/04/22	03/01/22	855.04	31	1495 Bellinger Street	Chaim Nussbaum	Minor Subdivision to create two lots
SD 2487	01/18/22	03/01/22	247	1, 2, 3.01, & 3.02	176, 178, & 182 East 4th Street	Cong Torah V'Chaim	Minor Subdivision to create six lots
SP 2360	01/18/22	03/01/22	190 & 190.03	57 & 31	999 & 1027 Ridge Avenue	Yeshiva Tora Chaim	Preliminary and Final Major Site Plan for a school
SP 2433	02/01/22	03/15/22	855.02	18	1464 East Spruce Street	Talmud Torah of Lakewood	Preliminary and Final Major Site Plan for an addition to a school
SD 2499	02/01/22	03/15/22	175.02; 183	83; 1, 2, 4, & 5	1127 & 1131 East County Line Road	Yeshiva Shaar Hatalmud	Preliminary and Final Major Subdivision to create nine lots and Preliminary and Final Major Site Plan for a school
SP 2445	02/01/22	03/15/22	7	15 & 52	330 Miller Road & 409 Hope Chapel Road	Congregation Bais Meir	Preliminary and Final Major Site Plan for a school
SP 2452	02/01/22	03/01/22	1098 & 1099	1-3 & 1, 3, 4	Caldwell Avenue	Yeshiva Nesivos Hatorah	Preliminary and Final Major Site Plan for a school
SD 2504	03/01/22	04/26/22	496	2	220 Newport Avenue	220 Newport Ave, LLC	Minor Subdivision to create three lots
SP 2444	03/01/22	04/26/22	496	2	220 Newport Avenue	220 Newport Ave, LLC	Preliminary and Final Major Site Plan for a daycare
SP 2447	03/01/22	04/05/22	1154 & 1157	1.02 & 4	360 Oak Street	Bnos Devorah	Preliminary and Final Major Site Plan for a daycare
SP 2451	03/01/22	04/26/22	961.03	6	Sims Ave & Boulevard of the Americas	500 BLVD LLC	Preliminary and Final Major Site Plan for an office building
SP 2455AA	03/01/22	04/26/22	490	43.23	Zinfandel Road	Prospect Vines Homeowners Association Inc.	Site Plan Exemption for an addition to a shul
SD 2488	03/15/22	04/26/22	524	2.03	688 Cross Street	New Hampshire Investments, LLC	Minor Subdivision to dedicate land to the Township
SP 2446	03/15/22	04/26/22	189.17	116	2 Forsgate Way	Horizons at Woodlake Greens	Preliminary and Final Major Site Plan for pickle ball courts, a fence, and removal of parking spaces
SP 2442AA	03/15/22	04/26/22	189.02	160.01	507 Ocean Avenue	Chaim Meisels	Change of Use/Site Plan Exemption to convert a house to a shul
<del>SD 2514</del>	<del>04/05/22</del>	<del>05/24/22</del>	<del>165</del>	<del>10</del>	<del>40-52 8th Street</del>	<del>Joseph Bitton</del>	<del>DENIAL of a Preliminary and Final Major Subdivision to create six lots</del>
SP 2096A	04/05/22	05/24/22	778.01	1	183 Spruce Street	Bais Kaila Torah Preparatory School for Girls	Preliminary and Final Major Site Plan for a school
SD 2512	04/05/22	05/24/22	1006; 1007	1-4; 1 & 3	Oak Street	Elroy Properties LLC	Preliminary and Final Major Subdivision to create 23 lots in two phases

# 2022 APPROVALS

Updated 11/12/2024

APP #	APPROVAL DATE	MEMORIAL DATE	BLOCK	LOT	LOCATION	APPLICANT/PROJECT	TYPE OF APPROVAL
SD 2518	04/05/22	05/24/22	1098; 1099	1-3; 1, 3, 4	Caldwell Avenue	Yeshiva Nesivos Hatorah	Minor Subdivision to create two lots
SP 2453	04/26/22	05/24/22	782.03	10	744 Vine Avenue	Joseph S Halpern	Preliminary and Final Major Site Plan for a synagogue with rabbi's residence
SP 2461	04/26/22	05/24/22	1609	14	1905 Swarthmore Avenue	Beacon Roofing Supply, Inc.	Minor Site Plan for a parking expansion
SP 2449	04/26/22	05/24/22	1602	13	700 Vassar Avenue	Warshauer Electric Supply Company, Inc.	Preliminary and Final Major Site Plan for an addition to warehouse
SD 2513	04/26/22	05/24/22	774.01	11.01 & 11.02	Pine Street	Anshei Sefard & Yossi Zucker	Minor Subdivision to realign lot lines
SP 2457	04/26/22	05/24/22	774.01	11.04	Pine Street	Anshei Sefard	Preliminary and Final Major Site Plan for a synagogue
SP 2351	04/26/22	05/24/22	1602	7	730 Vassar Avenue	730 Vassar Ave, LLC	Reconsideration of a design waiver for the previously approved Site Plan
SD 2524	04/26/22	05/24/22	251.01	31.12, 31.21, & 46.01	33 Serenity Way	Mendy Piller	Minor Subdivision to create four lots
SD 2083	05/10/22	06/21/22	189.03	171.01	1262 Ridge Avenue	Benjamin Weber	Extension
SP 2448AA	05/10/22	06/21/22	237	25	215 East Fifth Street	Jack Streicher	Change of Use/Site Plan Exemption to convert a house to a shul
SD 2509	05/24/22	06/21/22	778.06	65	611 River Avenue	Jonas Landau	Minor Subdivision to create two lots
SP 2465	05/24/22	06/21/22	1606	10	1930 Swarthmore Avenue	Gerard Vitillo	Amended Preliminary and Final Major Site Plan for a building addition
SD 2522	05/24/22	06/21/22	1084	16	Evergreen Boulevard	Vermont Holdings 2, LLC	Minor Subdivision to create two lots
SD 2485	05/24/22	06/21/22	11.08	17 & 18	17 & 29 Royal Court	Yehoshua B Weinstein	Extension
SP 2437	05/24/22	06/21/22	1; 1.01	3; 3 & 5	2 Kent Road, 18 & 22 Cathedral Drive	Congregation Bnos Yaakov	Preliminary and Final Major Site Plan for a 31-stall parking lot
SP 2473	05/24/22	06/21/22	961	2.05, 2.10, 2.11, & 2.13	Ave of the States & Cedarbridge	Tower 5 Equity LLC	Preliminary and Final Major Site Plan for an office building
<del>SD 2510</del>	<del>06/14/22</del>	<del>08/23/22</del>	<del>24</del>	<del>23, 24.01, &amp; 34</del>	<del>1452 &amp; 1456 14th Street</del>	<del>Besadar Holdings LLC</del>	<del>DENIAL of a Preliminary and Final Major Subdivision to create nine lots</del>
SP 2482	06/21/22	08/02/22	223.01	71.01	755 Somerset Avenue	Lakewood Board of Ed	Courtsey review for an addition to a school

# 2022 APPROVALS

Updated 11/12/2024

APP #	APPROVAL DATE	MEMORIAL DATE	BLOCK	LOT	LOCATION	APPLICANT/PROJECT	TYPE OF APPROVAL
SP 2483	06/21/22	08/02/22	189.01	16	100 Linden Street	Lakewood Board of Ed	Courtsey review for parking
SD 2489	06/21/22	08/02/22	782	7.01 & 8.05	685 River Ave & 10 Chelsea Court	Friedman Family LLC	Extension
SD 2490	06/21/22	08/02/22	548	20-22	536, 540, 546 Ocean Avenue	Ocean Avenue Group LLC	Extension
SD 2481	06/21/22	08/02/22	841 & 842	6 & 1	301 Spruce Street & Pineview Road	301 Spruce Strt LLC	settlement agreement with neighbor
SP 2467	07/12/22	08/23/22	224	22	324 East 7th Street	Congregation Tiferes Ish	Preliminary and Final Major Site Plan for a synagogue with rabbi's residence
SD 2532	07/12/22	08/23/22	536	1.13	Regal Court	Regal Court, LLC	Minor Subdivision to create two lots
SD 2533	07/12/22	08/23/22	26	23 & 24.01	44 Lisa Court & 1492 Pine Park Ave	Nachum Rokeach	Minor Subdivision to adjust lot lines
SD 2525	07/12/22	08/23/22	416	1 & 3	16 James Street	Shlomo Bamberger	Minor Subdivision to adjust lot lines
SP 2471	08/02/22	08/02/22	569	26	1104 Ocean Avenue	PB Imports Inc DBA PineBelt Mazda	Preliminary and Final Major Site Plan for expansion of existing car dealership
SP 2458	08/02/22	08/23/22	499	7	105 Newport Avenue	Yeshiva Gedolah of South Jersey	Preliminary and Final Major Site Plan for a campus
SP 2393	08/02/22	08/23/22	2	15 & 109	406 & 444 Hope Chapel Road	David Sebbag	Preliminary and Final Major Site Plan for an addition
SP 2466	08/02/22	08/23/22	961.01	3	Boulevard of Americas	HMR 3 LLC	Preliminary and Final Major Site Plan for an office building
SD 2527	08/02/22	08/23/22	237	14 & 15	220 Ridge St & Negba Street	Oak Sheraton LLC	Minor Subdivision to create three lots
SP 2468	08/09/22	09/20/22	251.05	18 & 93	1001 West Cross & 67 Niemann Rd	Bet Midrash Ohel Torah	Preliminary and Final Major Site Plan for a campus
SP 2474	08/09/22	09/20/22	1607	3	1965 Swarthmore Ave	1965 Swarthmore Partners LP	Preliminary and Final Major Site Plan for an addition
SD 2516	08/09/22	09/20/22	126	9 & 17	210 & 212 Monmouth Ave	HASMA 210-212 LLC	Minor Subdivision to create three lots
SD 2480	08/09/22	09/20/22	1160	240 & 251	Oak Street and Paco Way	Sudler Lakewood Land, LLC	Extension
SP 2476AA	08/23/22	09/20/22	231	1	715 Park Avenue	Chaim Grossman	Change of Use/Site Plan Exemption to convert a house to a shul

