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“GOD BLESS AMERICA”

REGULAR MEETING

JUNE 10, 2009

A Regular Meeting of the Mayor and Council of the Borough of Belmar was held on the above date at the Municipal Complex at 8:00 pm.

PRESENT: Mayor Pringle, Council President Brennan, Councilwoman Deicke, Councilman Wright, Councilman Doherty, Karl Kemm, Esq., Administrator Robbin Kirk, and Acting Borough Clerk April Claudio

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on December 4, 2008. Notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE: Our troops and their families

PETITIONS:

APPROVAL OF MINUTES:

REPORTS OF MAYOR AND COUNCIL:

PUBLIC HEARING: Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

RESOLUTIONS:

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER
2009-25 & 26**

**RESOLUTION AND AGREEMENT FOR STATE AID SAFE STREETS TO
TRANSIT GRANT PROGRAM**

RESOLUTION AND AGREEMENT FOR STATE AID MUNICIPAL AID

**RESOLUTION AND AGREEMENT FOR STATE AID TRANSIT VILLAGE
GRANT PROGRAM**

**RESOLUTION OF THE BOROUGH OF BELMAR DECLARING ITS
OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT
COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION
WITH ITS PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST FINANCING PROGRAM**

**RESOLUTION OF THE BOROUGH OF BELMAR, IN THE COUNTY OF
MONMOUTH, NEW JERSEY MAKING APPLICATION TO THE LOCAL
FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(a) AND N.J.S.A. 2-26(e)**

**RESOLUTION APPOINTING MEMBERS TO THE BELMAR SHADE
TREE COMMISSION**

RESOLUTION AUTHORIZING REFUND OF TAX OVER PAYMENT

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL

CONSUMPTION LICENSE NO. 1306-33-008-009 TO KLEIN'S FISH MARKET, INC. FOR THE PERIOD ENDING JUNE 30, 2010

RESOLUTION AUTHORIZING ISSUANCE OF A PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-001-010 FOR 8th AVE. VENTURES, LLC T/A CONNOLLY STATION FOR THE PERIOD ENDING JUNE 30, 2010

RESOLUTION AUTHORIZING ISSUANCE OF A CLUB LICENSE TO BELMAR LODGE # 1997 BPOE FOR PERIOD ENDING JUNE 30, 2010

RESOLUTION AUTHORIZING ISSUANCE A CLUB LICENSE TO BELMAR FISHING CLUB FOR PERIOD ENDING JUNE 30, 2010

RESOLUTION AUTHORIZING ISSUANCE OF CLUB LICENSE TO THE ORDER OF FRIENDLY SONS OF SHILLELAGH FOR PERIOD ENDING JUNE 30, 2010

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-010-006 TO WATERVIEW PAVILION, INC.T/A RIVERVIEW PAVILION, WATERVIEW PAVILION FOR PERIOD ENDING JUNE 30, 2010

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE FOR DAI SENG CORP. T/A LITTLE RED BARN FOR THE PERIOD ENDING JUNE 30, 2010

ORDINANCE 2009-12

First Reading & Introduction

BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF WATER MAINS ALONG INLET TERRACE WEST IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$375,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF

ORDINANCE 2009-10

Second Reading

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTIONS 19-54.5 HANDICAPPED PARKING SPACES IN FRONT OF CERTAIN RESIDENCES

Public Hearing on Ordinance 2009-10:

ORDINANCE 2009-11

Second Reading

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF BELMAR, AMENDING CHAPTER 44 TO PROVIDE STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT AS REQUIRED AND PROVIDED FOR IN N.J.A.C. 7:8 AND THE BOROUGH'S TIER "A" MUNICIPAL STORMWATER GENERAL PERMIT AND AMENDING CHAPTER 40 TO REVISE THE REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STATEMENT

Public Hearing on Ordinance 2009-11:

RESOLUTION AUTHORIZING PAYMENT OF BILLS ON JUNE 10, 2009

PUBLIC:

ADJOURN

RESOLUTION NO. 2009-

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL
CONSUMPTION LICENSE NO. 1306-33-008-009 TO KLEIN'S FISH MARKET, INC.
FOR THE PERIOD ENDING JUNE 30, 2010**

WHEREAS, application has been made for a Plenary Retail Consumption License No. 1306-33-008-009 by Klein's Fish Market, Inc. for the premises at 702,704 and 708 River Road, Belmar, N.J.; and

WHEREAS, said application is accompanied by reports from Borough Inspection Officials, Chief of Police, Fire Official and Health Officer.

WHEREAS, the use of this license is to provide alcoholic beverages to dining room customers. A live music area is limited to two or three musicians from 6PM-10PM; that the entertainment be for seated customers only, with no standing audience; and that there be no music allowed after 10PM. Must comply with floor plan approved by Mayor & Council.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Plenary Retail Consumption License for the period from July 1, 2009 to June 30, 2010 both dates inclusive, be issued to Klein's Fish Market, Inc. subject to the Special Condition that no alcoholic beverages shall be sold, served, delivered to, or consumed in the license premises during such time as the number of persons, exclusive of employees, occupying the licenses premises exceeds the occupancy limit established by the Fire Official.

Occupancy: 1306-33-001-009- The premises at 702,704 and 708 River Road Occupancy limited to 223 persons inside dining, outside dining area 440 persons.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant.

Council member offered the above resolution and moved its adoption.
Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mrs. Brennan				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION 2009-

RESOLUTION OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(a) AND N.J.S.A. 2-26(e)

WHEREAS, the Borough of Belmar, in the County of Monmouth (the “Borough”) desires to make application to the Local Finance Board for its approval (i) pursuant to N.J.S.A. 58:11B-9(a) of a proposed financing through the 2009 New Jersey Environmental Infrastructure Trust Financing Program for the various improvements to the water system (the “Project”) and (ii) pursuant to N.J.S.A. 40A:2-26(e) of a non-conforming maturity schedule in connection with such financing;

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough’s Bond Counsel, auditor, and/or financial advisor, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of the proposed resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mr. Doherty				
Mrs. Deicke				
Mr. Wright				
Mrs. Brennan				
Mayor Pringle				

Adopted:

The foregoing is a true copy of a resolution adopted by the governing body of the Borough on June 10, 2009.

April Claudio, Clerk

RESOLUTION 2009-

RESOLUTION OF THE BOROUGH OF BELMAR DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Borough of Belmar, in the County of Monmouth, New Jersey (the “Borrower”) intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in **Exhibit A** attached hereto (the “Project”);

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the “Project Debt Obligations”) but may pay for certain costs of the Project (the “Project Costs”) prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), will be issued by the New Jersey Environmental Infrastructure Trust (the “Issuer”) to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer’s obligations (the “Project Bonds”); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower’s official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$375,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be “capital expenditures” in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council Members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mrs. Brennan				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

EXHIBIT A

The project includes the construction of approximately 1,400 linear feet of new 8” water main along Inlet Terrace West to replace the existing 4” ductile iron water main and restore water pressure for fire fighting and to the residents. It will also include new fire hydrants, individuals service connections, trench repair, pavement overlay, traffic control and restoration.

RESOLUTION NO. 2009-

RESOLUTION AUTHORIZING ISSUANCE OF A PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-001-010 FOR 8th AVE. VENTURES, LLC T/A CONNOLLY STATION FOR THE PERIOD ENDING JUNE 30, 2010

WHEREAS, application has been made for Plenary Retail Consumption License No. 1306-33-001-010 by 8TH Ave. Ventures, LLC t/a Connolly Station for the premises at 713-715 Main Street, 700 Eighth Ave. and 709-711 Main Street; and

WHEREAS, said application is accompanied by reports from Borough Inspection Officials, Chief of Police, Fire Official and Health Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Plenary Retail Consumption License for the period from to July 1, 2009 to June 30, 2010 both dates inclusive, be issued to 8th Avenue Ventures, LLC subject to the Special Condition that no alcoholic beverages shall be sold, served, delivered to, or consumed in, or allowed to be sold, served, delivered to or consumed in the licensed premises during such time as the number of persons listed after the names of the respective following license:

1306-33-001-010- The premises at 713-715 Main St. and 700 Eighth Ave. and for storage in the basement of 700 Eighth Ave. Occupancy limited to One Hundred Forty-Eight (148) persons inside, outside dining area Forty (44) persons. Tavern area at 709-711 Main St. occupancy limited to One Hundred Thirty-Six (136) persons.

