

## **MANSFIELD TOWNSHIP COMMITTEE MEETING**

**March 8, 2006**

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, and Mayor Watters present.

Salute to flag was done by all.

### **APPROVAL OF MINUTES:**

Mr. Baldwin made a motion to approve the minutes of the regular meeting March 8, 2006, Mrs. Oakley seconded the motion.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters  
Nays: None

### **PAYMENT OF BILLS:**

Mr. Baldwin made a motion to approve the bill list as presented, Mrs. Oakley seconded the motion.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters  
Nays: None

### **CONSENT AGENDA:**

Mr. Appleby made a motion to approve the consent agenda, seconded by Ms. Nerbak.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters  
Nays: None

Mr. Lee stated that Mr. & Mrs. Mayberry were at the meeting and wanted to donate a portion of their property on Port Murray Road to the Township for the Township Recreation Property access. Mr. Cruts, Recreation Commission Chair, was also at the meeting to accept the gracious donation from the Mayberry Family.

### **PUBLIC PORTION:**

Mr. Cruts, Recreation Commission Chair, asked when the construction of the driveway into the Recreation Property would begin.

Mr. Mace stated that possibly by the end of April construction could begin.

Seeing there were no further comments from the public, Mayor Watters closed the public portion.

### **RESOLUTIONS:**

**Resolution 2006-34**

**RESOLUTION TO CANCEL CAPITAL FUND RESERVE OF THE TOWNSHIP OF  
MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**

WHEREAS, there exists a reserve on the balance sheet of the Capital Fund; and

WHEREAS, the funds creating this reserve have been investigated and it has been determined that these reserves are no longer needed and should be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following reserve in the amount of \$50,317.45 be and the same are hereby canceled to surplus

Reserve for:

Snyder Road - \$50,317.45

Motion made by Mr. Baldwin to approve Resolution 2006-34, Ms. Nerbak seconded the motion.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters

Nays: None

**Resolution 2006-35**

**RESOLUTION TO AUTHORIZE INCREASE IN DEFERRED SCHOOL TAXES OF THE  
TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts; and

WHEREAS, the Township Committee of the Township of Mansfield has decided that an increase in Deferred School Taxes is in the best interest of the Township at this time;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following Deferred School Taxes be hereby increased for the year ended December 31, 2005 as follows:

	<u>Deferred Local School Taxes</u>
Amount Deferred 12/31/05	\$2,160,553.02
Amount Deferred 12/31/04	\$1,891,120.00
Increase in Deferral	\$269,433.02

BE IT FURTHER RESOLVED by the Township Committee of the Township of Mansfield that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Mr. Baldwin made a motion to approve Resolution 2006-35, Ms. Nerbak seconded the motion.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters

Nays: None

**RESOLUTION NO. 2006-36**

WHEREAS, the temporary municipal budget for the year 2006, was approved on the 1<sup>st</sup> day of January, 2006; and

WHEREAS, it is desired to amend said approved budget;

NOW THEREFORE, BE ITS RESOLVED by the Township Committee of the Township of Mansfield, County of Warren, that the following amendment to the temporary budget be made:

Appropriation:

Clean Communities Reserve	\$13,363.08
Recycling Tonnage Reserve	\$2,578.47
Body armor Reserve	\$2,533.62
Environmental Grant	\$1,000.00
Municipal Alliance Reserve	\$1,032.78
Stormwater Grant	\$6,351.00

Mr. Baldwin made a motion to approve Resolution 2006-36, Ms. Nerbak seconded the motion.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters  
Nays: None

**BUDGET PRESENTATION;**

Mr. Coppola stated that the budget that is being presented is keeping the tax increase at less than one cent, even with the contributions from the township being more.

Mr. Baldwin thanked Mr. Coppola for all of his hard work on the budget.