# 2022 APPROVALS

Updated 11/12/2024

APP #	APPROVAL DATE	MEMORIAL DATE	BLOCK	LOT	LOCATION	APPLICANT/PROJECT	TYPE OF APPROVAL
SD 2534	08/23/22	09/20/22	174.01	13.35	68 Arosa Hill	DRT Investments LLC	Minor Subdivision to create two lots
SD 2459A	08/23/22	09/20/22	1014	1.01-1.06	92 Oak Street	Hamilton Estates O&V LLC	Amended Preliminary and Final Major Subdivision to create six lots
SD 2460A	08/23/22	09/20/22	1012; 1013	5.01-5.03; 5.04-5.06	Hamilton Avenue	Hamilton Estates O&V LLC	Amended Preliminary and Final Major Subdivision to create six lots
<del>SD 2498</del>	<del>09/06/22</del>	<del>10/25/22</del>	<del>290.01</del>	<del>8</del>	<del>30 Independence Court</del>	<del>Franklin Shapiro</del>	<del>DENIAL of a Minor Subdivision to create two lots</del>
SD 2531	09/06/22	10/25/22	855.06	17	1435 Oak Street	Devora Wasserman	Minor Subdivision to create three lots
SP 2481	09/06/22	10/25/22	244	19 & 20	15 & 23 Clover Street	Emunas Yisroel of Lakewood	Preliminary and Final Major Site Plan for a synagogue
SP 2479	09/06/22	10/25/22	1609	11	1875 Swarthmore Avenue	1875 Swarthmore LLC	Preliminary and Final Major Site Plan for a warehouse addition
SD 2318A	09/20/22	10/25/22	1159	46.01-46.04	1544 & 1552 Salem Street	Congregation Maalos Hatorah	Amended Minor Subdivision to create four lots
SD 2537	09/20/22	10/25/22	539	13-15	409 & 413 Laurel Avenue	BSDS Investments NA LLC	Minor Subdivision to adjust lot lines
SD 2544	09/20/22	10/25/22	189.04	62.02	Joe Parker Road	Migdal Bais Yaakov	Minor Subdivision to create two lots
SD 2539	10/25/22	11/29/22	1159.01	5 & 13	785 Albert & 1567 Salem Street	Moshe Botnick	Minor Subdivision to adjust lot lines
SD 2487	11/15/22	12/20/22	247	1, 2, 3.01, & 3.02	176, 178, 182 East 4th Street	Cong Torah V'Chaim	Extension
SD 2540	11/15/22	12/20/22	778.06	57	Spruce Street	Allen Saka	Minor Subdivision to create two lots
SP 2497	11/15/22	12/20/22	1131	1	1111 Vine Avenue	Birchas Chaim	Preliminary and Final Major Site Plan for a school addition with a dormitory
SD 2541	11/29/22	12/20/22	1159.01	27	715 Albert Avenue	Moshe Botnick	Minor Subdivision to create two lots
SP 2486	11/29/22	12/20/22	189.16	157.01-157.03	Joe Parker Road	Congregation Yeshiva Gedolah Inc.	Preliminary and Final Major Site Plan for a school with faculty housing
SP 2489	11/29/22	12/20/22	1087	16	436 Chestnut Street	Chestnut 70 Realty LLC	Preliminary and Final Major Site Plan for an office building
SP 2475	11/29/22	12/20/22	1160.06	264	850 Towbin Avenue	Towbin Realty LLC	Preliminary and Final Major Site Plan for an office building

# 2022 APPROVALS

Updated 11/12/2024

APP #	APPROVAL DATE	MEMORIAL DATE	BLOCK	LOT	LOCATION	APPLICANT/PROJECT	TYPE OF APPROVAL
SP 2488	11/29/22	12/20/22	386	1.01	10 Havenwood Court	Cambridge Pavers	Preliminary and Final Major Site Plan for additions to an industrial site
SD 2504	11/29/22	12/20/22	496	2	220 Newport Avenue	220 Newport Ave, LLC	Extension
SD 2530	12/06/22	01/24/23	1086	2-5	Evergreen Boulevard & Temple Street	MLMS Holdings LLC	Preliminary and Final Major Subdivision to create six lots
SP 2485	12/06/22	01/24/23	1160	268	1725 Oak Street	1725 Oak Street Holdings, LLC	Preliminary & Final Major Site Plan for additions to a warehouse
SP 2480	12/06/22	01/24/23	431	3	60 Finchley Boulevard	Congregation Ohr Yehoshua	Preliminary & Final Major Site Plan for a synagogue
<del>SD 2511</del>	<del>12/06/22</del>	<del>12/19/23</del>	<del>251.03</del>	<del>20, 20.01-20.03, &amp; 21</del>	<del>Cross Street &amp; James Street</del>	<del>Yeshiva Chemdas Hatorah</del>	<del>Rejection of jurisdiction on basis that conditional use criteria were not met</del>
SP 2462	12/20/22	01/24/23	189.03	76	1121 Ocean Avenue	Forestate Us Ltd	Preliminary and Final Major Site Plan for a storage building
SP 2500	12/20/22	01/24/23	130	3 & 15	116 & 118 7th Street	Cong Tiferes Mordechai	Preliminary and Final Major Site Plan for a synagogue with rabbi's residence
SP 2496AA	12/20/22	01/24/23	536	11 & 12	200 Ocean Avenue	200 Ocean Ave, LLC	Change of Use/Site Plan Exemption to expand a parking lot
SP 2510AA	12/20/22	01/24/23	12.04	67	23 Circle Place	Ira Halberstam	Change of Use/Site Plan Exemption to convert a house to a shul
SP 2495AA	12/20/22	01/24/23	1248.01	44	87 Lucy Road	Jeffrey Neuman	Change of Use/Site Plan Exemption to convert a house to a school

## Appendix D: 2023 Planning Board Annual Report



# 2023 PLANNING BOARD APPROVALS

Updated 11/12/2024

APP #	APPROVAL DATE	MEMORIAL DATE	BLOCK	LOT	LOCATION	APPLICANT	TYPE OF APPROVAL	DETAILS
SD 2518	01/10/23	02/21/23	1098; 1099	1-3; 1, 3, 4	Caldwell Avenue	Yeshiva Nesivos Hatorah	Extension of Minor Subdivision	
SP 2494	01/10/23	02/21/23	190	73.25	1132 East County Line Road	Cong Ohr Yisroel Saba Kadisha D'Ruzhin Inc.	Preliminary and Final Major Site Plan	synagogue
SP 2499	01/10/23	03/14/23	189.04	62.02 (future Lot 62.05)	Joe Parker Road	Migdal Bais Yaakov	Preliminary and Final Major Site Plan	school
SD 2522	01/24/23	02/21/23	1084	16	Evergreen Boulevard	Vermont Holdings 2, LLC	Extension of Minor Subdivision	
SP 2503A	01/24/23	02/21/23	208	180	969 East End Avenue	Bais Hamedrash of East End Inc	Site Plan Exemption	addition to synagogue
SD 2547	01/24/23	02/21/23	134	18 & 19	123, 125 Tenth Street	Shamshon Weiss	Minor Subdivision	3 lots
SD 2535	01/24/23	02/21/23	7	45 & 46	12 Oliver Sreet & 15 Buchanan Street	Chaim Weiss	Minor Subdivision	realignment
SP 2493	02/07/23	03/28/23	430	8	870 River Avenue	870 River Avenue, LLC	Preliminary & Final Major Site Plan	medical office addition
SP 2491	02/07/23	03/28/23	1160.01	1	150 Airport Road	Lakeside Holdings LLC	Preliminary & Final Major Site Plan	office building
SP 2501	02/07/23	03/28/23	1602	1	525 Oberlin Avenue	525 Oberlin Ave LLC	Preliminary & Final Major Site Plan	warehouse addition
SP 2498	02/21/23	04/25/23	189.04	62.02 (future Lot 62.04)	Joe Parker Road	Migdal Bais Yaakov	Preliminary & Final Major Site Plan	post-high school with a dorm
SP 2478	02/21/23	03/28/23	498	1 & 10	253 Newport Avenue	Nachlas Bais Yaakov Inc.	Preliminary & Final Major Site Plan	school
SD 2548	02/21/23	03/28/23	208	8 & 197	940 E County Line Rd & 12 Cabinfield Circle	Congregation Bais Medrash Breslov	Minor Subdivision	realignment
SD 2503	02/21/23	03/14/23	1020	1.18	Halsey Street	Hatzolah EMS	Extension of Minor Subdivision	
SD 2549	02/21/23	03/28/23	246	41.01, 42.02, & 42.03	319 Ocean Avenue, Dewey Avenue	Mizz Construction	Preliminary & Final Major Subdivision	6 lots
SD 2550	03/14/23	04/25/23	765	1 & 4	133 Dr Martin Luther King Drive	Petal Holdings LLC	Minor Subdivision	4 lots
SD 2554	03/14/23	04/25/23	5	2, 7, & 9	Buchanan Street, 202 Van Buren Ave N, 27 Oliver Street	Shlomo Korlansky	Minor Subdivision	2 lots
SD 2555	03/14/23	04/25/23	11.01	13.01	125 Gudz Road	Gudz Estate LLC	Minor Subdivision	2 lots

# 2023 PLANNING BOARD APPROVALS

Updated 11/12/2024

APP #	APPROVAL DATE	MEMORIAL DATE	BLOCK	LOT	LOCATION	APPLICANT	TYPE OF APPROVAL	DETAILS
SD 2551	03/14/23	04/25/23	961.02	1.02	Avenue of the States	Tower Park Equity LLC	Minor Subdivision	4 lots
SP 2516	03/14/23	04/25/23	961.02	1.02 (proposed Lot 1.07)	Avenue of the States	Tower Park Equity LLC	Preliminary and Final Major Site Plan	retail center
SP 2517	03/14/23	04/25/23	44	1	390/900 Lakewood Road	Beth Medrash Govoha of America	Preliminary and Final Major Subdivision & Site Plan	Planned Educational Campus with 6 apartment buildings and a daycare
SP 2513	03/28/23	04/25/23	44	1	900 Lakewood Avenue	Georgian Court University	Preliminary and Final Major Site Plan	facilities building
SD 2542	03/28/23	04/25/23	1077.04	8.01	Florence Street	Lotzarich, LLC	Minor Subdivision	2 lots
SP 2504	03/28/23	05/23/23	1600	1	500 Oberlin Avenue	500 Oberlin NJ LLC	Preliminary and Final Major Site Plan	warehouse
<del>SD 2553</del>	<del>05/23/23</del>	<del>6/20/2023 &amp; 7/25/23 provisional</del>	<del>1077</del>	<del>1, 43, 51, &amp; 42</del>	<del>Chestnut Street</del>	<del>Chestnut Holdings NJ LLC</del>	<del>denied</del>	<del>denied</del>
SD 2514	-	06/20/23	165	10	40-52 8th Street	Joseph Bitton	Preliminary and Final Major Subdivision	6 lots
SP 2507	06/20/23	07/25/23	1248.24	198, 199, 229-231	New Hampshire Avenue	Red Porch Holdings, LLC	Preliminary and Final Major Site Plan	retail building
<del>SP 2490</del>	<del>06/20/23</del>	<del>07/25/23</del>	<del>490</del>	<del>7</del>	<del>1536 Prospect Street</del>	<del>Orange Pool Holdings, LLC</del>	<del>denied</del>	<del>denied</del>
SP 2523	06/20/23	07/25/23	961.02	1.02	Boulevard of the Americas & Avenue of the States	Spire One Equity	Preliminary and Final Major Site Plan	office building
SP 2525	06/20/23	07/25/23	961.02	1.02	Boulevard of the Americas & Avenue of the States	Spire Two Equity	Preliminary and Final Major Site Plan	office building
SD 2485	06/20/23	07/25/23	11.08	17 & 18	17 & 29 Royal Court	Yehoshua B Weinstein	Extension of Minor Subdivision	
SD 2537	06/20/23	07/25/23	539	13, 14, 15	Laurel Avenue	BSDS Investments NA LLC	Extension of Minor Subdivision	
SD 2509	06/20/23	07/25/23	778.06	65	611 River Avenue	Jonas Landau	Extension of Minor Subdivision	
SD 2527	06/20/23	07/25/23	237	14 & 15	Ridge Avenue	Oak Sheraton LLC	Extension of Minor Subdivision	
SD 2544	06/20/23	07/25/23	189.04	62.02	Joe Parker Road	Mogdal Bais Yaakov	Extension of Minor Subdivision	
SD 2552	07/11/23	08/22/23	1084	2-11	June Street & Vermont Avenue	MLMS Holdings, LLC	Minor Subdivision	13 lots