WHEREAS, the following conditions are placed on this license:

1. Counting of all those people entering and leaving shall be conducted on Friday, Saturday, or any special promotional night. One mechanical counter will be used for those entering the premises and a separate one will be used for those exiting.
2. A restriction on the size of the band allowed to play at this premises. This restriction allows no more than a 4-instrument band.
3. It is a requirement that all employees licensed to handle alcoholic beverages undergo TAMS training within 30 days of being hired.
4. It is a requirement that the appropriate software updates are provided for the scan system.
5. No person shall be allowed to sit, stand or dance on top of the bar.
6. The continued use of Shush Patrols by the licensee from Memorial Day to Labor Day should be continued and coordinated by the Police Dept.
7. The licensee shall maintain a no entry list, which is a list of persons who the licensee does not permit in the establishment.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mrs. Brennan				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2009-

**RESOLUTION AUTHORIZING ISSUANCE OF A CLUB
LICENSE TO BELMAR LODGE # 1997 BPOE FOR PERIOD
ENDING JUNE 30, 2010**

WHEREAS, application has been made for a Club License No. 1306-31-018-001 by the Belmar Elks #1997; and

WHEREAS, said application is accompanied by reports from Borough Inspection Officials, Chief of Police, Fire Official and Health Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that a Club License for the period from July 1, 2009 to June 30, 2010 both dates inclusive, be issued to:

Belmar Elks #1997 for the premise at 708 Seventh Avenue, subject to compliance with N.J.A.C. 13:2-8.7 submission of club membership list. No alcoholic beverages shall be sold, served, delivered to, or consumed in the licensed premises during such time as the number of persons, exclusive of employees, occupying the licensed premises exceeds the occupancy limit established by the Fire Official. Occupancy Two Hundred (200) Hall, One Hundred Eighteen (118) with tables & chairs, One Hundred (100) Bar.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant.

offered the above resolution and moved its adoption.

Seconded by Councilmember and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mr. Doherty				
Mrs. Deicke				
Mr. Wright				
Mrs. Brennan				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2009-

**RESOLUTION AUTHORIZING ISSUANCE A CLUB
LICENSE TO BELMAR FISHING CLUB FOR PERIOD ENDING
JUNE 30, 2010**

WHEREAS, application has been made for a Club License by the Belmar Fishing Club; and

WHEREAS, said application is accompanied by reports from the borough inspection officials, health inspector and Chief of Police.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that a Club License for the period from July 1, 2009 to June 30, 2010 both dates inclusive, be issued to:

1306-31-017-001-Belmar Fishing Club, Inc. for the premises at First and Ocean Avenues, subject to compliance with N.J.A.C. 13:2-8.7. Need to keep trashcans, after pickup, in designated spot.

Occupancy Limits for each room as follows:

FARRIER ROOM – 61 Occupants

VISTA ROOM – 80 Occupants

NORTH DECK – 72 Occupants

2ndFLOOR MEETING ROOM – 49 Occupants

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant after making notation of the aforementioned Special Conditions upon the face of said license.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call.

Council Members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mrs. Brennan				
Mr. Wright				
Mr. Doherty				
Mayor Pringle				

Adopted:

RESOLUTION 2009-

**RESOLUTION AUTHORIZING ISSUANCE OF CLUB LICENSE TO
THE ORDER OF FRIENDLY SONS OF SHILLELAGH FOR PERIOD
ENDING JUNE 30, 2010**

WHEREAS, application has been made by the Order of Friendly Sons of Shillelagh, Inc., Jersey Shore Chapter for the premises at 815-817 Sixteenth Avenue for a Club License No. 1306-31-020-001; and

WHEREAS, said application is accompanied by reports from Borough Inspection Officials, Chief of Police, Fire Official and Health Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Belmar that a Club License No. 1306-31-020-001 for the period from July 1, 2009 to June 30, 2010 both dates inclusive, be granted and is subject to the following special conditions:

1. Order of Friendly Sons of Shillelagh, Inc., Jersey Shore Chapter for the premises at 815-817 Sixteenth Avenue, subject to compliance with N.J.A.C. 13:2-8.7 submission of club membership list.

2. No alcoholic beverages shall be sold, served, delivered to, or consumed in the licensed premises during such time as the number of persons, exclusive of employees, occupying the licenses premises exceeds the occupancy limit established by the Fire Official. Occupancy Ninety-Nine (99)

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to deliver license certificate.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mr. Wright				
Mr. Doherty				
Mrs. Brennan				
Mr. Pringle				

Adopted:

RESOLUTION 2009-

**RESOLUTION APPOINTING MEMBERS TO THE BELMAR SHADE
TREE COMMISSION**

BE IT RESOLVED, by the Mayor and Council that pursuant to N.J.S.A. 40:64-1 and Borough Ordinance No. 1991-19 which established a Shade Tree Commission of the Borough of Belmar, which shall consist of five members appointed by the Mayor, and

NOW, THEREFORE, BE IT RESOLVED that the following persons are hereby appointed members of the Shade Tree Commission with advice and consent of the Borough Council.

Neil Scheck - For a term expiring December 31, 2010

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mrs. Brennan				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2009-

RESOLUTION AUTHORIZING REFUND OF TAX OVER PAYMENT

BE IT RESOLVED, by the Mayor and Borough Council on this 10th day of June 2009 that the following refunds are hereby authorized upon certification by the Chief Financial Officer to the following:

<u>Name</u>	<u>Description</u>	<u>Amount</u>
Antonietta Ozgur	Block 235 Lot 8	\$694.91

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSTAIN	ABSENT
Mrs. Deicke				
Mrs. Brennan				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION 2009-

**RESOLUTION AND AGREEMENT FOR STATE AID
MUNICIPAL AID**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Roadway Improvements to River Avenue & Sixth Avenue project.

WHEREAS, The New Jersey Department of Transportation (Department) is committed to advancing projects that enhance safety, renew the aging infrastructure and support new transportation opportunities and, via the Transportation Trust Fund, provides the opportunity for State assistance to local governments for the funding of road, bridge, and other transportation projects;

WHEREAS, the Borough of Belmar desires to receive Department Municipal Aid in order to reconstruct River Avenue from Main Street to Seventh Avenue, and Sixth Avenue from Main Street to River Avenue.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Belmar formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Belmar Borough-00407 to the New Jersey Department of Transportation on behalf of the Borough of Belmar.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Belmar and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the governing body of the Borough of Belmar
On this 1st day of June, 2009

Clerk Name

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk) (Presiding Officer)
Name Name
Title

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members: AYES NAYS ABSENT ABSTAIN

Mr. Doherty

Mrs. Deicke

Mr. Wright

Mrs. Brennan

Mayor Pringle

Adopted:

RESOLUTION 2009-

**RESOLUTION AND AGREEMENT FOR STATE AID
SAFE STREETS TO TRANSIT GRANT PROGRAM**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Streetscape Improvements to Tenth Avenue and Main Street Safe Streets to Transit project.

WHEREAS, The New Jersey Department of Transportation (Department) is committed to advancing projects that enhance safety, renew the aging infrastructure and support new transportation opportunities and promotes walking to transit stations by funding projects that make important feeder trips easier, faster and safer, thus encouraging commuters to leave their cars at home;

WHEREAS, the Borough of Belmar desires to apply for Department Safe Streets to Transit funds in order to construct new concrete and paver sidewalks, trash and recycling receptacles, benches and lighting on Tenth Avenue from the railroad to Main Street and on Main Street from Tenth Avenue to Twelfth Avenue,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Belmar formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2010-Belmar Borough-00040 to the New Jersey Department of Transportation on behalf of the Borough of Belmar.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Belmar and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the governing body of the Borough of Belmar

On this 1st day of June, 2009

Clerk Name

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk)
Name

(Presiding Officer)
Name

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mr. Doherty				
Mrs. Deicke				
Mr. Wright				
Mrs. Brennan				
Mayor Pringle				

Adopted:

RESOLUTION 2009-

**RESOLUTION AND AGREEMENT FOR STATE AID
TRANSIT VILLAGE GRANT PROGRAM**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Streetscape Improvements to Tenth Avenue and Main Street Transit Village project.