Mr. Baldwin made a motion to approve the budget as presented, Ms. Nerbak seconded the motion and express her thanks also to Mr. Coppola.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters  
Nays: None

Mrs. Oakley made a motion to approve advertising the budget in summary and advertise the public hearing of the budget on April 12, 2006, also provide a copy to the Warren County Library for public viewing, Mr. Baldwin seconded the motion.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters  
Nays: None

Mr. Lee stated that the increase is actually 9/10<sup>th</sup> of one cent.

**ENGINEER'S REPORT:**

Mr. Mace explained that a change order would have to be approved for the pricing of the guardrail, so that the guardrail contract the original amount was for \$102,974.50, and the amount paid for the work to be completed was \$96,260.00.

Mr. Baldwin made a motion to approve the Change Order for the guardrail project, Mrs. Oakley seconded the motion.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters  
Nays: None

Mr. Mace received a letter from Department of Transportation in reference to the Townships request for a speed limit change on certain roads, NJDOT will be doing reviews of where the speed surveys will need to be done within the next 60 days.

**ORDINANCES: (8:00 PM)**

**ORDINANCE 2006-12**

**TOWNSHIP OF MANSFIELD**

**CALENDAR YEAR 2006**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS**

**AND TO ESTABLISH A CAP BANK**

**(N.J.S.A. 40A: 4-45.14)**

**WHEREAS, the Local Government** Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Township of Mansfield in the County of Warren finds it advisable and necessary to increase its CY 2006 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 1.0% increase in the budget for said year, amounting to \$31,089.25 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Township of Mansfield, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2006 budget year, the final appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$108,812.38, and that the CY 2006 municipal budget for the Township of Mansfield be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Motion made by Ms. Nerbak to approve Ordinance 2006-12, advertise for public hearing on April 12, 2006, Mrs. Oakley seconded the motion.

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters  
Nays: None

ORDINANCE 2006-13  
AN ORDINANCE TO AMEND CHAPTER 20 LAND USE AND  
PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT  
COMPLIANCE

**Mansfield Township  
Chapter XX Land Use and Performance Standards  
Stormwater Management.**

**20-11 Stormwater Management and Flooding**

20-11.1 *Purpose.*

It is hereby found that uncontrolled stormwater runoff and flooding endanger life and damage public and private property, that this condition is aggravated by encroachments in the floodplain which contribute to flooding conditions by decreasing flood storage volumes, and that the most appropriate method of alleviating flooding conditions is through the regulation of both stormwater management and stream encroachments, and that such regulations are within the exercise of the police power of the township for the protection of the persons and property of its inhabitants and for the preservation of the health, safety and general welfare.

20-11.2 *General Provisions.*

Any application for major development in the township shall include sufficient information to carry out the intent and purpose of this section, which shall be administered by the township engineer in conjunction with approval by the Board. Special attention shall be given to proper sites for stormwater detention, surface drainage and groundwater recharge so that the surface water will not adversely affect neighboring properties or the public storm drainage system.

20-11.3 *Design Standards.*

In the preparation of a stormwater management plan, the following general principles shall be adhered to:

- a. Stormwater management systems shall emphasize a natural, as opposed to an engineered, drainage strategy. The extent of natural approach depends on such factors as site storage capacity, open channel hydraulic capacity, recharge capability and maintenance needs and resources. The extent of the stormwater management design shall be assessed through the use of the New Jersey Department of Environmental Protection (NJDEP) "New Jersey Nonstructural Stormwater Management Strategies Point System"(NSPS) or such other analysis technique suitable to the municipal approving authority.
  - b. Maximum use shall be made of presently existing stormwater runoff control devices, mechanisms or areas, such as existing berms, terraces, grass waterways, favorable hydrologic soils, swamps, swales, watercourses, woodlands and floodplains, as well as any proposed management structures.
  - c. Whenever practicable, planned or cluster development shall be employed and permitted if it will reduce the total area of impervious surfaces and preserve open space and topographic features critical to stormwater management.
  - d. Evaluation shall be made of the nature of the subwatershed of which the site is a part and of the receiving stream channel capacities.
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- e. Stormwater runoff shall not be transferred from one subwatershed to another.
- f. The plan should coordinate with the soil erosion sediment control plan.
- g. To the greatest possible extent, the plan shall avoid the concentration of flow and shall provide for dissipation of velocities at all concentrated discharge points.
- h. Reestablishing vegetative cover shall be in accordance with the Standards and Specifications for Soil Erosion and Sediment Control in New Jersey, latest edition.
- i. Timing for the plan shall establish permanent stormwater management measures prior to construction or other land disturbance, to include seeding and establishing sod in grass waterways.