# 2023 PLANNING BOARD APPROVALS

Updated 11/12/2024

APP #	APPROVAL DATE	MEMORIAL DATE	BLOCK	LOT	LOCATION	APPLICANT	TYPE OF APPROVAL	DETAILS
SD 2558	07/11/23	08/22/23	524.27	74	1626 Massachusetts Avenue	1626 Massachusetts Avenue, LLC	Minor Subdivision	2 lots
SP 2521	07/11/23	08/22/23	524.27	74	1626 Massachusetts Avenue	1626 Massachusetts Avenue, LLC	Preliminary and Final Major Site Plan	school
SP 2522	07/25/23	08/22/23	11.12	28	Hillside Boulevard & Kingsfield Drive	Cong Toras Dovid Inc	Preliminary and Final Major Site Plan	synagogue
SP 2397	07/25/23	08/22/23	2	2 & 3	1600 & 1620 West County Line Road	Congregation Zollel Zichron Binyamin Yosef	Preliminary and Final Major Site Plan	school
SD 2489	07/25/23	08/22/23	782	7.01 & 8.05	685 River Ave & 10 Chelsea Court	Friedman Family LLC	Extension of Minor Subdivision	
SD 2498	-	08/22/23	290.01	8	30 Independence Court	Franklin Shapiro	Minor Subdivision	2 lots
SD 2457	08/22/23	09/19/23	76	18 & 19	41 Sunset Road	Benjamin Bar	Extension of Minor Subdivision	
SD 2563	08/22/23	09/19/23	548.06	170.50 & 170.54	6 Dune Court	Sholom Engel	Minor Subdivision	realignment
SP 2512	08/22/23	09/19/23	778.06	58	31 Spruce Street	Cong Shaarei Tvuna	Preliminary and Final Major Site Plan	synagogue
SP 2532	08/22/23	9/19/23 & 11/28/23	1602	2.04	780 Vassar Avenue	Yeshivas Ohr Hatorah	Preliminary and Final Major Site Plan	school gym
SD 2567	09/19/23	11/28/23	25.05	56.02	Martin Street & Pine Park Avenue	OCY590, LLC	Minor Subdivision	2 lots
SD 2568	09/19/23	11/28/23	189.04	186, 187, 188.01	301, 419, & 431 Joe Parker Road	Congregation Tiferes Chaya, Inc.	Minor Subdivision	realignment
SP 2509	10/10/23	11/28/23	208	8 & 197 (8.01)	940 East County Line & 12 Cabinfield Circle	Congregation Bais Medrash Breslov	Preliminary and Final Major Site Plan	synagogue
SP 2540AA	10/24/23	11/28/23	490	10.33 & 43.13	2 Zinfandel Road	Prospect Vines Homeowners Association	Site Plan Exemption	addition to synagogue
SP 2528	10/24/23	12/19/23	497	1	900 Wenstrom Avenue	Toras Zev High School	Preliminary and Final Major Site Plan	school
SP 2518	10/24/23	11/28/23	494	2.04	160 Doria Avenue	Yeshiva Gedolah of Monmouth County	Preliminary and Final Major Site Plan	school with dormitory
SP 2533	10/24/23	11/28/23	391	20.01	1501 Prospect Street	1501 Prospect Street LLC	Preliminary and Final Major Site Plan	warehouse
SD 2562	11/14/23	12/19/23	175.02; 181; 182	79 & 80; 4; 2-5	Beaumont Street & Major Avenue	Stuybell Management, LLC	Preliminary & Final Major Subdivision	6 lots

# 2023 PLANNING BOARD APPROVALS

Updated 11/12/2024

APP #	APPROVAL DATE	MEMORIAL DATE	BLOCK	LOT	LOCATION	APPLICANT	TYPE OF APPROVAL	DETAILS
SP 2542	11/14/23	12/19/23	815	1.01-1.07	1-7 Coles Way	Chava Maiman	Preliminary and Final Major Site Plan	residential additions
SD 2551	11/28/23	12/19/23	961.02	1.02	Avenue of the States	Tower Park Equity LLC	Extension of Minor Subdivision	
SD 2570	11/28/23	12/19/23	1086	16	300 Route 70	200 Rt 70 LLC	Minor Subdvision	2 lots
SP 2487	12/05/23	02/20/24	284.06	18	220 Sunset Ave	Sunset Rd Sephardic Congregation Inc	Preliminary and Final Major Site Plan	synagogue
SD 2571	12/05/23	01/23/24	251	20 & 8.03	72 White Street & White Road	Congregation White Street Inc.	Minor Subdvision	realignment
SP 2548	12/05/23	01/23/24	251	8.03	White Road	Congregation White Street Inc.	Preliminary and Final Major Site Plan	synagogue
SP 2558	12/19/23	01/23/24	223.01	71.01	755 Somerset Avenue	Lakewood Board of Education	Courtesy Review	parking lot expansion
SP 2293	12/19/23	01/23/24	338	1	477 James Street	Knesseth Bais Yaakov of Lakewood, Inc.	Extension of Minor Subdivision	
SD 2532	12/19/23	01/23/24	536	1.13	Regal Court	Regal Court, LLC	Extension of Minor Subdivision	

## Appendix E: 2022 Zoning Board Annual Report

## 2022

R-40 zone

**Appeal # 4087A – Divonne Equity Group, LLC**, Franklin & Cross Street, Block 500 Lot 1, R-40 zone. Resolution to approve a use variance for an office building with a height of 38.5 feet.

**Appeal # 4147 – PD Family Credit Shelter Trust**, West Cross Street, Block 251.05 Lots 91 & 101, R-40 zone. Major subdivision to create 10 single family lots. A D (5) use density variance is requested and the lots have been designed per R-12 zoning standards.

**Appeal # 4224 – 60 Drake Road, LLC**, Drake Road, Block 251.02 Lot 95, R-40 zone. Resolution to deny the construction of 6 single family homes.

**Appeal # 4229A – SGS Development Project, LLC**, Chestnut Street, Block 1159 Lots 40 & 87, R-40 zone. Resolution to approve the construction of duplexes in the R-40 zone.

**Appeal # 4248 – PD Family Credit Shelter Trust**, West Cross Street, Block 251.05 Lots 91 & 101, R-40 zone. Resolution to approve major subdivision and use variance to create 10 single family lots.

**Appeal # 4252 – 60 Drake Road, LLC**, Drake Road, Block 251.02 Lot 95, R-40 zone. Resolution to approve the construction of 6 single family homes.

R-20 zone

**Appeal # 4201 – Mordechai Eichorn** – Gates Ave between Golders Green Road and New Hampshire Avenue. Block 1159 various lots, Block 1159.04 various lots. Resolution to approve amended resolution and site plan.

**Appeal # 4201 -Mordechai Eichorn** – Gates Ave between Golders Green Road and New Hampshire Ave. Block 1159 various lots, block 1159.04 various lots. Resolution to deny amended preliminary and final major subdivision requested for the construction of duplex housing units with basement apartments and synagogue.

**Appeal # 4201B -Mordechai Eichorn**, Block 1159.04 Lot 25.20, amended resolution to allow 33.7% lot coverage where 30% is permitted.

**Appeal # 4126 – Golders Green**, Golders Green Road, R20 zone, Block 1159.06 Lots 1-23, Resolution to approve a modular block retaining wall behind lots 7, 8, 9 & 10.

**Appeal # 4210 – Aderet Offices, LLC**, 2017 Lanes Mill Road, Block 188 Lot 210, R-20 zone. Resolution to approve a use variance for an office building.

**Appeal # 4211 – Covington Village Condo Association**, Block 1082 Lot 9, R-20 zone. Resolution to deny the subdivision of the existing community into 2 separate lots.

**Appeal # 4212 – Mordechai Finkelstein**, 465 Chestnut Street, Block 1159.04 Lot 21, R-20 zone. Resolution to deny preliminary and final subdivision to create 7 lots (6 duplexes and one single family) based on R-7.5 requirements

**Appeal # 4220 – Mordechai Eichorn**, Golders Green Road, R-20 zone. Block 1159.06 Lots 1-23. Resolution to approve amended preliminary and final major subdivision for the construction of duplex housing units with basement apartments.

**Appeal # 4221 – GM Lanes Mill, LLC**, Lanes Mill Road, Block 188 Lots 3, 4, 19, 20, 21.01, 21.02 and 21.02, R-20 zone. Resolution to approve use only for duplexes.

**Appeal # 4229 – SGS Development**, Block 1159 Lots 40 & 87, R-20 zone. Resolution to deny a use variance for duplexes.

**Appeal # 4233 -Mordechai Brenner**, Block 855.06 Lot 25.04, R-20 zone. Resolution to approve side yard setback variance of 7.2 feet.

**Appeal # 4237 – Locust Landings Homeowners Association**, Prague Place, Block 1082.04 Lot 8, R-20 zone. Resolution to approve a stairwell in front yard setback to the existing community building.

**R-20C zone**  
to Locust Street.

**R-15 zone**

**Appeal# 4228 -David Fisher**, Shonny Court, Block 11 Lot 1.04, R-15 zone. Resolution to approve the construction of a pool and pool house, variances approved for rear yard setback and lot coverage

**Appeal # 4236 – Baruch Jeremias**, 210 Miller Road, Block 11.15 Lot 2, R-15 zone. Resolution to approve front yard setback of 10 feet and 27 feet for pool and pool house where 30 feet is required.

**Appeal # 4243 Shimon Prag**, 1303 Twin oaks Drive, Block 174.11 Lot 43.02, R-15 zone. Resolution to approve addition with front yard setback, side yard setback, lot coverage and parking variances.

**Appeal #4246- Chanie Herschlag**, 4 Sienna Way, Block 174.08 Lot 2, R-15 zone. Resolution to approve an addition requiring side yard setback variance of 8.21 feet where 10 feet is required.

**R-12 zone**

**Appeal #4074A – Somerset Management LLC**, East County Line Road, Block 174.11 Lots 41.01, 42, 43.07 & 45.01, R-12 zone. Resolution to amend application to remove the subdivision portion of the previous application and stick with the use variance for the parking lot.

**Appeal # 4188 – 1418 Canterbury Rd, LLC**, 1424 Canterbury Road, Block 25 Los 10 & 11, R-12 zone. Resolution to approve the construction of a single family home. Variances approved for front yard, rear yard and building coverage.

**Appeal # 4218 – Lazar Rausman**, 411 14<sup>th</sup> Street, Block 59 Lot 2, R-12 zone. Resolution to approve the construction of a new home. Approved variances for combined side yard setback and lot coverage.

**Appeal # 4221A -Leah Gelley**, 429 15<sup>th</sup> Street, Block 58 Lot 6, R-12 zone. Resolution to revise approval to allow 18- foot combined side yard setback.

**Appeal # 4222 – Leah Gelley**, 429 15<sup>th</sup> Street, Block 58 Lot 6, R-12 zone. Resolution to approve the construction of a single family home with variances for side yard setbacks of 10 feet and 10 feet, where combined yard setback of 25 feet is required.



**Appeal # 4226 – Levi Noveseller**, 95 Glen Avenue, Block 12.04 Lot 18, R-12 zone. Resolution to approve the construction of a new home. Variance for front yard setback of 25.34 feet approved.

**Appeal # 4231 – Daniel Czermak** -810 South Lake Drive, Block 12.04 Lot 109, R-12 zone. Resolution to approve the construction of a new home with variances approved for side yard setback.

**Appeal # 4232 -Elaine Klein**, 306 Autumn Road, Block 23 Lot 3, R-12 zone. Resolution to approve the construction of a single family house with variances approved for front yard setback and lot coverage of 35.72% where 30% is required.

**Appeal # 4236 – Baruch Jeremias**, 210 Miller Road, Block 11.10 Lot 2, R-12 zone. Resolution to approve a condition to exclude sidewalk along a portion of a Miller Road.

**Appeal # 4245 – Moshe Sicherman, Oak Street**, Block 782.02 Lots 88 & 89, R-12 zone. Resolution to deny use variance to create 4 new lots for duplexes.

**Appeal # 4248 – Yitzchok Goldman, 50 Iroquois Place**, Block 2.08 Lot 11, R-12 zone. Resolution to approve an addition into the front yard setback of Seminole Drive, at 25 feet where 30 feet is required.