WHEREAS, The New Jersey Department of Transportation (Department) is committed to advancing projects that enhance safety, renew the aging infrastructure and support new transportation opportunities and provides funding for non-traditional transportation-related projects to New Jersey municipalities designated as Transit Villages,

WHEREAS, the Borough of Belmar is a designated Transit Village and desires to apply for Department Transit Village funds in order to construct new concrete and paver sidewalks, trash and recycling receptacles, benches and lighting on Tenth Avenue from the railroad to Main Street and on Main Street from Tenth Avenue to Twelfth Avenue,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Belmar formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as TV-2010-Belmar Borough-00004 to the New Jersey Department of Transportation on behalf the Borough of Belmar.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Belmar and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the governing body of the Borough of Belmar

On this 1st day of June, 2009

Clerk Name

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk)
Name

(Presiding Officer)
Name
Title

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members: AYES NAYS ABSENT ABSTAIN

Mr. Doherty

Mrs. Deicke

Mr. Wright

Mrs. Brennan

Mayor Pringle

Adopted:

RESOLUTION NO. 2009-

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL
CONSUMPTION LICENSE NO. 1306-33-010-006 TO WATERVIEW PAVILION, INC.T/A
RIVERVIEW PAVILION, WATERVIEW PAVILION FOR PERIOD ENDING
JUNE 30, 2010**

WHEREAS, application has been made to the Borough Council for Plenary Retail Consumption License No. 1306-33-010-005 by Pat's Diner, Inc. T/A Pat's Riverview and the Waterview Pavilion; and

WHEREAS, said application is accompanied by reports from the borough inspection officials, health inspector and Chief of the Police.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that a Plenary Retail Consumption License for the period from July 1, 2009 to June 30, 2010, both dates inclusive, be issued to the following, subject to the Special Conditions that no alcoholic beverages shall be sold, served, delivered to, or consumed in, or allowed to be sold, served, delivered to or consumed in the licensed premises during such time as the number of persons, exclusive of employees, occupying the licensed premises exceeds the number of persons listed after the names of the respective following license:

1306-33-010-005- Pat's Riverview, Inc. is for strictly a catering business. Occupancy limited to Two Hundred Forty (240) people for the first floor, One Hundred Forty-One (141) people on the second floor and Seventeen (17) people on the deck. Waterview Pavilion is limited to Two Thousand (2,000) persons.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized to sign and deliver license certificate to said applicant after making notation of any Special Conditions upon the face of said license.

Council member offered the above resolution and moved its adoption.

Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mrs. Brennan				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2009-

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER
2009-25 & 26**

WHEREAS, the Borough Council has received from the Chief of Police a written report for the following named applicant for Legalized Games of Chance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Belmar that it is their Findings and Determinations that the following has qualified for the Raffle License:

<u>APPLICANT</u>	<u>APPL. NO.</u>	<u>PREMISES</u>	<u>DATE</u>	<u>TIME</u>
Ocean Grove Hist Soc	2009-25 & 26	Barclay	6/24/09	11:30-3:00pm

BE IT FURTHER RESOLVED that said licenses are granted and the Clerk of the Borough of Belmar is authorized to issue said licenses upon the payment of required fee, and the Borough Clerk is authorized to file Findings and Determinations Form LGCC5A with the Legalized Games of Chance Commission as the verifying official.

Council member offered the above resolution and moved its adoption. Seconded by Council member and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mrs. Brennan				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

RESOLUTION NO. 2009-

**RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL
DISTRIBUTION LICENSE FOR DAI SENG CORP. T/A LITTLE RED BARN FOR THE
PERIOD ENDING JUNE 30, 2010**

WHEREAS, application has been made for Plenary Retail Distribution License by Dai Seng Corp., T/A The Little Red Barn; and

WHEREAS, said application is accompanied by reports from borough inspection officials, health inspector and Chief of Police.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that Plenary Retail Distribution License for the period from July 1, 2009 to June 30, 2010 both dates inclusive be issued to:

1306-44-012-002-Dai Sing Corp., t/a The Little Red Barn for the premises at 1506 Main St.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to sign and deliver license certificate to the aforementioned applicants.

Councilmember offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members:	AYES	NAYS	ABSENT	ABSTAIN
Mrs. Deicke				
Mrs. Brennan				
Mr. Doherty				
Mr. Wright				
Mayor Pringle				

Adopted:

ORDINANCE NO. 2009-10

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX
(TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF BELMAR, SECTIONS 19-54.5
HANDICAPPED PARKING SPACES IN FRONT OF CERTAIN RESIDENCES**

The Council of the Borough of Belmar does ordain as follows:

19-54.5: Handicapped Parking Limited to Specific Persons in Front of Certain Residences.

There shall be no parking upon any street in front of the residences described, except by persons who have been issued a special permit by the Borough, which permit shall pertain to a particular motor vehicle. Any person desiring to have a residence included and the issuance of a permit shall apply to the Chief of Police and submit proof that: a. the particular residence does not have adequate off-street parking; b. the person to be issued the permit both owns and operates the specific motor vehicle for which the permit will be issued; c. the person to be issued the permit resides at the particular residence; d. the person to be issued the permit has been issued a Handicapped Person Identification Card by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 39:4-205, which shall be deemed satisfactory proof for purposes of this subsection that the person is in fact handicapped; and e. the requirements of N.J.S.A. 39:4-197.6 have been satisfied. The Chief of Police shall report, in writing, to the Mayor and Borough Council whether the applicant's proofs satisfy the foregoing requirements, and, if so, the Mayor and Borough Council may thereupon include the residence by an ordinance and the Chief of Police may thereafter issue a special permit in the form specified by N.J.S.A. 39:4-197.7.

<u>ADDRESS</u>	<u>#SPACES</u>	<u>LOCATION</u>
1702 B Street	1	Beginning at the southeast corner of 17 th Avenue along the easterly curb line, south 90 feet and continuing 25 feet to the front of the space.
219 11 th Avenue	1	Beginning at the southeast corner of 11 th Avenue along the easterly curb line, south 25 feet and continuing 25 feet to the front of the space.

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

This ordinance shall take effect immediately after final adoption and publication pursuant to law.

ORDINANCE 2009-11

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF BELMAR, AMENDING CHAPTER 44 TO PROVIDE STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT AS REQUIRED AND PROVIDED FOR IN N.J.A.C. 7:8 AND THE BOROUGH'S TIER "A" MUNICIPAL STORMWATER GENERAL PERMIT AND AMENDING CHAPTER 40 TO REVISE THE REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, the effective management of stormwater has been declared to be an important public policy of the State of New Jersey; and

WHEREAS, the Planning Board and the Mayor and Council of the Borough of Belmar have previously adopted a Stormwater Management Plan and have submitted the same to the County of Monmouth for review and approval as required by N.J.S.A. 40:44D-93 et seq.; and

WHEREAS, the Mayor and Council wish to adopt the within Stormwater Management Ordinances and to submit the same to the County of Monmouth for review and approval as required by N.J.S.A. 40:44D-93 et seq.

SECTION 1 – Stormwater Management Ordinance, Chapter XXIV is added as follows (all text is new):

Chapter 44 STORMWATER MANAGEMENT

ARTICLE 1

44-1 TITLE AND PURPOSE

44-1.1 Short Title.

This chapter shall be known and may be cited as the “Stormwater Management Ordinance of the Borough of Belmar”.

44-1.2 Purpose.

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for “development”, as defined in ARTICLE 12.

Fulfillment of these stormwater management requirements would facilitate compliance with current Federal Clean Water Act “non- point source pollution” regulations and enhance the quality of Borough of Belmar water resources.

44-1.3 State Law to Govern.

Wherever the provisions of statutes or regulations of the State of New Jersey, or other ordinances of the Borough of Belmar impose restrictions more extensive than required by the terms and provisions within this chapter, then the provisions and requirements of such State Statute, State Regulation or other Borough ordinance shall govern.

ARTICLE 2

44-2 POLICY AND APPLICABILITY

44-2.1 Policy Statement

Flood control, appropriate groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management measures and proper maintenance plans. Nonstructural measures include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated loading of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

44-2.2 Stormwater Runoff

- a. Precipitation events, development and impervious surface cause stormwater runoff within the Borough of Belmar. In addition, the waterways within the Borough of Belmar are at times subjected to flooding that is a danger to the lives and property of the public; and to the natural resources of the Borough of Belmar, the County and the State. Development tends to accentuate flooding by increasing storm water runoff, due to alteration of the hydrologic response of the watershed in changing from the undeveloped to the developed condition and such increased flooding produced by the development of real property contributes increased quantities of waterborne pollutants, and tends to increase channel erosion. The increased flooding, increased erosion, and increased pollution constitutes deterioration of the water resources of the Borough of Belmar, the county and the state. Such increased flooding, increased erosion and increased pollution can be controlled to some extent by the regulation of stormwater runoff from development. It is therefore determined that it is in the public interest to regulate the development of real property and to establish standards to regulate the additional discharge of stormwater runoff from such developments as provided in this chapter.
- b. The stormwater management plans submitted shall demonstrate careful consideration of the general and specific concerns, values and standards of the municipal Master Plan and applicable County, regional and State storm drainage control program, any county mosquito commission control standards, and shall be based on environmentally sound site planning, engineering and architectural techniques.
- c. Development shall use the best available technology to minimize offsite stormwater runoff, increase onsite infiltration, simulate natural drainage systems, and minimize offsite discharge of pollutants to ground and surface water and encourage natural filtration functions. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces and swales.