**Appeal # 4245 – Moshe Sicherman**, Oak Street, Block 782.02 Lot 88 & 89, R-12 zone. Resolution to approve a subdivision to create 4 new lots for duplexes (use variance)

**Appeal # 4258 – 173 Miller, LLC** – Block 12.02 Lot 6, R-12 zone. Resolution to approve the construction of a parking lot.

#### **R-12/R-10A zones**

**Appeal # 4249 – Stanley Grama – Williams Street & Omni Court**, Block 411 Lots 3.26 & 12.03, R-10A & R-12 zone. Resolution to approve the construction of a duplex.

#### **R-10 Zone**

**Appeal # 4213 – Shayne Gelbfish Freund**, 15-14<sup>th</sup> Street, Block 145 Lot 3, R-10 zone. Resolution to approve variances for existing sheds and variance for 16 foot fence for pool.

**Appeal # 4219 – Rivka Levy**, 4 Henry Street, Block 418 Lot 9, R-10 zone. Resolution to approve a use variance for a duplex in R-10 zone on an undersize lot. Required 12,000 square feet – approved 11,200 square feet.

**Appeal # 4223 – Aron Muller**, 113 8<sup>th</sup> Street, Block 230 Lot 12, R-10 zone. Resolution to approve the construction of a single family home with variances approved for lot area, lot width,, side yard setback, combined side yard setback and lot coverage of 35% where 30% is permitted.

**Appeal # 4227 – Shimon Grinberger**, 801 Park Avenue, Block 230 Lot 14, R-10 zone. Resolution to approve the construction of a 2-story home with setback variances and lot coverage variance approved.

**Appeal # 4234 -Aron Kantor**, 25 Sherwood Drive, Block 778 Lot 87, R-10 zone. Resolution to deny a use variance for duplex on an undersized lot 12,000 required 10,500 proposed.



**Appeal # 4238 – Bernard Steinharter**, 307 Pine Street, Block 774.04 Lot 13.01, R-10 zone. Resolution to approve the construction of a home with variances approved for side yard and aggregate side yard.

**Appeal # 4250 – Isaac Elbaz**, 41 Birch Street, Block 416 Lot 24, R-10 zone. Resolution to approve the construction of a single-family home with variances approved for side yard setback, aggregate side yard setback and 32% lot coverage.

**Appeal # 4251 – Abraham G. Gelb**, Henry Street, Block 418 Lot 6, R-10 zone. Resolution to approve subdivision to construct a duplex on a 11,400 square foot lot where 12,000 is required.

**Appeal # 4255 - Zvi Ziskind** – 47 Birch Street, Block 416 Lot 26, R-10 zone. Resolution to approve the construction of a single family home with variances requested for side yard and aggregate side yard setbacks and lot coverage.

**R-7.5 zone**

**Appeal # 4186 – David Flam**, 309 & 315 Ocean Avenue, Block 246 Lots 44 & 72, R-7.5 zone. Resolution to approve a minor subdivision to create 3 lots for proposed duplex and an existing synagogue to remain.

**Appeal # 4239 – Aron Levy**, 6 Cedar Court, Block 423 Lot 7, R-7.5 zone. Resolution to approve additions to a single family house with side yard setback variances approved.

**R-M zone**

**Appeal # 4107 – High Point Condo Assoc.** Block 423 Lot 156, RM zone. Resolution to approve two 1-year extensions of approval.

**R-OP zone**

**Appeal # 4206 – Celco Partnership**, 500 Clifton Avenue, Block 94 Lot 1, R-OP zone. Resolution to approve a use variance to construct a wireless communications facility on an existing building.

**OT -zone**

**Appeal # 4225 – 19 Chestnut Way LLC**, 410 E. Kennedy Blvd, Block 142 Lot 15, OT zone. Resolution to approve a use variance to construct duplexes.

**B-1 zone**

**B-2 zone**

**B-3 zone**

**B-4 zone**

**Appeal # 4115 – Hampton Development, LLC**, 133 Ocean Avenue, B-4 zone, Block 248.01 Lot 65.01. Resolution approving a one-year extension of approval.

**B-5 zone**

**Appeal # 4184A – 590 Atlantic Avenue Colonia, LLC** – Block 1077.04 Lots 10.01, 11.01, 2.01, 14.01, Block 1077 Lot 15, B-5 zone. Resolution to construct duplexes

**Appeal # 4184B – 590 Atlantic Avenue Colonia, LLC –B-5 zone.** Resolution to approve a minor modification to the prior approval as a result of the County vacation a portion of the street.

**Appeal # 4259 – Lotsarich, LLC, Florence Street, Block 1077.04 Lot 9.01, B-5 zone.** Resolution to approve the construction of a two-family dwelling – use variance.

**B-5A zone**

**HD-6 zone**

**Appeal # 4240 – Jeremy Roberts – Finchley Blvd, Block 430 Lot 30, HD-6 zone.** Resolution to approve a density variance for the construction of a duplex

**Appeal # 4240 – Jeremy Roberts, Finchley Blvd. Block 430 Lot 30, HD-6 zone.** Resolution for minor subdivision and density variance approved for a duplex.

**HD-7 zone**

**Appeal # 4242 – Pine Blvd CB, LLC, Pine Blvd., Block 430 Lot 5, HD-7 zone.** Resolution to approve a use variance to construct a new home according to the R-7.5 zone requirements.

**HD-7/R-12 zone**

**Appeal # 4235 – Chestnut Holdings Chestnut Street, Block 1077 Lots 1, 43, 51 & 52, HD-7/R-12 zone.** Resolution to approve the withdrawal of the application.

**HD-7/R-15 zone**

**Appeal #4235 - Chestnut Holdings NJ LLC, Block 1077 lots 1, 43, 51 & 52, HD-7 & R-15 zone.** Resolution to approve the construction of 14 duplexes and keeping 2 existing single family homes.

**M-1 zone**

**Appeal # 3874B – Rishon Associates, LLC, King Solomon Drive, Block 490 Lots 9.45 – 9.48, M-1 zone.** Resolution to approve minor subdivision of 4 single family lots to create 2 single family lots and 2 fee simple lots.

**Appeal # 4197 – Orange Pool, LLC, 1536 Prospect Street, Block 490 Lot 7, M-1 zone.** Resolution to approve a use variance to construct a retail building.

## Appendix F: 2023 Zoning Board Annual Report

# **ZONING BOARD OF ADJUSTMENT ANNUAL REPORT 2023**

## **A-1 ZONE**

**Appeal # 4262 – Blanch Holdings, LLC**, Blanche Street, Block 483 Lot 7, A-1 zone.  
Construction of a duplex as per the R-7.5 Zone requirements. **APPROVED**

## **R-40 ZONE**

**Appeal # 4087B – Divonne Equity Group, LLC**, Franklin Boulevard, Block 500 Lot 1, R-40 zone. A 3-story office building with variances approved for building height of 38.5 feet and building coverage of 22.83%. **APPROVED**

**Appeal #4208 – Marble Arch Homes**, Drake Road, Block 251.01 Lot 87, R-40 Zone.  
Two one-year extensions. **APPROVED**

**Appeal #4282 – Aaron Shain**, 3 Cory Court, Block 251 Lot 1.09, R-40 Zone. A subdivision for an existing non-conforming lot into 2 non-conforming lots. **APPROVED**

**Appeal # 2969A – Joseph Brecher**, 15 Tori Drive, Block 2 Lot 139, R-40 Zone –Transition of tree preservation and conservation easement area. **APPROVED**

**Appeal # 4252 – 60 Drake Road, LLC**, Drake Road, Block 251.02 Lot 95.01, R-40 Zone.  
Amended resolution for side yard setback. **APPROVED**

## **R-20 ZONE**

**Appeal # 4211B – Covington Village Condominium Association, Inc.** Locust Street, Block 1082 Lot 9, R-20 Zone. Conditional use variance. **DENIED**

**Appeal # 4254 – Shimon Meisels**, 1461 Read Place, Block 855.02 Lot 32.02, R-20 Zone.  
Variance for steps in the side yard setback. **APPROVED**

**Appeal # 4287 – Matisyahu Kaganoff** – 1292 Medina Road, Block 189.06 Lot 24, R-20 zone.  
Relief from required four parking spaces. **APPROVED**

**Appeal # 4280 – Cross Street 4, LLC**, 329 Cross Street, Block 440 Lot 47, R-20 zone. Use variance for an office building. **APPROVED**

## **R-15 ZONE**

**Appeal # 4263 – Atlantic Site Construction**, East County Line Road, Block 193 Lot 1.01, R-15 zone. Vacant land into outdoor vehicle parking. **DENIED**

**Appeal # 4265 – Maurice Friedman**, 5 Hawthorne Street, Block 1.06 Lot 3, R-15 zone.  
Raising the grade within 5 feet of the property line. **APPROVED**

**Appeal # 3899A – Dov Kaufman**, East County Line Road, Block 193 Lots 1, 2, 4 & 5 R-15 zone. The construction of the project is in 2 phases. **APPROVED**

**Appeal # 4263 – Atlantic Site Construction**, East County Line Road, Block 193 lot 1.01, R-15 Zone. Resolution for outdoor vehicle parking. **DENIED**

**Appeal # 4236 – Baruch Jeremias**, Miller Road, Block 11.10 Lot 2, R-15 Zone.  
Amend Resolution to eliminate the condition to install a sidewalk along Miller Road.  
**APPROVED**

## **R-12 ZONE**

**Appeal # 4256 – Daniel Polter**, 76 Carlton Avenue South, Block 269.01 Lot 2, R-12 Zone. Resolution for a two-story addition with front yard setback variance at 16.7 feet where 30 feet is required. **APPROVED**

**Appeal # 4264 – Tziporah Chapler**, 172 Carasaljo Drive, Block 12.04 Lot 124 R-12 zone. Resolution for side yard setback variance of 9.09 feet where 10 feet is required. **APPROVED**

**Appeal # 4268 – Gila Natan**, 138 Shady Lane, Block 12.03 Lot 5, R-12 zone. Setback variance to construct a single-family home with side setback variance of 20 feet where 25 feet is required. **APPROVED**

**Appeal # 4276 – Meyer Lazar** – 157 Columbus Avenue South, Block 279 Lot 3.01, R-12 Zone. The construction of a ranch at 3,934 sf – and lot coverage variance of 32.79%. **APPROVED**

**Appeal # 4289 – Maurice Weil**, 144 Astor Drive, Block 104 Lot 31, R-12 Zone. Resolution for the construction of a 5,250 square foot home needing variance for side yard setback and building coverage. **DENIED**

## **R-10 ZONE**

**Appeal # 4273 – Abraham Antebi**, 29 Cedar Street, Block 777 Lot 7, R-10 Zone. Resolution for the construction of 2 attached single family dwellings on a 9,994 square foot lot. **DENIED**

**Appeal # 4274 – Masoras Avos, Inc.** 1310 Monmouth Avenue, Block 137 Lot 4, R-10 Zone. The construction of a 2,634 square foot addition to the existing 2 story dwelling. Variances approved for front yard setback to Monmouth Avenue, rear yard setback and lot coverage. **APPROVED**

**Appeal # 4267 – Congregation Sanz of Lakewood**, Block 1023 Lots 1.01 & 3, Block 1009 Lots 1.04 & 1.05, R-10A Zone. Construction of a 3-story school with a height of 49 feet along with 3 duplexes facing Wadsworth and 1 duplex front Halsey Street. **APPROVED**

**Appeal # 4294 – Yisroel Blau**, 979 East End Avenue, Block 208 Lot 141.02 R-10 zone. Construction of an inground pool at an 8-foot side yard setback where 10 feet is required. **APPROVED**

## **R-7.5 ZONE**

**Appeal # 4266 – Moshe Hecht**, 241-247 East 4<sup>th</sup> Street, Block 243 Lots 30 ,31 & 39, R-7.5 Zone. Use variance to construct a triplex and a duplex. **DENIED**

**Appeal #4186 – David Flam**, 309-315 Ocean Avenue, Block 246 Lots 44& 72, R-7.5 Zone. One-year extension to file map. **APPROVED**

## **B-4 ZONE**

**Appeal # 4160 – Diamond Communications LLC**, 655 Squankum Road, Block 172 Lot 7, B-4 Zone. Resolution for the withdrawal of the application to construction of a communications tower. **APPROVED**

**Appeal # 3787A – Jr Squan, LLC, Squankum Road**, Block 172 Lot 9, B-4 Zone. Resolution for amended site plan to modify building 8 from a 9 unit building to a 12-unit building. **APPROVED**

**Appeal # 3787AAA – Jr. Squan, LLC.** Squankum Road, Block 172 Lot 9, B-4 Zone. Resolution for an amended Major Site Plan to remove community building. **DENIED**

**Appeal # 3787AA – TILWY LLC**, Squankum Road, Block 172 Lot 9, B-4 Zone. Resolution for CO's until shul is completed. **APPROVED**

### **B-5 ZONE**

**Appeal # 4260 – Chestnut Equity, LLC**, Stratford Street, Block 1087 – 1089 various lots, B-5 Zone. Resolution for subdivision of 28 lots. **DENIED**

**Appeal # 4284 – Farry 1084-8 LLC**, Evergreen Boulevard, Block 1084 Lot 8, B-5A Zone. Resolution for a use variance for a 3-unit townhouse. **DENIED**

### **HD-6 ZONE**

**Appeal # 4261 – River Equities**, River Avenue, Block 420.01 Lot 8, HD-6 Zone. Resolution for a minor subdivision approval for the purpose of construct a duplex. **DENIED**

**Appeal # 4277 – River Equities, LLC** – River Avenue, Block 420.01 Lot 8, HD-6 Zone. Resolution for a minor subdivision approval to construct a duplex. Variance approved for front yard setback to River Avenue at 34 feet. **APPROVED**

**Appeal # 4286 – Morris Franco**, 93 Henry Street Block 777 Lot 16.01, HD-6 Zone. Resolution for the construction of a pool 30 feet from Route 9. **APPROVED**

### **HD-7 ZONE**

**Appeal # 3877 – 12 Turin Avenue**, Block 1050 Lot 2, HD-7 Zone. Resolution to amend conditions. **APPROVED**

**Appeal # 4278 – Cellco Partnership**, 1364 River Avenue, Block 534 Lot 7.17, HD-7 Zone. Use variance to construct a wireless communication facility. **APPROVED**

### **M1 ZONE**

**Appeal # 4100A – New Hampshire Investments, LLC**, 752 Cross Street, Block 524 Lots 1, 2.03 & 77.02, M1 Zone. Construction of a 44,600-sf retail building with associated parking and amenities. **APPROVED**

### **ABC/M-1 ZONE**

**Appeal # 4269 – Lakewood Industrial Commission**, the “Hub” at Lakewood Airport Road and Cedarbridge Avenue, Block 1160 Los 220, 242-246, 260 and 262, Construction of a 6 story building. **APPROVED**

### **OT ZONE**

**Appeal # 4271 – 400 Kennedy LLC**, 400 East Kennedy Blvd, Block 142 Lot 8. OT Zone. Resolution for the construction of a single-family home. **DENIED**

### **OSP ZONE**

**Appeal # 4039A – Melvin Feigenbaum**, Cedar Drive, Block 263 Lot 2 OSP Zone. Resolution for setback variance and amend resolution. **APPROVED**

## Appendix G: Ordinance 2022-30

## ORDINANCE # 2022-030

### **ORDINANCE BY THE TOWNSHIP OF LAKEWOOD AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD AND- REPEALING LAKEWOOD TOWNSHIP MUNICIPAL CODE CHAPTER 29, FLOOD DAMAGE PREVENTION; AND ADOPTING A NEW CHAPTER 29, FLOODPLAIN MANAGEMENT REGULATIONS; ADOPTING FLOOD HAZARD MAPS; DESIGNATING A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

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**WHEREAS**, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **Township of Lakewood** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the **Township of Lakewood** was accepted for participation in the National Flood Insurance Program on **March 15, 1977** and the **Township of Lakewood's governing body** (Raymond G. Coles) desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60 (most of the requirements for a community ordinance), 65 and 70 (mapping regulations) necessary for such participation; and

**WHEREAS**, the **Township of Lakewood** is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

**WHEREAS**, the **Township of Lakewood** is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

**WHEREAS**, the **Township of Lakewood** is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

**NOW, THEREFORE, BE IT ORDAINED** by the **Township of Lakewood's governing body of Township of Lakewood** that the following floodplain management regulations are hereby adopted repealing Chapter 29, Flood Damage Prevention and replacing with a new Chapter 29, Floodplain Management Regulations.

#### **SECTION 1. RECITALS.**



The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s):**

Lakewood Township Municipal Code Subchapter 29, Flood Damage Prevention

**SECTION 101 SCOPE AND ADMINISTRATION**

**101.1 Title.** These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations of Township of Lakewood* (hereinafter "these regulations").

**101.2 Scope.** These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.

**101.3 Purposes and objectives.** The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for Township of Lakewood participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

**101.4 Coordination with Building Codes.** Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the **Township of Lakewood** administer and enforce the State building codes, **Raymond G. Coles of Township of Lakewood** does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

**101.5 Ordinary Building Maintenance and Minor Work.** Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 103.14 of this ordinance.

**101.6 Warning.** The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

**101.7 Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

**101.8 Violations and Penalties for Noncompliance.** No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days or a period of Township of Lakewood service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$ 1,250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

**101.8.1 Solid Waste Disposal in a Flood Hazard Area.** Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

**101.9 Abrogation and greater restrictions.** These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

## **SECTION 102 APPLICABILITY**

**102.1 General.** These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

**102.2 Establishment of Flood Hazard Areas.** The **Township of Lakewood** was accepted for participation in the National Flood Insurance Program on **March 15, 1977**.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the **Lakewood Township Manager, Patrick Donnelly, Lakewood Municipal Building, 232 Third Street, Lakewood, NJ 08701**.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study – Ocean County, New Jersey (all Jurisdictions) dated September 29, 2006 and revised December 16, 2021 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is September 29, 2006 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Revision Letter	Map Panel #	Effective Date	Revision Letter
34029C0160	09/29/2006	F	34029C0182	09/29/2006	F
34029C0167	09/29/2006	F	34029C0183	09/29/2006	F
34029C0176	09/29/2006	F	34029C0184	09/29/2006	F
34029C0177	09/29/2006	F	34029C0186	09/29/2006	F
34029C0178	09/29/2006	F	34029C0187	09/29/2006	F
34029C0179	09/29/2006	F	34029C0191	09/29/2006	F
34029C0181	09/29/2006	F	34029C0193	09/29/2006	F

- 2) **Federal Best Available Information.** Township of Lakewood shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34029C0167G	03/28/2014	34029C0183G	03/28/2014
34029C0176G	03/28/2014	34029C0184G	03/28/2014
34029C0177G	03/28/2014	34029C0186G	03/28/2014
34029C0178G	03/28/2014	34029C0187G	03/28/2014
34029C0179G	03/28/2014	34029C0191G	03/28/2014

34029C0181G	03/28/2014	34029C0193G	03/28/2014
34029C0182G	03/28/2014		

- 3) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this Township of Lakewood under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Studied Water	File Name	Map Number
North Branch Metedeconk River B	V0000023p	Sheet 23
North Branch Metedeconk River A	V0000023p	Sheet 23
North Branch Metedeconk River C	V0000024p	Sheet 24
North Branch Metedeconk River C	V0000072p	Sheet 8
Metedeconk Rv, Gravelly Run, Haystack Bk	V0000010	Sheet 10
N Branch Metedeconk Rv	V0000011	Sheet 11
N Branch Metedeconk Rv	V0000012	Sheet 12
N Branch Metedeconk Rv	V0000013	Sheet 13
N Branch Metedeconk Rv	V0000014	Sheet 14
Haystack Bk	V0000017	Sheet 17
Metedeconk Rv	V0000068	Sheet 4

### **102.3 Establishing the Local Design Flood Elevation (LDFE).**

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for the elevation of the top of lowest floors in A, and the elevation of the lowest horizontal structural member in Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
  - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
  - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) AO Zones – For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1-foot freeboard in accordance with ASCE 24.

## **SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**103.1 Floodplain Administrator Designation.** The Township of Lakewood, Director of Code Enforcement/Zoning is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

**103.2 General.** The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 107 of these regulations.

**103.3 Coordination.** The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

**103.4 Duties.** The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.

- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of **Township of Lakewood** have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

**103.5 Use of changed technical data.** The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

**103.6 Other permits.** It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

**103.7 Determination of Local Design Flood Elevations.** If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and



hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

**103.8 Requirement to submit new technical data.** Base Flood Elevations may increase or decrease resulting from natural changes (e.g., erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g., dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

**103.9 Activities in riverine flood hazard areas.** In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the Township of Lakewood.

**103.10 Floodway encroachment.** Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

**103.10.1 Floodway revisions.** A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

**103.11 Watercourse alteration.** Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land

Final Riverine Model Code Coordinated Ordinance. 08.12.2021

Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

**103.11.1 Engineering analysis.** The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

**103.12 Alterations in coastal areas.** The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

**103.13 Development in riparian zones** All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

**103.14 Substantial improvement and substantial damage determinations.** When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.

- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of 10 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

**103.15 Department records.** In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

**103.16 Liability.** The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

## **SECTION 104 PERMITS**

**104.1 Permits Required.** Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

**104.2 Application for permit.** The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

**104.3 Validity of permit.** The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

**104.4 Expiration.** A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

**104.5 Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

## **SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**105.1 Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed

development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.

- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

**105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review

and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

**105.3 Analyses and certifications by a Licensed Professional Engineer.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

**105.4 Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and Final Riverine Model Code Coordinated Ordinance. 08.12.2021

processing fees shall be the responsibility of the applicant.

## SECTION 106 INSPECTIONS

**106.1 General.** Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

**106.2 Inspections of development.** The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

**106.3 Buildings and structures.** The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

**106.4 Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

## SECTION 107 VARIANCES

**107.1 General.** The Lakewood Township Committee shall hear and decide requests for variances. The Lakewood Township Committee shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the



Floodplain Administrator and, as applicable, the Construction Official. The **Lakewood Township Committee** has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

**107.2 Historic structures.** A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

**107.3 Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

**107.4 Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 105.3(1) of these regulations.

**107.5 Considerations.** In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the Township of Lakewood.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

**107.6 Conditions for issuance.** Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

## **SECTION 108 VIOLATIONS**

**108.1 Violations.** Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

**108.2 Authority.** The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

**108.3 Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is

Final Riverine Model Code Coordinated Ordinance. 08.12.2021

directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

**108.4 Review Period to Correct Violations.** A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

## **SECTION 201 DEFINITIONS**

**201.1 General.** The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

### **201.2 Definitions**

**30 DAY PERIOD** – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

**100 YEAR FLOOD ELEVATION** – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

**500 YEAR FLOOD ELEVATION** – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

**A ZONES** – Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

**AH ZONES**– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

**AO ZONES** – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**ACCESSORY STRUCTURE** – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a

Final Riverine Model Code Coordinated Ordinance. 08.12.2021

residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

**AGRICULTURAL STRUCTURE** - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

**AREA OF SHALLOW FLOODING** – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a Township of Lakewood's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** – see SPECIAL FLOOD HAZARD AREA

**ALTERATION OF A WATERCOURSE** – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**ASCE 7** – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

**ASCE 24** – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

**BASE FLOOD ELEVATION (BFE)** – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May

also be referred to as the “100-year flood elevation”.