44-2.3 Applicability

This ordinance shall be applicable to any site plan or subdivision application that requires preliminary or final review after the effective date of the adoption of this ordinance.

Any development that has received one of the following approvals pursuant to the Municipal Land Use Law: or final site plan approval; final municipal building or construction permit; minor subdivision, or final subdivision approval, prior to the effective date of the adoption of this ordinance, is exempt from the rules of this ordinance.

If any of the above approvals is amended, revised or expires, exemption shall be deemed void, and the project in its entirety shall comply with the rules of this ordinance.

44-2.4 Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process 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.

44-2.5 Definitions for this Section are found in ARTICLE 12.

ARTICLE 3

44-3 General Standards

44-3.1 Design and Performance Standards for Stormwater Management Measures

a. Stormwater management measures for new/re-development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 44-4.. To the maximum extent feasible, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

b. The standards in this ordinance apply only to new/re 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 development to the extent that alternative design and performance standards are applicable should a regional stormwater management plan or Water Quality Management Plan be adopted in accordance with Department rules. Such alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of development projects as would be provided under the standards in this subchapter.

c. For site improvements regulated under the Residential Site Improvement Standards (RSIS) at N.J.A.C.5: 21, the RSIS shall apply in addition to this section except to the extent the RSIS are superseded by this section or alternative standards applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

ARTICLE 4

44-4 Stormwater Management Requirements for New or Redevelopment

44-4.1 The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a development in accordance with Section 44-10.

44-4.2 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).

44-4.3 The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at Sections 44-4.6 and 44-4.7:

- a. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
- b. The construction of an above ground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
- c. 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.

44-4.4 A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at Sections 44-4.6 and 44-4.7 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:

- a. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
- b. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 44-4.6 and 44-4.7 to the maximum extent practicable;
- c. The applicant demonstrates that, in order to meet the requirements at Sections 44-4.6 and 44-4.7, existing structures currently in use, such as homes and buildings would need to be condemned; and
- d. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through purchase or condemnation lands not falling under 44-4.4c. above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate for requirements of Sections 44-4.6 and 44-4.7 that were not achievable onsite.

44-4.5 Nonstructural Stormwater Management Strategies

a. To the maximum extent practicable, the standards in 44-4.6 and 44-4.7 shall be met by incorporating nonstructural stormwater management strategies at 44-4.5 into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in 44-4.5.b below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

b. Nonstructural stormwater management measures incorporated into site design shall:

1. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
2. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces and lawns;
3. Maximize the protection of natural drainage features and vegetation;
4. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
5. Minimize land disturbance including clearing and grading;
6. Minimize soil compaction;
7. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides.
8. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
9. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site in order to prevent or minimize the release of those pollutants into stormwater runoff. These source controls include, but are not limited to:
 - (a) Site design features that help to prevent accumulation of trash and debris in drainage systems; , including features that satisfy Section 4444-4.5c.
 - (b) Site design features that help to prevent discharge of trash and debris from drainage systems;

(c) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

(d) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4: 24-39 et seq., and implementing rules.

c. Site design features identified under Section 44-4.5 .9.b. above 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 44-4.5.c.(3) below.

1. Design engineers shall use either 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:

(a) 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 (April 1996) and as may be amended; or

(b) 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 (noncurb-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 basin floors.

2. Whenever design engineers use a curb-opening inlet, 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.

3. This standard does not apply:

(a) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(b) Where flows from the water quality design storm as specified in Section 44-4.7 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:

(1.) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

(2) A bar screen having a bar spacing of 0.5 inches.

(c) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 44-4.7; or

(d) 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.

d. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 44-4.6 and 44-4.7 shall be dedicated to a government agency, subjected to a conservation restriction filed with the Monmouth County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

e. Guidance for nonstructural stormwater management measures is available in the New Jersey Stormwater Best Management Practices Manual. The manual is available on the Department of Environmental Protection's stormwater web page at <http://www.njstormwater.org>.

44-4.6 Erosion Control, Groundwater Recharge and Runoff Quantity Standards

a. This section contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of new/redevelopment.

1. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4: 24-39 et seq. and implementing rules.

2. The minimum design and performance standards for groundwater recharge are as follows:

(a) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 44-5, either:

(1) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual pre-construction groundwater recharge volume for the site; or

(2) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

(b) This groundwater recharge requirement applies to all project areas within the Borough of Belmar, as defined by this ordinance. This requirement for post-construction recharge may be superceded in redevelopment or other areas in which contractual agreements call for greater post-construction reduction in runoff.

(c) The following types of stormwater shall not be recharged:

(1) 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 or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(2) 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.

(d) 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 and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

3. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 44.5, complete one of the following:

(a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2, 10, and 100 year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(b) 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 2, 10, and 100 year storm events 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;

(c) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events 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. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 1, 2 and 3 above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

b. Any application for a new agricultural development that meets the definition of major development shall be submitted to the Freehold Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "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 manufacturing of agriculturally related products.

44-4.7 Stormwater Runoff Quality Standards

a. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. 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 Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C.7: 14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. 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 1. The calculation of the

volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

b. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 44-7, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Section 44-7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

c. If more than one BMP in series is necessary to achieve the required 80% 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

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS % Removal Rate
--------------------------	--------------------

Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 44-6.3
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

d. If there is more than one onsite drainage area, the 80% TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

e. 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 nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 44-4.6 and 44-4.7.

f. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 44-7.1.

g. 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.

h. Shark River Brook has been designated as a Category One waterway. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C.7: 9B and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

1. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

- (a) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or

vegetation allowed to follow natural succession is provided.

(b) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured in accordance with one of the following:

(1) perpendicular to the top of bank of the waterway, or

(2) from the 100 year flood line where the bank is undefined, or

(3) from the centerline of the waterway where the bank flood lines are undefined.

(c) All encroachments proposed under subparagraph (2) above shall be subject to review and approval by the Department.

2. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey", established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4: 24-39 et seq.

3. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey", established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4: 24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

(a) Stabilization measures shall not be placed within 150 feet of the Category One waterway;

(b) Stormwater associated with discharges allowed by this section shall achieve a 95% TSS post-construction removal rate;

(c) Temperature shall be addressed to ensure no impact on receiving waterway;

(d) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

(e) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

(f) All encroachments proposed under this section shall be subject to review and approval by the Department.

4. A stream corridor protection plan may be developed by a regional stormwater management planning Committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 44-4.7.(h) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to 44-4.7.h. shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in 44-4.7.h.1.(a) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

5. This subsection does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

ARTICLE 5

44-5 Calculation of Stormwater Runoff and Groundwater Recharge

44-5.1 Stormwater runoff shall be calculated in accordance with the following:

a. The design engineer shall calculate runoff using one of the following methods:

1. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4—Hydrology, and Technical Release 55—Urban Hydrology for Small Watersheds; or

2. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

b. For the purpose of calculating runoff coefficients 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 "runoff coefficient" applies to both the NRCS methodology at Section 44 -5.1.(a).1, and the Rational and Modified Rational Methods at Section 44-5.1.(a).2. A runoff coefficient 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 have 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).

c. 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.

d. 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, and other methods may be employed.

e. 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.

44-5.2 Groundwater recharge may be calculated in accordance with the following:

a. The New Jersey Geological Survey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water 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 <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P. O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

ARTICLE 6

44-6 Standards for Structural Stormwater Management Measures

44-6.1 Standards for structural stormwater management measures are as follows:

a. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, 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).

b. Structural 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 (1") 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 (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch (1") and a maximum spacing between bars of six inches (6"). In addition, the design of trash racks must comply with the requirements of Section 44-8.3.

c. Structural 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.

d. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches (2 1/2") in diameter.

e. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 44-8.

44-6.2 Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established through this ordinance.