**BASEMENT** – Any area of the building having its floor subgrade (below ground level) on all sides.

**BEST AVAILABLE FLOOD HAZARD DATA** - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BEST AVAILABLE FLOOD HAZARD DATA AREA**- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BEST AVAILABLE FLOOD HAZARD DATA ELEVATION** - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BREAKAWAY WALLS** – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

**BUILDING** – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

**CONDITIONAL LETTER OF MAP REVISION** - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**CONDITIONAL LETTER OF MAP REVISION - FILL** -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing

regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**CRITICAL BUILDING** – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

**DEVELOPMENT** – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

**DRY FLOODPROOFING** – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

**ELEVATED BUILDING** – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

**ELEVATION CERTIFICATE** – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

**ENCROACHMENT** – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**FEMA PUBLICATIONS** – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

## FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
  3. Mudslides (I.e., mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**FLOOD HAZARD AREA DESIGN FLOOD ELEVATION** – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

**FLOOD INSURANCE RATE MAP (FIRM)** – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township of Lakewood.

**FLOOD INSURANCE STUDY (FIS)** – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**FLOODPLAIN OR FLOOD PRONE AREA** – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**FLOODPLAIN MANAGEMENT REGULATIONS** – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.



**FLOODPROOFING CERTIFICATE** – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

**FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

**FREEBOARD** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**FUNCTIONALLY DEPENDENT USE** – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

**HABITABLE BUILDING**– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

**HARDSHIP** – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The **Raymond G. Coles** requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**HISTORIC STRUCTURE** – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved State program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in States without approved programs.

**LAWFULLY EXISTING** – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

**Note:** Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

**LETTER OF MAP AMENDMENT** - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the Township of Lakewood must maintain. Any LOMA should be noted on the Township of Lakewood's master flood map and filed by panel number in an accessible location.

**LETTER OF MAP CHANGE** – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

**LETTER OF MAP REVISION** - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study Final Riverine Model Code Coordinated Ordinance. 08.12.2021

(FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the Township of Lakewood must maintain. Any LOMR should be noted on the Township of Lakewood's master flood map and filed by panel number in an accessible location.

**LETTER OF MAP REVISION – FILL --** A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the Township of Lakewood must maintain. Any LOMR-F should be noted on the Township of Lakewood's master flood map and filed by panel number in an accessible location.

**LICENSED DESIGN PROFESSIONAL** – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

**LICENSED PROFESSIONAL ENGINEER** - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

**LOCAL DESIGN FLOOD ELEVATION (LDFE)** – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in the **Township of Lakewood's** ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

**LOWEST ADJACENT GRADE** – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

**LOWEST FLOOR** – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

**MANUFACTURED HOME** – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar

transportable structures that are placed on a site for 180 consecutive days or longer.

**MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE** – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a Township of Lakewood; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

**NON-RESIDENTIAL** – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

**ORDINARY MAINTENANCE AND MINOR WORK** – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018, New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

**RECREATIONAL VEHICLE** – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

**RESIDENTIAL** – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised

environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

**SOLID WASTE DISPOSAL** – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

**SPECIAL FLOOD HAZARD AREA** – The greater of the following: (1) Land in the floodplain within a Township of Lakewood subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the **AREA OF SPECIAL FLOOD HAZARD**.

**START OF CONSTRUCTION** – The **Start of Construction** is as follows:

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA)**, this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised, and Base Flood Elevation's (BFEs) increase, or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

**STRUCTURE** – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The period of accumulation for determining whether an improvement is as substantial improvement requires a review of all improvements over a 10-year period prior to the date of any proposed improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES** – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

**VARIANCE** – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

**VIOLATION** – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is

presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

**WATERCOURSE.** A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

**WET FLOODPROOFING** – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the Township of Lakewood.

## **SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS**

**301.1 General.** Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

**301.2 Subdivision requirements.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

## **SECTION 401 SITE IMPROVEMENT**

**401.1 Encroachment in floodways.** Development, land disturbing activity, and encroachments



in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

**401.1.1 Prohibited in floodways.** The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

**401.2 Sewer facilities.** All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

**401.3 Water facilities.** All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

**401.4 Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

**401.5 Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

**401.6 Limitations on placement of fill.** Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

**401.7 Hazardous Materials.** The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

## **SECTION 501 MANUFACTURED HOMES**

**501.1 General.** All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards

Program (24 CFR 3280).

**501.2 Elevation.** All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

**501.3 Foundations.** All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the Residential Code.

**501.4 Anchoring.** All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

**501.5 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 801.2.

**501.6 Protection of mechanical equipment and outside appliances.** Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 of these regulations.

**Exception.** Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

## **SECTION 601 RECREATIONAL VEHICLES**

**601.1 Placement prohibited.** The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

**601.2 Temporary placement.** Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

**601.3 Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings.

## **SECTION 701 TANKS**

**701.1 Tanks.** Underground and above-ground tanks shall be designed, constructed, installed,

and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

## **SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK**

**801.1 General requirements for other development and building work.** All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
  - i. Specifically allowed below the Local Design Flood Elevation; and
  - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

### **801.2 Requirements for Habitable Buildings and Structures.**

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
  - a. No portion of a building is located within a V Zone.
  - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
  - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3,

be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.

- d. All new construction and substantial improvements of non-residential structures shall:
  - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
  - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
    - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
    - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
  - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
  - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
  - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
  - vi. Have openings documented on an Elevation Certificate; and
  - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
    - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
    - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
    - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- f. For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

**801.3 Garages and accessory storage structures.** Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

**801.4 Fences.** Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

**801.5 Retaining walls, sidewalks, and driveways.** Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 105.3(1) of these regulations and N.J.A.C. 7:13.

**801.6 Swimming pools.** Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

**801.7 Roads and watercourse crossings.**

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

## **SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

**901.1 Temporary structures.** Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

**901.2 Temporary storage.** Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

**901.3 Floodway encroachment.** Temporary structures and temporary storage in floodways shall meet the requirements of Section 105.3(1) of these regulations.

## **SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U**

**1001.1 Utility and Miscellaneous Group U.** In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

**1001.2 Flood loads.** Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

**1001.3 Elevation.** Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

**1001.4 Enclosures below base flood elevation.** Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

**1001.5 Flood-damage resistant materials.** Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 102.3.

**1001.6 Protection of mechanical, plumbing, and electrical systems.** Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.

**Exception:** Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of

NFPA 70 (National Electric Code).

**SECTION 3. SEVERABILITY.**

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect on **JULY 14, 2022**

**Introduced: June 23, 2022**

**Adopted: July 14, 2022**

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **July 14, 2022**, at 5:30 P.M.



Lauren Kirkman, RMC CMR  
Township Clerk





## Appendix H: Ordinance 2022-45

**ORDINANCE # 2022-045**

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF  
NEW JERSEY, AUTHORIZING LAKEWOOD UEZ ZONE BOUNDARIES  
MODIFICATION**

**WHEREAS**, the Township of Lakewood was designated as an Urban Enterprise Zone by the New Jersey Urban Enterprise Zone Authority (UEZA) pursuant to N.J.S.A. 52:27H-60, et seq., on November 1, 1994; and

**WHEREAS**, the Urban Enterprise Zone Authority has initiated a Zone Boundaries Modification process and is requesting each UEZ municipality to perform a full-scale assessment of what it deems to be its qualified zone areas; and

**WHEREAS**, the Lakewood Development Corporation (LDC), the Township of Lakewood's agency to facilitate the UEZ program, employed the services of Remington & Vernick Engineering, a qualified Civil Engineer to assist in this process; and

**WHEREAS**, the LDC enlisted the assistance of local business professionals to give input on current and future commercial development in the Lakewood UEZ area; and

**WHEREAS**, the LDC made public announcements to encourage local Lakewood township businesses not currently located within the Lakewood UEZ zone boundaries to express their desire to be included in the zone and the LDC subsequently received many requests; and

**WHEREAS**, the work on the Lakewood UEZ zone modifications is complete; and

**WHEREAS**, the Township of Lakewood desires to accept these change recommendations and submit this changes to the Urban Enterprise Zone Authority for approval and adoption into the official state UEZ mapping system; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Lakewood does hereby accept and approve the Lakewood UEZ zone modifications contained herein attached to this Ordinance subject to final UEZ approval.

**Introduced: October 20, 2022**

**Adoption: November 10, 2022**

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on November 10, 2022, at 5:30 P.M.



---

Lauren Kirkman, RMC, CMR  
Township Clerk



[illegible]

**DRAFT**

**URBAN ENTERPRISE  
ZONE BOUNDARY**  
TOWNSHIP OF LAKEWOOD

OCEAN COUNTY NJ  
11/10/2022 SCALE: 1" = 1100'

**RYE**

**REMINGTON & VERNICK ENGINEERS**  
2059 SPRINGDALE AVE., CHERRY HILL, NJ 08033  
(856) 795-0595, FAX (856) 795-1662, WWW.RVE.COM  
Excellence in Building Solutions™ ENR 10/2007/100  
—ENGINEERING EXCELLENCE—

Appendix I: Ordinance 2022-46

**ORDINANCE # 2022-046**

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF  
OCEAN, STATE OF NEW JERSEY, AMENDING AND  
SUPPLEMENTING ARTICLE IX ("ZONING DISTRICTS AND  
REGULATIONS") SECTION 18-906 OF THE UNIFIED  
DEVELOPMENT ORDINANCE OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF LAKEWOOD.**

**BE IT ORDAINED** by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That Article IX of the Unified Development Ordinance of the Revised General Ordinances of the Township of Lakewood entitled "Zoning Districts and Regulations, Section 18-906 be and hereby is amended and supplemented as follows:

**18-906 I. Public and Private Schools.**

In all non-residential zones where schools are permitted uses (Section 18-903) and the Oak Street Core Neighborhood Overlay Zone-1 (Section 18-902M), catering facilities and banquet halls shall continue to be allowed as accessory uses in the school buildings, provided the following parking requirements are met:

For the section of the school utilized for catering and banquet functions (to be known as the Banquet Hall space, but not including bathrooms, food prep rooms, and facilities not associated with the Banquet Hall function, such as guest preparation rooms, etc.) 1.0 parking space shall be required for every 50 square feet thereof.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby replaced to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage and publication as required by law.

**Introduced: October 20, 2022**

**Adoption: December 9, 2022**

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **December 9, 2022** at 5:30 P.M.



Lauren Kirkman, RMC CMR  
Township Clerk

Appendix J: Ordinance 2022-47

**ORDINANCE # 2022-047**

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING ARTICLE XI  
("ADMINISTRATION") SECTION 18-1102 OF THE  
UNIFIED DEVELOPMENT ORDINANCE OF THE  
REVISED GENERAL ORDINANCES OF THE TOWNSHIP  
OF LAKEWOOD.**

**BE IT ORDAINED** by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That Article XI of the Unified Development Ordinance of the Revised General Ordinances of the Township of Lakewood entitled "Administration", Section 18-1102 be and hereby is amended and supplemented as follows:

**18-1102. Requirements of Permits.**

- A. A zoning permit ("Zoning Permit") issued by the Zoning Officer stating that the project complies with Township ordinance requirements shall be required prior to:
1. The erection or structural alteration of any building, structure, or portion thereof;
  2. The use or change in use of a building or land;
  3. Any excavation;
  4. The change or extension of a nonconforming use;
  5. The erection, creation or alteration of a permanent or temporary sign;
  6. The erection or structural alteration of a shed of a size of ~~400~~ 200 square feet or less;
  7. The erection of a fence six feet high and under; and
  8. The commencement of any home occupation.

The fee for each zoning permit shall be \$35.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby replaced to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage and publication as required by law.

**Introduced: November 10, 2022**

**Adoption: December 9, 2022**

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **December 9, 2022**, at 5:30 P.M.



Lauren Kirkman, RMC, CMR  
Township Clerk



Appendix K: Ordinance No. 2023-16

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**ORDINANCE # 2023-016**

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE IX ("ZONING DISTRICTS AND REGULATIONS") SECTION 18-900 OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD.**

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Article IX of the Unified Development Ordinance of the Revised General Ordinances of the Township of Lakewood entitled "Zoning Districts and Regulations" Section 18-900 be and hereby is amended and supplemented with a new Paragraph M as follows:

18-900 General

\* \* \*

M. In all residential zones, notwithstanding the definition of "lot, corner" found at Section 18-200, where a corner lot has a residence fronting on one street with its front entryway oriented toward that street (the dominant street), the street frontage not associated with the front door entryway (the subservient street) shall be permitted to utilize a minimum front yard setback for that subservient side of seventeen feet (17') measured from the property line, for an addition to an existing owner-occupied single family structure, provided adequate screening from the subservient street is incorporated into the application for permits for said residential addition, and any applicable sight triangles remain unimpeded, as determined by the township's engineering department upon application for construction permits.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby replaced to the extent of such inconsistency.

SECTION 3. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: February 16, 2023

Adoption: March 16, 2023

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **March 16, 2023**, at 5:30 P.M.

*Lauren Kirkman*

Appendix L: Ordinance No. 2023-18

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## **ORDINANCE 2023-018**

### **ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE ZONING MAP OF THE TOWNSHIP OF LAKEWOOD TO REZONE AND RETURN A PORTION OF THE ABC ZONE LOCATED EAST OF THE GARDEN STATE PARKWAY TO THE LP ZONE AND AMEND THE LP ZONE (SECTION 18-903.P OF THE UNIFIED DEVELOPMENT ORDINANCE) TO INCLUDE ADDITIONAL PERMITTED USES AND DESIGN REGULATIONS.**

**WHEREAS**, the Lakewood Industrial Commission is the owner of various properties located east of the Garden State Parkway, south of Cedarbridge Avenue, north of U.S. Highway Rt. 70 and west of the Township's border with Brick Township; and

**WHEREAS**, some of those properties are located in a section of the ABC Zone, but isolated from the bulk of the ABC Zone by the Garden State Parkway; and

**WHEREAS**, said section of the ABC Zone is surrounded by the LP Zone, having originally been part of the LP Zone but via Ordinance #2017-51 adopted on December 7, 2017, was designated as being included in the newly created ABC Zone; and

**WHEREAS**, the Lakewood Industrial Commission has requested that this portion of the ABC Zone be returned to its designation as part of the LP Zone to facilitate the anticipated sale of property by the Lakewood Industrial Commission to a purchaser seeking to develop these properties located in both zones in accordance with the provisions of the LP Zone; and

**WHEREAS**, the Lakewood Industrial Commission has provided a Memorandum from T&M Associates dated July 18, 2022 supporting this request; and

**WHEREAS** the following blocks and lots comprise the parcels in the ABC Zone sought to be re-zoned back into the LP Zone in accordance with the Memorandum from T & M Associates, to wit:

<b><u>BLOCK</u></b>	<b><u>LOT(S)</u></b>
1165	1
1173	1, 2, & 3
1174	1
1185	1

1186	1
1195	1
1196	1
1197	1
1198	1 & 9

**WHEREAS**, the Lakewood Industrial Commission additionally requests the Township amend the LP Zone's permitted uses section, bulk requirements for the area, yard, and lots section, and the parking requirements section, cognizant of the fact that this area bounded by the Garden State Parkway, Route 70, Cedarbridge Avenue and the Brick border is the only area of the Township designated as the LP Zone; and

**WHEREAS**, Lakewood Township has received a Memorandum from Remington and Vernick Engineers, the Township's engineer, dated December 21, 2022 supporting the revisions to the bulk requirements of the LP zone as set forth herein; and

**WHEREAS**, the Township has determined that this request to re-zone a portion of the ABC Zone back into the LP Zone and amend various bulk provisions of the LP Zone is appropriate and beneficial to the continued orderly development of the Township of Lakewood.

**NOW, THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey as follows:

**SECTION 1.** The following Blocks and Lots currently located in a portion of the ABC Zone are and the same are hereby redesignated and returned to the LP Zone and the Zoning Map and tax records shall be adjusted accordingly to reflect same:

<u><b>BLOCK</b></u>	<u><b>LOT(S)</b></u>
1165	1
1173	1, 2, & 3
1174	1
1185	1
1186	1

1195	1
1196	1
1197	1
1198	1 & 9

SECTION 2. The Lakewood Township Unified Development Ordinance of 2005, specifically Chapter 18, Article IX, Section 18-903 is amended and supplemented in the following fashion (~~striketroughs~~ designate deletions, underlines designate additions):

**18-903 Non-Residential Zoning Districts.**

**P. Industrial Park Limited Professional Service Zone (LP)**

**1. Permitted Uses:**

- a. Professional offices and office buildings.
- b. Banks and other financial lending institutions.
- c. Doctors, dentists, and other recognized medical practitioners.
- d. Medical laboratories.
- e. Assisted living facilities.
- f. Nursing homes.
- g. Corporate headquarters and executive offices.
- h. Hotels and conference centers.
- i. ~~Public and private schools in accordance with the requirements of § 18-906 and the additional design regulations in § 18-903P4 below.~~
- j. Recreational facilities including ice skating rinks, bowling alleys, and other indoor recreational activities.
- k. Facilities for the provision of health and human services including spas, gyms, health clubs and like facilities.
- l. Scientific or research laboratories devoted to the research design or experimentation and processing and fabricating incidental thereto.
- m. Restaurants.
- n. Retail centers, department stores and supermarkets.
- o. Warehouses, outdoor storage, and terminal facilities.
- p. Manufacturing, compounding, processing, packaging.
- q. Monument signs.

r. Parking garage structures and automated parking systems as accessory uses to permitted principal uses.

~~2. Area, Yard, and Lot Requirements. The area, yard and lot requirements of this zone shall be the same as the M-1 Zone.~~

**2. Area, Yard, and Lot Requirements. Design Regulations:**

- a. Minimum Lot Area: 3 acres
- b. Minimum Lot Width: 50 feet
- c. Front Yard Setback: 50 feet
- d. Rear Yard Setback: 30 feet
- e. Side Yard Setback: 30 feet with an aggregate of 70 feet
- f. Maximum Building Coverage: 65%
- g. Maximum Building Height: 75 feet
- h. Accessory Building
  - 1) Rear yard setback: 30 feet
  - 2) Side yard setback: 30 feet
  - 3) Maximum building height for accessory structures: 35 feet

3. Off-Street Parking. Off-street parking requirements shall be in accordance with § 18-807 entitled, "Offstreet Parking Requirements," and § 18-903 M for the permitted uses set forth at § 18-903 P. (1), subsections (o), (p), (q) and (r), above.

~~4. Additional Design Regulations for Public and Private Schools.~~

- ~~a. Minimum On-site Parking Requirements: three spaces per classroom. A classroom shall be defined as any space with an area of 625 square feet or larger, not including any multi-purpose or dining room. Additional parking standards for office spaces in a school shall be calculated separately and added to the total minimum on-site parking requirement.~~
- ~~b. A circulation plan is required, which shall detail bus and traffic movements.~~
- ~~c. All loading, unloading, and bus stacking shall be designed to occur on site, and shall be in compliance with the requirements of § 18-906.~~
- ~~d. All recreation and play areas shall be fully fenced.~~
- ~~e. No parking area shall be used as a recreation and play area.~~
- ~~f. Buffer requirements pursuant to § 18-906 (Public and Private Schools) shall be addressed. Any variance relief of the landscaping standards of the buffer requirements due to unique or extenuating circumstances shall provide as a minimum condition a six or eight foot high solid (100% closed) fence while maintaining the required buffer dimensions.~~



g. ~~All schools shall be in compliance with the noise requirements of Township Code Chapter 3, § 3-22, Noise.~~

SECTION 3. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, paragraph, sentence or any other pan of this ordinance is adjudged unconstitutional or invalid, such adjudgment shall not affect, impair, or invalidate remaining parts of this Ordinance that are not directly involved in the controversy in which such judgment shall have been rendered,

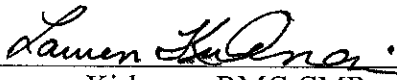
SECTION 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: March 16, 2023

Adoption: May 18, 2023

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **May 18, 2023**, at 5:30 P.M.

  
\_\_\_\_\_  
Lauren Kirkman, RMC CMR  
Township Clerk

Appendix M: Ordinance No. 2023-28

**ORDINANCE # 2023-028**

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING ARTICLE VIII ("DESIGN STANDARDS") SECTION 18-812 OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD.**

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Article VIII of the Unified Development Ordinance of the Revised General Ordinances of the Township of Lakewood entitled "Design Standards" Section 18-812.A.13(c)(1) be and hereby is amended as follows (deletions are ~~striketrough~~, additions are underlined):

18-812 Signs

\* \* \*

A. Generals Regulations

\* \* \*

13. Supplementary Sign Regulations and Design Considerations

\* \* \*

c. Wall signs. Wall signs shall be attached to the face of the building in a plane parallel to such face and projecting not more than 12 inches therefrom and shall not extend higher than the top of the parapet.

(1) No wall sign or combination of signs on any single frontage in a business district, including interior signs, shall exceed an area equivalent to 100% of the linear length of the structure on such frontage or a maximum of ~~60~~ 100 square feet, whichever is less, for said structure.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby replaced to the extent of such inconsistency.

SECTION 3. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.


SECTION 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.


Introduced: July 13, 2023

Adopted: August 17, 2023

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on August 17, 2023 at 5:30 P.M.

  
\_\_\_\_\_  
Lauren Kirkman, RMC CMR  
Township Clerk





Appendix N: Ordinance No. 2024-9

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**ORDINANCE # 2024-009**

**ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE IX ("ZONING DISTRICTS AND REGULATIONS") SECTION 18-900 OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD.**

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Article IX of the Unified Development Ordinance of the Revised General Ordinances of the Township of Lakewood entitled "Zoning Districts and Regulations" Section 18-900 be and hereby is amended and supplemented with a new Paragraph N as follows:

**18-900 General**

\* \* \*

N. In all residential zones where sheds are permitted as accessory uses, and notwithstanding the definition of "sheds" found at Section 18-200 which permits sheds to be placed up to five (5) feet from side and rear property lines, and in certain and limited cases, the Zoning Officer may issue a zoning permit for a shed to be located immediately adjacent to the side or rear property line, provided the proposed shed meets the following criteria and the applicant follows the procedure outlined below:

a. The owner(s) of the contiguous property upon which the shed will be placed immediately next to same shall confirm in writing that they have no objection to the location of the proposed shed. This requirement is unnecessary if the requestor also owns the adjacent property.

b. The shed is located and designed so as to have the least impact on adjacent properties.

c. In no case shall the shed height exceed 12 feet.

d. The proposed shed complies with all other Lakewood Township shed requirements.

e. Application Procedure. An application for a Lakewood Township Shed Permit for the proposed shed is required.

f. No shed shall be permitted within any drainage easement or conservation easement.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby replaced to the extent of such inconsistency.

SECTION 3. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

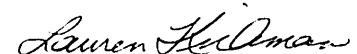
SECTION 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: April 11, 2024

Adopted: May 16, 2024

### **CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on May 16, 2024 at 5:30 P.M.

  
\_\_\_\_\_  
Lauren Kirkman, RMC, CMR  
Township Clerk



Appendix O: Ordinance No. 2024-14

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## ORDINANCE # 2024-014

### ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXII ("STORMWATER MANAGEMENT") CREATING NEW SECTION 32-5 "PRIVATELY OWNED SALT STORAGE" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD.