44-6.3 Manufactured treatment devices may be used to meet the requirements of 44.1 et.seq. provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

ARTICLE 7

44-7 Sources for Technical Guidance

44-7.1 Technical guidance for stormwater management measures can be found in the documents listed at a. and b. below, which are available from Maps and Publications, Department of Environmental Protection, 428 East State Street, P. O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

a. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

b. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

44-7.2 Additional technical guidance for stormwater management measures can be obtained from the following:

a. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Council and incorporated into N.J.A.C.2: 90. Copies of these standards may be obtained by contacting the State Soil Conservation Council or any of the Soil Conservation Districts listed in N.J.A.C.2: 90-1.3(a) 4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Council, P. O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

b. The Rutgers Cooperative Extension Service, 732-932-9306; and

c. The Soil Conservation Districts listed in N.J.A.C.2: 90-1.3(a) 4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Council, P. O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

ARTICLE 8

44-8 Safety Standards for Stormwater Management Basins

44-8.1 This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This **subchapter** applies to any new stormwater management basin.

44-8.2 The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins.

44-8.3 Requirements for Trash Racks, Overflow Grates and Escape Provisions

a. 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 basin to ensure proper functioning of the basin outlets in accordance with the following:

1. The trash rack shall have parallel bars, with no greater than six inch (6") spacing between the bars.

2. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

3. The average velocity of flow through a clean trash rack is not to exceed two and one-half (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.

4. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ ft sq.

5. The trash rack shall be secured to the outlet structure but removable for emergencies and maintenance.

b. 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:

1. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

2. The overflow grate spacing shall be no less than two inches (2") across the smallest dimension.

3. 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 lbs/ ft sq.

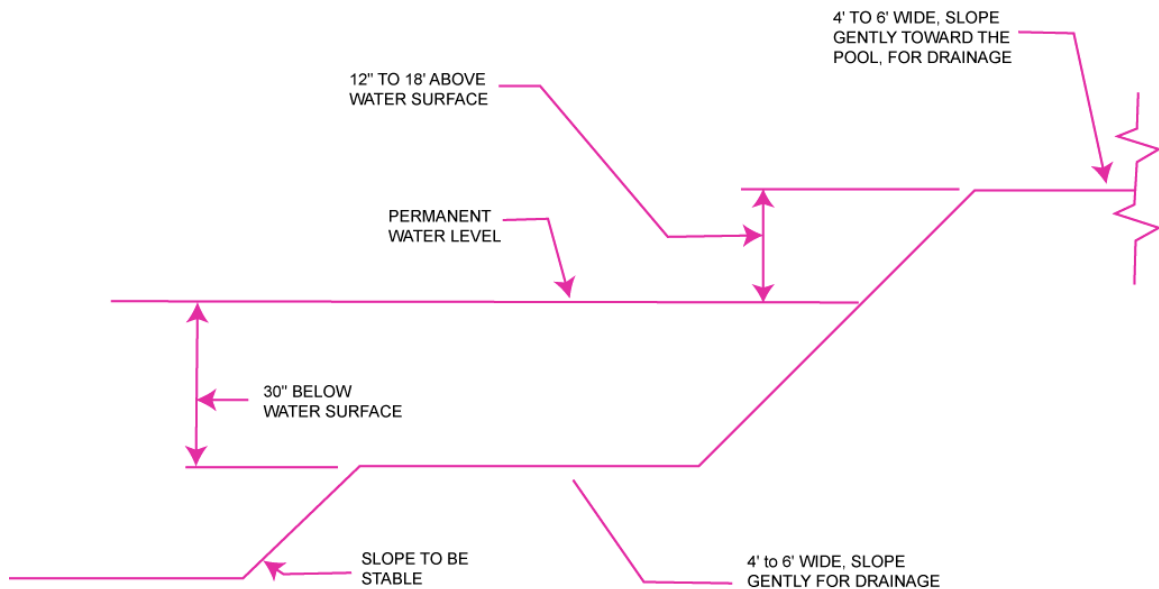
c. For purposes of this subsection, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

1. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 44-8.4 a free-standing outlet structure may be exempted from this requirement.

2. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such 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 (2-1/2) 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 below for an illustration of safety ledges in a stormwater management basin.

Illustration of Safety Ledges in a New Stormwater Management Basin

Depicted is an elevational view.



NOTE: NOT DRAWN TO SCALE

NOTE: FOR BASINS WITH PERMANENT POOL OF WATER ONLY

3. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

44-8.4 Variance or Exemption from Safety Standards

A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency of the Borough of Belmar, that the variance or exemption will not constitute a threat to public safety.

ARTICLE 9

44-9 Requirements for a Site Development Stormwater Plan

44-9.1 Submission of Site Development Stormwater Plan

a. 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 44-9.3 below as part of the submission of the applicant's application for subdivision or site plan approval.

b. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

c. The applicant shall submit eight (8) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 44-9.3 of this ordinance.

44-9.2 Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal engineer and the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

44-9.3 Checklist Requirements

The following information shall be required:

a. 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 1 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.

Additionally, a Drainage System Map shall be submitted showing all areas which extend a minimum of 2000 feet beyond the limits of the proposed development, at a scale of 1"=200', showing all wetland areas, rivers, and streams, based on Geographic Information System (GIS) data from the New Jersey Department of Environmental Protection (NJ DEP), the New Jersey Geological Survey (NJGS), or both.

b. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. 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.

c. Project Description and Site Plan(s)

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 occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. The map(s) shall also show the location of streams and rivers, and each type of wetlands, based on Geographic Information System (GIS) data from the New Jersey Department of Environmental Protection (NJ DEP), the New Jersey Geologic Survey (NJGS), or both. A written description of the site plan and justification of proposed changes in natural conditions shall also be provided.

d. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 44-3 through 44-6 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.

e. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

1. Total area to be 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.
2. 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.

f. Calculations

1. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 44-4 of this ordinance.
2. When the proposed stormwater management control measures (e. g. infiltration basins) depends on the hydrologic properties of soils, 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 soil types present at the location of the control measure.

g. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 44-10.

h. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in agreement —with the Borough Engineer, waive submission of any of the requirements in Sections 44-9.3.(a) through 44-9.3.(g). 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.

ARTICLE 10

44-10 Maintenance and Repair

44-10.1 Applicability

- a. Projects subject to review as in Section 44-2.3 of this ordinance shall comply with the requirements of Section 44-10.2 and 44-10.3.

44-10.2 General Maintenance

- a. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development. Guidelines for developing a maintenance and inspection program are provided in the New Jersey Stormwater Best Management Practices Manual and the NJDEP Ocean County Demonstration Study, Stormwater Management Facilities Maintenance Manual, dated June 1989 and as may be amended available from the NJDEP, Watershed Management Program.

- b. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, and trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

- c. 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.

- d. If the person responsible for maintenance identified under Section 44-10.2.(b). above is not a public agency, the maintenance plan and any future revisions based on Section 44-10.2.(g). below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

- e. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, and trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

- f. The person responsible for maintenance identified under Section 44-10.2.(b). above shall 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.

g. The person responsible for maintenance identified under Section 44-10.2.(b). above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

h. The person responsible for maintenance identified under Section 44-10.2.(b). above shall 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 Sections 44-10.2.(f). and 44-10.2.(g). above.

i. The requirements of Sections 44-10.2.(c) and 44-10.2.(d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

j. 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, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to submit a corrective action plan to the municipal engineer or designee. Upon approval of the action plan by the municipal engineer or designee the responsible person has thirty (30) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. 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.

44-10.3 Nothing in this section 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.

ARTICLE 11

44-11 Penalties

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure, or land in violation of this ordinance shall be subject to the penalties that have been set forth through Section 40-13.1.(e) (Enforcement-Violations-Penalties) of the Borough of Belmar's adopted Development Regulations.

ARTICLE 12

44-12 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"CAFRA Planning Map" means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C.7: 7E-5B. 3.

"CAFRA Centers, Cores or Nodes" means those areas within boundaries accepted by the Department pursuant to N.J.A.C.7: 8E-5B. "Compaction" means the increase in soil bulk density.

"Compaction" means the increase in soil bulk density.

"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 Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

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 New Jersey 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 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 lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Council (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N. J. S. A 4: 1C-1 et seq.

"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.

"Empowerment Neighborhood" means a neighborhood 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.

"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 areas" means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat 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.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"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 that seeps into the soil from precipitation.

"Major development" means any "development" that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/ or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Projects undertaken by any government agency which 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."

"Municipality" means the Borough of Belmar.

"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, or 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.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"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.

"Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), 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 structural or nonstructural strategy, 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.