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Chapter XXXII ("Stormwater Management") creating New Section 32-5 "Privately Owned Salt Storage" of the Revised General Ordinances of the Township of Lakewood be and hereby is amended and supplemented with a new Section 32-5 as follows:

#### **32-5 PRIVATELY-OWNED SALT STORAGE**

##### **32-5.1. Purpose:**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Lakewood Township to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

##### **32-5.2. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and

walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

3. The structure shall be erected on an impermeable slab;

4. The structure cannot be open sided; and

5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

F. “Resident” means a person who resides on a residential property where de-icing material is stored.

### **32-5.3. Deicing Material Storage Requirements:**

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

4. Loose materials shall be covered as follows:

- a. The cover shall be waterproof, impermeable, and flexible;
  - b. The cover shall extend to the base of the pile(s);
  - c. The cover shall be free from holes or tears;
  - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
  - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
    - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
5. Containers must be sealed when not in use; and
  6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. All such temporary and/or permanent structures must also comply with all other Lakewood Township ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

#### **32-5.4. Exemptions:**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section 32-5.3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

**32-5.5. Enforcement:**

This ordinance shall be enforced by the Lakewood Township Code Enforcement offices during the course of ordinary enforcement duties.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby replaced to the extent of such inconsistency.

SECTION 3. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.


SECTION 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: April 11, 2024

Adopted: May 16, 2024

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on May 16, 2024, at 5:30 P.M.

  
Lauren Kirkman, RMC, CMR  
Township Clerk

Appendix P: Ordinance No. 2024-23

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## **ORDINANCE # 2024-023**

# **ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING AND REPLACING SECTION 18-815.1 STORMWATER MANAGEMENT/RESIDENTIAL SITE IMPROVEMENT STANDARDS, STORMWATER CONTROL (SECTION 18-815.1 TO 18-815.1.14) OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD**

**WHEREAS**, the Township of Lakewood desires to update its regulations for stormwater control in accordance with NJDEP requirements; and

**WHEREAS**, in consideration thereof, the Township Committee of the Township of Lakewood desires to repeal Section 18-815.1 Stormwater Management/Residential Site Improvement Standards, Stormwater Control (Section 18-815.1 To 18-815.1.14) of the Unified Development Ordinance of the Revised General Ordinances of the Township Of Lakewood; and

**BE IT THEREFORE ORDAINED**, by the Township of Lakewood in the County of Ocean and State of New Jersey that Section 18-815.1 Stormwater Management/Residential Site Improvement Standards, Stormwater Control (Section 18-815.1 To 18-815.1.14) of the Unified Development Ordinance of the Revised General Ordinances of the Township Of Lakewood is repealed in its entirety and replaced pursuant to the provisions hereof:

### **SECTION 1.**

#### **18-815.1.1 Scope and Purpose:**

##### **A. Policy Statement**

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

##### **B. Purpose**

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Township of Lakewood.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to **July 18, 2024**, shall be subject to the stormwater management requirements in effect on July 17, 2024.
4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to July 18, 2024, shall be subject to the stormwater management requirements in effect on July 17, 2024.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.



#### D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

#### **18-815.1.2 Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

"Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the Department of Environmental Protection.

"Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 *et seq.*

"Disturbance" means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

“HUC 14” or “hydrologic unit code 14” means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater

management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, race-tracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination

as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Public roadway or railroad” means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 *et seq.*), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or  
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management

BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and

4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**18-815.1.3. Design and Performance Standards for Stormwater Management Measures**

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
  2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

*Note: Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.*

**18-815.1.4. Stormwater Management Requirements for Major Development**



- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
  - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
  - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
  - 3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  - 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: <https://dep.nj.gov/stormwater/bmp-manual/>.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<b>Table 1</b> <b>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Cistern	0	Yes	No	--
Dry Well <sup>(a)</sup>	0	No	Yes	2
Grass Swale	50 or less	No	No	2 <sup>(e)</sup> 1 <sup>(f)</sup>
Green Roof	0	Yes	No	--
Manufactured Treatment Device <sup>(a) (g)</sup>	50 or 80	No	No	Dependent upon the device
Pervious Paving System <sup>(a)</sup>	80	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Infiltration Basin <sup>(a)</sup>	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations <sup>(a)</sup> through <sup>(g)</sup> are found on Page D-14)

<b>Table 2</b> <b>Green Infrastructure BMPs for Stormwater Runoff Quantity</b> <b>(or for Groundwater Recharge and/or Stormwater Runoff Quality</b> <b>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-14)

<b>Table 3</b> <b>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</b> <b>Stormwater Runoff Quantity</b> <b>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <sup>(h)</sup>	50 or 80	No	No	Dependent upon the device
Sand Filter <sup>(c)</sup>	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

(Notes corresponding to annotations <sup>(b)</sup> through <sup>(d)</sup> are found on Page D-14)

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
  - (b) designed to infiltrate into the subsoil;
  - (c) designed with underdrains;
  - (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
  - (e) designed with a slope of less than two percent;
  - (f) designed with a slope of equal to or greater than two percent;
  - (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
  - (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

- I. Design standards for stormwater management measures are as follows:
  1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
  3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
  4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
  5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and

R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Ocean County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and then be subsequently recorded by the applicant with the Ocean County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

#### O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<b>Best Management Practice</b>	<b>Maximum Contributory Drainage Area</b>
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

#### P. Groundwater Recharge Standards



1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
  - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
  - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section V.D of this ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
  - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

#### Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
  - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
  - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

**Table 4 - Water Quality Design Storm Distribution**

<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>	<b>Time (Minutes)</b>	<b>Cumulative Rainfall (Inches)</b>
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

$R$  = total TSS Percent Load Removal from application of both BMPs, and

$A$  = the TSS Percent Removal Rate applicable to the first BMP

$B$  = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
  - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, do not

exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

- ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
  - iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
  - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

#### **18-815.1.5. Calculation of Stormwater Runoff and Groundwater Recharge:**

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the

methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “number” applies to the NRCS methodology above at Section V.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsrreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420  
Mail Code 29-01, Trenton, New Jersey 08625-0420.

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj); and

2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 5: Current Precipitation Adjustment Factors**

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.



**Table 6: Future Precipitation Change Factors**

<b>County</b>	<b>Future Precipitation Change Factors</b>		
	<b>2-year Design Storm</b>	<b>10-year Design Storm</b>	<b>100-year Design Storm</b>
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Morrmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

**18-815.1.6. Sources for Technical Guidance:**

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

- B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

#### **18-815.1.7. Solids and Floatable Materials Control Standards:**

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
  - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
  - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
  - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

#### **18-815.1.8. Safety Standards for Stormwater Management Basins:**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
  - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
  - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
  - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
  - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
  - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension
  - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
  - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
  - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and

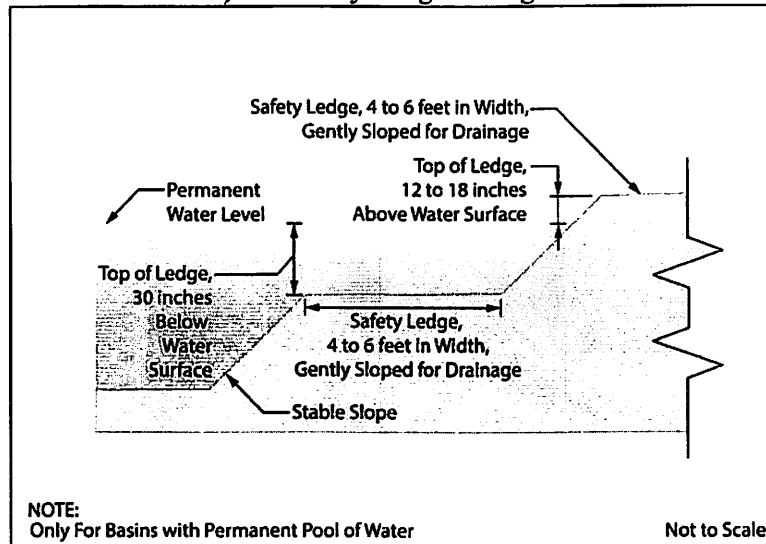
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

#### D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

#### E. Safety Ledge Illustration

Elevation View – Basin Safety Ledge Configuration



#### 18-815.1.9. Requirements for a Site Development Stormwater Plan:

##### A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

##### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

### C. Submission of Site Development Stormwater Plan

The following information shall be required:

#### 1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

#### 2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

#### 3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

#### 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

#### 5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

#### 6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

#### 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

#### 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

### **18-815.1.10. Maintenance and Repair:**

#### A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.



## B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 18-815.1.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 18-815.1.10 B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section 18-815.1.10 B.3 above shall perform all of the following requirements:

- i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
  - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
  - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 18-815.1.10 B.6 and B.7 above.
- 8. The requirements of Section 18-815.1.10 B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
- 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

**18-815.1.11. Violations and Penalties:**

Notwithstanding the general penalties and remedies prescribed in Section 18-1109, any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure, or land in violation of this section shall be subject to the following penalties:

Failure to comply with any provisions of this section shall be considered a violation of the Revised General Ordinances of Lakewood Township and shall be punishable by a fine of \$1,000 or 90 days in jail, or both. Each day of such violation's continuance shall be considered as a separate offense and shall be separately punishable. These penalties shall not be the exclusive remedy available, and nothing in this section shall prevent an applicant from obtaining injunctive relief.

**18-815.1.12. Fees.**

All subdivision and site plan review fees associated with this section shall be provided by the applicant as established within Sections 18-1105, 18-1106, 18-1107 and 18-1108 of this chapter.

**18-815.1.13. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**18-815-1.15. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 4.** This ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: June 20, 2024

Adopted: July 18, 2024

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **July 18, 2024 at 5:30 P.M.**

  
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Lauren Kirkman, RMC, CMR  
Township Clerk

Appendix Q: Ordinance No. 2024-37

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**ORDINANCE #2024-037**

**AN ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE IX ("ZONING DISTRICTS AND REGULATIONS") SECTION 18-900 OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LAKEWOOD.**

BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. That Article IX of the Unified Development Ordinance of the Revised General Ordinances of the Township of Lakewood entitled "Zoning Districts and Regulations" Section 18-900 be and hereby is amended and supplemented with a new Paragraph O as follows:

18-900 General

\* \* \*

O. In all residential zones and notwithstanding the definition of "Swimming Pool, Private Residential" and "Accessory Use, Structure or Building," found at § 18-200, where a property owner owns two contiguous, fully conforming residential lots, with a residential dwelling located on one of the lots and the second lot being vacant, and therefore these lots not having been merged by operation of law, the vacant lot may be utilized to permit the construction of a private residential swimming pool servicing the developed lot without the need for merger of the lots; provided, however, that should the two contiguous lots no longer be in common ownership, the lot with private residential swimming pool shall not be permitted to continue as an accessory use, unless a new residential structure is located on that lot. A private residential swimming pool located on a vacant lot pursuant to this ordinance Section shall not be recognized as a principal, primary or permitted use on that lot, nor "grandfathered" to permit its continued use in the event the lots are no longer owned by a contiguous property owner. Such private residential swimming pool must always be maintained as an accessory use to a permitted residential building. Under no circumstances shall any swimming pool constructed pursuant to this Section be recognized as a Commercial Swimming Pool as defined at Section 18-200, rather it must be maintained as an accessory use or structure to either the contiguous property or a new residence on the formerly vacant property. All other ordinances involving the construction and maintenance of private residential swimming pools, including setback and fencing requirements, shall remain in full force and effect.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby replaced to the extent of such inconsistency.

SECTION 3. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

**Introduced: September 12, 2024**

**Adopted: November 14, 2024**

**CERTIFICATION**

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **November 14, 2024**.

  
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Lauren Kirkman, RMC CMR  
Township Clerk