"Tidal Flood Hazard Area" means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

"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.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, 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.

SECTION 2 – The Land Development Ordinance, Chapter XL Article 12, Specification of Documents to be Submitted, Environmental Impact Statement, is amended as follows:

Chapter 40

DEVELOPMENT REGULATIONS

ARTICLE 12

40-12 SPECIFICATION OF DOCUMENTS TO BE SUBMITTED.

40-12.1 Purpose.

The documents to be submitted are intended to provide the Municipal Agency with sufficient information and data to assure compliance with all municipal codes and specifications and to ensure that the proposed development meets the design and improvement requirements of this chapter. The specification of documents is based on

the type of development and particular stage of development application. (Ord. No. 1992-32 § 12.1)

40-12.2 Requirements.

The documents to be submitted are shown on the following pages. In specific cases and for documented reasons, the Municipal Agency may waive the submission of a particular document or require the submission of additional documents. The reasons for the waiver shall be indicated in the minutes of the Municipal Agency.

ENVIRONMENTAL IMPACT STATEMENT

a. An Environmental Impact Statement (EIS) is required as part of any application for development involving new buildings or any land disturbance which requires approval of the Planning Board or Board of Adjustment.

b. Contents of EIS. The EIS shall discuss and analyze those factors required for the particular project as provided in subsection c. and any other factors pertinent to the project. Where the information is provided elsewhere in the application, it may be incorporated by reference. The applicant may request a pre-application conference with the Planning Board to discuss the scope and detail of the EIS, and the Planning Board may seek the advice of the Environmental Commission in determining said scope and detail. The EIS shall address each of the items outlined below to the degree and extent it is pertinent to the project. In preparing the EIS, the applicant shall utilize resource information available from the Borough {including the most recent Environmental Resource Inventory} as well as other reliable sources. Application requiring an EIS may be rejected upon recommendation of the Environmental Commission and by resolution of the Board for failure to furnish sufficient information to enable the Board to make an adequate environmental appraisal.

c. The EIS shall contain the following:

1. Name and qualifications of the persons or firm preparing the statement.
2. An abstract or summary of the major points and conclusions of the statement. Current and/or future property owner
3. Plan and description of proposed project: A project description, complete with site plans, which shall specify the purpose of the proposed project, including products and services, if any, being provided, and the regional, municipal and neighborhood setting, including current land use of the project site and properties within five hundred (500) feet of the site
4. An inventory of existing conditions for the project site, the surrounding area and other areas affected by the project. In the presentation, attention should be given to the identification and description of critical impact areas, including but not necessarily limited to streams and stream corridors, swamps, marshes, steep slopes, highly erodible soils, areas of high-water table, flood prone areas, aquifer recharge areas, unique stands of native vegetation and important wildlife feeding or breeding

grounds. The inventory should include, but not necessarily be limited to, an analysis of the following.

- (a) Soils and their properties to be mapped on page 1 of the plat.
- (b) Topography.
- (c) Geology.
- (d) Groundwater hydrology.
- (e) Surface water.
- (f) The size of the subwatershed and the location of the site within the subwatershed(s).
- (g) Vegetation, wildlife and aquatic species and communities.
- (h) Land use.
- (i) Air quality.
- (j) Water quality.
- (k) Ambient noise level.
- (l) Aesthetic features.
- (m) The location, species and diameter of all trees to be removed.

5. A description of the services and/or natural resources to be utilized by the project. The discussion should include, but not necessarily be limited to, the following:

- (a) Wastewater management. An estimate of the expected quantity and type of wastewater from the proposed impact development. If disposal is on site, discuss the relation to topography, soils, wetlands and underlying geology, including water table, aquifer recharge areas and all wells within five hundred feet (500) of the disposal areas; include results of percolation tests and soil logs required by ordinance. If disposal is to an existing private facility or to a public facility, identification, owner and location of the plant and location of the existing collection point to which the proposed project would be connected. Documentary evidence that the expected flows from the proposed facility will be accepted and can be treated adequately by the private or public facility must accompany the environmental impact statement.

The applicant should demonstrate compliance with all applicable state, county and Borough health regulations.

- (b) Water supply. If the water is to be supplied from the site and a flow of one hundred thousand (100,000) gallons per day or less is required, an impact assessment of water supply is required if the anticipated demand exceeds the available safe yield of the aquifer contained within the property limits indicated in the Borough's resource inventory. In such case the applicant must substantiate and explain the anticipated demand, present proof that the aquifer contained within the property limits can yield the desired amount of water, demonstrate that wells proposed for installation will meet acceptable standards and assess the effect of proposed withdrawals on existing and proposed wells and surface water bodies within the geologic formation.

If the plan includes fifty (50) or more dwelling units, certification of the adequacy of the proposed water supply and sewerage facilities must be obtained from the New Jersey Department of Environmental Protection and must be included in the EIS.

If the water is to be supplied from any existing private or public facility, the identification, owner and location of the facility and the location of existing distribution point to which the proposed project would be connected shall be provided. The applicant will submit documentary proof that the facility has the available excess capacity in terms of its allowable diversion and equipment to supply the proposed project and is willing to do so. The applicant must demonstrate to the satisfaction of the Planning Board or Board of Adjustment that the total consumption of groundwater from on-site and off-site sources will not exceed the available safe yield of the aquifer contained within the property limits.

- (c) Surface drainage and stormwater management. Discussion of the stormwater management plan to be submitted in accordance with Chapter 44 and compliance with the provisions of that Chapter 44.
- (d) Stream corridors. A description and map of any streams and immediate environs, steep banks, springs and wetlands and streamside vegetation located on the property, in accordance with the standards of the Land Development Ordinance concerning stream corridors, and evidence of compliance with these standards. Include a map depicting the floodway and flood hazard area as reflected in flood hazard area delineation maps on file with the Borough, along with evidence of compliance with Section 419. The applicant shall supply copies of all resource information provided to the NJDEP Division of Water Quality in support of an application for any required Stream Encroachment Permit.
- (e) Solid waste disposal. Estimate the volume of solid wastes, by type, including excess earth, expected to be generated from the proposed project during construction and operation and describe plans for collection, storage, transportation and disposal of these materials; identify the location(s), type(s) and owner(s) of the facility (facilities) which will receive such solid wastes; demonstrate compliance with the requirements of the Statewide Mandatory Source Separation and Recycling Act.
- (f) Air quality. Describe each source, its location, the quantity and nature of materials to be emitted from any furnace or other device in which coal, fuel oil, gasoline, diesel fuel, kerosene, wood or other these combustible material will be burned, or if any other source of air pollutants, including automobiles attracted by the facility, will be present on the site during or after construction. Evidence of compliance with any applicable state and federal regulations shall accompany the EIS. If a state or federal emission permit is required, a copy of all resource data submitted

with the application for the permit shall also accompany the EIS.

- (g) Noise. A statement of anticipated effects on noise and vibration levels, magnitude and characteristics related to on-site activities and proposed method(s) of control. Background levels of noise throughout the anticipated area affected must be determined. Any applicant for industrial and commercial enterprises must show that after construction and during normal operation the enterprise will not exceed the State of New Jersey regulations controlling industries and commercial stationary sources (N.J.A.C. 7: 29-1.1 et seq.).
- (h) Traffic. Determine the present traffic volume and capacity of the road(s) serving the project and the nearest major intersection; calculate the traffic generated by the proposed project and any increase in background levels during the course of the project's completion; set forth projected volumes for roads and intersections upon completion of the project, and compare the projected level of service (LOS) to the existing LOS; and, describe traffic control measures that will be incorporated to mitigate the impact.
- (i) Community impact. An analysis of the factors affecting the finances of the Borough, which shall include a comparison of the estimated tax receipts and fiscal outlay for municipal services, estimated number and types of jobs to be provided; calculation of the number of school-age children to be produced; and, any addition to existing municipal services rendered by the project.
- (j) Visual impact. Discuss how the natural or present character of the area will be changed as a result of the proposed development, and the steps taken to mitigate the impact.
- (k) Artificial light. A statement of anticipated effects on light, magnitude and characteristics related to as onsite activities and proposed methods of control, with particular attention to the control of sky glow.
- (l) Critical and environmentally sensitive area. Quantify and discuss the impact on critical areas, including stream corridors, wetlands and slopes greater than fifteen percent (15%); and environmentally sensitive areas, including highly erodible soils, areas of high water table, mature stands of native vegetation, aquifer recharge and discharge areas and other environmentally sensitive features, areas, or conditions not addressed elsewhere in the EIS. The analysis should include a quantification of pre-development and post-development conditions on the site.
- (m) Energy conservation. A description of the site in terms of its physical orientation to solar access and prevailing winds, addressing the building and site design and arrangement in terms of energy efficient principles and maximum utilization of renewable energy sources.

- (n) Environmental protective measures. The EIS shall contain a listing of all environmental protective measures which will be used should the proposed project be implemented. These are measures which will avoid or minimize adverse effects on the natural and man-made environment of the site and region during the construction and operation of the facility.
 - (o) Adverse impacts which cannot be avoided. The EIS shall contain a summary list, without discussion, of the potential adverse environmental impacts which cannot be avoided should the proposed project be implemented. Short-term impacts should be distinguished from irreversible impacts. Any impacts on critical areas, which include but are not limited to streams, floodways, wetlands, slopes of fifteen percent (15%) or greater; and environmentally sensitive areas, which include but are not limited to highly erodible soils, areas of high water table, aquifer recharge areas and mature stands of native vegetation, should specify the type of criteria involved and the extent of similar areas which will not be affected.
 - (p) Summary environmental assessment. The EIS shall contain a concise summary of the environmental impact assessment for the proposed project. This summary will evaluate the adverse and positive environmental effect of the project should it be implemented and the public benefits expected to derive from the project, if any.
 - (q) Permits. List any permits required for this project from federal, state, local, or other governmental agencies, including the name of the issuing agency, whether the permit has been applied for, and if so, the date of the application, whether the application was approved or denied (include date) or is pending, and the number of the application or permit.
 - (r) A listing and assessment of the probable impact of the project on the environment and community including both adverse and beneficial effects, based on the pertinent items enumerated under subsection 40-12.2c4 (a) through (m).
 - (s) A thorough discussion of steps to be taken, during and after construction, to minimize adverse impacts to the development site and probable off-site impacts.
 - (t) Alternatives to the proposed project that might avoid some or all of the adverse impacts as described in subsection (o) above and a description of the positive and adverse environmental impacts of the alternatives.
6. Provide information on the off-site secondary impacts as follows:
- (a) Surface runoff and flooding.
 - (b) Nonpoint source pollution.
 - (c) Sedimentation and erosion.
 - (d) Water supply quality and quantity.

- (e) Traffic congestion.
- (f) Habitat fragmentation.

d. Planning Board/Board of Adjustment review.

1. In reviewing an EIS the Planning Board/Board of Adjustment shall take into consideration the effect of the proposed project upon all aspects of the environment, including but not limited to sewage disposal, water quality, water supply, preservation of trees and vegetation, the protection of watercourses, protection of air resources, protection of aquifers, protection of public lands and their uses and ecosystems and the avoidance of any nuisance factors.
2. The Planning Board/Board of Adjustment will submit the EIS for review to the Environmental Commission and may submit such statement to such other governmental bodies and to such consultants, as it may deem appropriate. The Planning Board/Board of Adjustment shall request that an advisory report shall be made to it by the governmental body or consultant within forty-five (45) days of the submission of the EIS to such governmental body or must consultant.
3. The Planning Board/Board of Adjustment may reject the proposed project on an environmental basis, if it can reasonably determine that the proposed project:
 - (a) Will result in appreciable harm to the environment or to the public health and safety;
 - (b) Has not been designed with a view toward the protection of natural resources; and,
 - (c) Will place any excessive demand upon the total resources available for such project and for any future project.
4. Any applicant may appeal a rejected EIS to the Borough of Belmar Mayor and Council. The applicant must submit this appeal in writing and pay all expenses incurred by the Borough during the appeal and review process.
5. Conditions. The steps to be taken to minimize the adverse environmental impacts during construction and operation and the alternatives which may be approved by the Planning Board shall constitute conditions of the approval of the EIS, together with such other conditions as the Planning Board/Board of Adjustment may impose. No certificate of occupancy shall be issued until compliance shall have been made with such conditions.

SECTION 3 - The Table in existing Section 40-11 entitled “DOCUMENTS REQUIRED TO BE SUBMITTED” shall be amended to be in Section 40-12 and shall be amended to require the submission of an Environmental Impact Statement for a Minor Site Plan, a Preliminary Major Subdivision Plan, and a Preliminary Major Site Plan, as detailed on Exhibit “A” attached hereto.

SECTION 4 - Effective Date

This Ordinance shall be adopted and published in accordance with N.J.S.A. 40:49-2 et seq., however, this Ordinance shall not take effect until the Ordinance is reviewed and approved by the County of Monmouth as required by N.J.S.A. 40:44D-93 et seq.

SECTION 5 - Severability

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Municipal Clerk

Mayor

EXHIBIT “A”

Item No.	Description	Variance	Informal Concept Plan	MINOR APPLICATION		MAJOR APPLICATION			
				Subdivision	Site Plan	Subdivision Preliminary	Subdivision Final	Site Plan Preliminary	Site Plan Final
D.	Supplementary Documents								
10.	Environmental Impact Statement				X	X		X	

Note to Editor: The new “X” marks in Item D.10 have not been underlined for ease of reading.

ORDINANCE 2009-

BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF
WATER MAINS ALONG INLET TERRACE WEST IN AND
BY THE BOROUGH OF BELMAR, IN THE COUNTY OF
MONMOUTH, NEW JERSEY, APPROPRIATING \$375,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$375,000 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Belmar, in the County of Monmouth, New Jersey (the "Borough"). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$375,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$375,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the construction of water mains along Inlet Terrace West to replace the existing ductile iron water main and restore water pressure for fire fighting and to residents, as well as acquisition and installation of new fire hydrants, individual service connections, trench repair, pavement overlay, traffic control and restoration, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$375,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in

connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

“GOD BLESS AMERICA”

REGULAR MEETING

JUNE 10, 2009

A Regular Meeting of the Mayor and Council of the Borough of Belmar was held on the above date at the Municipal Complex at 9:00 pm.

PRESENT: Mayor Pringle, Council President Brennan, Councilwoman Deicke, Councilman Wright, Councilman Doherty, Karl Kemm, Esq., Administrator Robbin Kirk, and Acting Borough Clerk April Claudio

The Borough Clerk stated “Adequate notice of this meeting has been provided to The Coast Star, the official newspaper of the Borough of Belmar, and the Asbury Park Press on December 4, 2008. Notice of this meeting was prominently posted on the bulletin board of the Municipal Building and filed with the Clerk of the Borough of Belmar.

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE: Our troops and their families

PETITIONS: None

APPROVAL OF MINUTES: Council member Brennan moved for approval of minutes for the Regular meeting held on May 27, 2009 and June 1, 2009, seconded by Council member Wright and by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

REPORTS OF MAYOR AND COUNCIL:

Council member Deicke: There are 27 residents signed up for Belmar’s Blooming. Plantings have been done at three locations and photos are displayed in the lobby. No littering signs installed at fishing docks. Belmar Cares will have a table at the Seafood Festival. Children’s clothes closet still going on at Methodist Church. Youth Leadership Safety Program is underway and will continue in the next school year. Belmar Women’s Club holding 81st flower show and luncheon on July 8th at the Waterview Pavilion. Read DPW report.

Council member Brennan: Seafood Festival is being setup. Beach revenue is down about \$200,000 due to the weather. Green Team has been busy planting flowers in the planters on Main Street. Gazebo was delivered and will be placed at the corner of 8th and Main Street. There will be a water conservation demonstration at E Street Park.

Council member Wright: Senator Sean Kean and Assembly persons David Rible and Mary Pat Angelini will be holding a meeting in Wall Township regarding the dredging of Shark River. He encouraged residents to attend. Looking into amending unemployment insurance costs in an effort to lower the budget.

Council member Doherty: Thanked Mary Brabazon and Merry Brennan for putting together the Seafood Festival. Asked Acting Chief Palmisano to comment on how things are going this summer. Acting Chief Palmisano stated tourism is down and it’s probably due to the weather but the police department is running smoothly.

PUBLIC HEARING: Public Session on resolutions only on the Agenda. We will continue to have a Public Session at the end of this meeting.

Mike Marino, 202 Eighth Avenue, asked how much money Belmar is liable for in the grant resolutions. Ms. Kirk explained that there are three grants being applied for and there is no match from the Borough on one of them and the other two there is no match as of now but there’s a possibly of the Borough having to match 25%.

Neil Scheck, 410 Fourth Avenue, asked the Mayor and Council to support the resolution appointing him to the Shade Tree Commission.

Mayor Pringle moved that the Public Hearing be closed, seconded by Council member Doherty and approved unanimously.

RESOLUTIONS:

Council member Doherty offered Resolution No. 2009-124 and moved its adoption.

**RESOLUTION MAKING FINDINGS AND DETERMINATIONS ON
LEGALIZED GAMES OF CHANCE APPLICATION NUMBER
2009-25 & 26**

Seconded by Council member Wright and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Deicke offered Resolution No. 2009-125 and moved its adoption.

**RESOLUTION AND AGREEMENT FOR STATE AID SAFE STREETS TO
TRANSIT GRANT PROGRAM**

Seconded by Council member Wright and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Wright offered Resolution No. 2009-126 and moved its adoption.

RESOLUTION AND AGREEMENT FOR STATE AID MUNICIPAL AID

Seconded by Council member Doherty and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Wright offered Resolution No. 2009-127 and moved its adoption.

**RESOLUTION AND AGREEMENT FOR STATE AID TRANSIT VILLAGE
GRANT PROGRAM**

Seconded by Council member Deicke and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Wright offered Resolution No. 2009-128 and moved its adoption.

**RESOLUTION OF THE BOROUGH OF BELMAR DECLARING ITS
OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT
COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION
WITH ITS PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST FINANCING PROGRAM**

Seconded by Council member Deicke and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Wright offered Resolution No. 2009-129 and moved its adoption.

**RESOLUTION OF THE BOROUGH OF BELMAR, IN THE COUNTY OF
MONMOUTH, NEW JERSEY MAKING APPLICATION TO THE LOCAL
FINANCE BOARD PURSUANT TO N.J.S.A. 58:11B-9(a) AND N.J.S.A. 2-26(e)**

Seconded by Council member Brennan and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Deicke offered Resolution No. 2009-130 and moved its adoption.

**RESOLUTION APPOINTING MEMBERS TO THE BELMAR SHADE
TREE COMMISSION**

Seconded by Council member Brennan and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Doherty offered Resolution No. 2009-131 and moved its adoption.

RESOLUTION AUTHORIZING REFUND OF TAX OVER PAYMENT

Seconded by Council member Wright and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Deicke offered Resolution No. 2009-132 and moved its adoption.

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-008-009 TO KLEIN'S FISH MARKET, INC. FOR THE PERIOD ENDING JUNE 30, 2010

Seconded by Council member Brennan and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Doherty offered Resolution No. 2009-133 and moved its adoption.

RESOLUTION AUTHORIZING ISSUANCE OF A PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-001-010 FOR 8th AVE. VENTURES, LLC T/A CONNOLLY STATION FOR THE PERIOD ENDING JUNE 30, 2010

Seconded by Council member Brennan and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Brennan offered Resolution No. 2009-134 and moved its adoption.

RESOLUTION AUTHORIZING ISSUANCE OF A CLUB LICENSE TO BELMAR LODGE # 1997 BPOE FOR PERIOD ENDING JUNE 30, 2010

Seconded by Council member Deicke and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Brennan offered Resolution No. 2009-135 and moved its adoption.

RESOLUTION AUTHORIZING ISSUANCE A CLUB LICENSE TO BELMAR FISHING CLUB FOR PERIOD ENDING JUNE 30, 2010

Seconded by Council member Deicke and passed by the following vote:

AYES: Deicke, Brennan, Doherty

ABSTAIN: Wright and Pringle

Council member Brennan offered Resolution No. 2009-136 and moved its adoption.

RESOLUTION AUTHORIZING ISSUANCE OF CLUB LICENSE TO THE ORDER OF FRIENDLY SONS OF SHILLELAGH FOR PERIOD ENDING JUNE 30, 2010

Seconded by Council member Deicke and passed by the following vote:

AYES: Deicke, Brennan, Wright, Pringle

ABSTAIN: Doherty

Council member Deicke offered Resolution No. 2009-137 and moved its adoption.

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1306-33-010-006 TO WATERVIEW PAVILION, INC.T/A RIVERVIEW PAVILION, WATERVIEW PAVILION FOR PERIOD ENDING JUNE 30, 2010

Seconded by Council member Doherty and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Council member Wright offered Resolution No. 2009-138 and moved its adoption.

RESOLUTION AUTHORIZING ISSUANCE OF PLENARY RETAIL DISTRIBUTION LICENSE FOR DAI SENG CORP. T/A LITTLE RED BARN FOR THE PERIOD ENDING JUNE 30, 2010

Seconded by Council member Deicke and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

ORDINANCE 2009-12

First Reading & Introduction

BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF WATER MAINS ALONG INLET TERRACE WEST IN AND BY THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$375,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

Council member Deicke offered Ordinance 2009-12 for first reading and scheduled it for public hearing on June 24, 2009.

Seconded by Council member Wright and approved by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

ORDINANCE 2009-10

Second Reading

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, SECTIONS 19-54.5 HANDICAPPED PARKING SPACES IN FRONT OF CERTAIN RESIDENCES

Public Hearing on Ordinance 2009-10: No Comments

Thereupon, Mayor Pringle moved that all persons present had been given an opportunity to be heard; the Public Hearing should be closed. Seconded by Council member Wright and approved unanimously.

Council member Doherty offered Ordinance No. 2009-10 for final adoption, seconded by Council member Wright and approved by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, and Pringle

ORDINANCE 2009-11

Second Reading

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF BELMAR, AMENDING CHAPTER 44 TO PROVIDE STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT AS REQUIRED AND PROVIDED FOR IN N.J.A.C. 7:8 AND THE BOROUGH'S TIER "A" MUNICIPAL STORMWATER GENERAL PERMIT AND AMENDING CHAPTER 40 TO REVISE THE REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STATEMENT

Public Hearing on Ordinance 2009-11:

Gene Creamer, 318 Fourth Avenue, stated the roman numerals in the ordinance need to be corrected.

Thereupon, Mayor Pringle moved that all persons present had been given an opportunity to be heard; the Public Hearing should be closed. Seconded by Council member Wright and approved unanimously.

Mayor Pringle offered Ordinance No. 2009-11 for final adoption, seconded by Council member Doherty and approved by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, and Pringle

PAYMENT OF BILLS: hereby certify that the vouchers listed on the warrant register numbering thru as follows:

01	General Account	\$921,830.07
03	Grant Fund	\$896.15
11	Water/Sewer Utility Acct.	\$10,575.09
21	Beach Utility Account	\$66,331.61
23	Parking Utility	\$1,419.73
41	Dog License Account	\$178.80
55	Trust Fund Account	\$12,678.55
61	Tourist Development Trust Fund	\$1,906.00
62	Seafood Festival	\$30,541.00
	Total:	\$1,046,357.00

comply with requirements of State Law and Borough Ordinance as to content and form, that proper and sufficient appropriations exist for the payment to be made and that there is legal authority as provided in N.J.S. 40A: 5-17(a)(1) for the payment to be made.

Council member Wright offered Resolution No. 2009-139 and moved its adoption.
RESOLUTION AUTHORIZING PAYMENT OF BILLS ON JUNE 10, 2009
Seconded by Council member Doherty and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

PUBLIC:

Mike Marino, 202 Eighth Avenue, thanked the Historical Council and Arts Council for providing refreshments during the Memorial Day Services.

Maria Florio, 114 12th Avenue, stated two men came to her house one night at 8:45 with pamphlets asking for donations. Mayor Pringle stated it was probably the NJ Water Federation. She felt that they came at a late hour. Mayor Pringle advised everyone that there are restrictions in the ordinance regarding soliciting of donations door to door and if anyone has concerns they should contact the Borough Hall or Police Department so they can notify the company of these issues.

Gene Creamer, 318 Fourth Avenue, was happy that JCP&L gave sufficient notification that they would be trimming the trees on his street. Asked about the utility and cable franchise fees in the budget. Ms. Kirk explained the utility franchise fees and stated she would provide him with a breakdown of the cable franchise fee.

Mayor Pringle moved that the Public Hearing be closed, seconded by Council member Doherty and approved unanimously.

Council member Doherty made a motion to adjourn the regular meeting and go into closed session, which was seconded by Council member Wright and approved unanimously.

Council member Doherty offered Resolution No. 2009-140 entitled **RESOLUTION AUTHORIZING CLOSING MEETING** and moved its adoption. Seconded by Council member Wright and passed by the following vote:

AYES: Deicke, Brennan, Doherty, Wright, Pringle

Items to be discussed: Personnel matters and contract negotiations.