20-11.4 *Design Criteria.*

- a. For calculating runoff amounts and for design of controls the provisions of Subchapter 7 entitled Stormwater Management of the "Residential Site Improvement Standards" N.J.A.C. 5:21-7.1 *et. seq* shall be employed., b. All stormwater management techniques and devices shall conform to the provisions of the NJDEP provisions for Stormwater Management as set forth in N.J.A.C. 7:8. The following subchapters shall be specifically included:
  - 1. Definitions shall be as set forth in N.J.A.C. 7:8-1.2 with the following additions or modifications which shall be applicable to this article only and as may be referred to in references to this article:

County Review Agency shall mean the Warren County Planning Board.

Municipality shall mean the Township of Mansfield, Warren County, New Jersey.

N.J.A.C. means the New Jersey Administrative Code.

NJDEP means the New Jersey Department of Environmental Protection

NSPS means the Nonstructural Stormwater Management Strategies Point System as published by the NJDEP.

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2. Applicability shall be as set forth in N.J.A.C. 7:8-1.6 (a) & (b)
3. Design and performance standards shall be as set forth in N.J.A.C. 7:8-5 except as follows:
  - (a) Article 5.3 (a) shall be supplemented as follows:

The applicant shall demonstrate through the use of the NSPS the degree of conformance with these regulations.
  - (b) Article 5.3 (c) setting forth standards for land incorporated into nonstructural stormwater management measures shall be change to read as follows:
    1. Any land area used as a nonstructural stormwater management measure to meet the performance standards in N.J.A.C. 7:8-5.4 and 5.5 shall comply with at least one of the following:
      - i. be dedicated to a government agency (subject to the concurrence and approval of said agency),
      - ii. subjected to a conservation restriction filed with the Warren County Clerk's office, or
      - iii. 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.
    2. Any land subject to the provisions of i, ii, or iii. above, except that land dedicated and accepted by Mansfield Township, shall also be subject to maintenance, inspection and reporting provisions as required by N.J.A.C. 7:8-5.8 entitled "Maintenance Requirements" and the requirements of the stormwater NJPDES permit issued to Mansfield Township and N.J.A.C. 7:14A-25.7. An agreement shall be drawn between the Township and the party designated to provide maintenance and inspection services. In addition a bond in a accordance with the provisions of N.J.A.C. 7:8-5.8(i).
    3. Provisions shall be made to require that the party providing maintenance and inspection shall on an annual basis and at least two months prior to the required reporting date of the Township (April 30 at the writing of this ordinance, subject to change by NJDEP) provide to the Township a completed copy of the municipal annual reporting form (provided by the

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Coordinator) for the subject property including the  
required certifications. In addition the Township shall  
have the right to audit the information within the report.

- (c) Safety standards shall be as set forth in N.J.A.C. 7:8-6.
- 4. Erosion control, groundwater recharge and runoff quantity standards shall be as set forth in N.J.A.C. 7:8-5.4.
- 5. Stormwater runoff quality standards shall be as set forth in N.J.A.C. 7:8-5.5
- 6. Calculation of stormwater runoff and groundwater recharge shall be as set forth in N.J.A.C. 7:8-5.6 provided that where the standards in this section are in conflict with the standards in the Residential Site Improvement Standards then the standards herein shall control.
- 7. Standards for structural stormwater management measures shall be as set forth in N.J.A.C. 7:8-5.7 except as set forth as follows:
  - (a) Article 7:8-5.7(a) 1 shall be amended to require that a plan indicating the location and method of determination of each environmentally critical area shall be supplied.
- 8. Maintenance requirements shall be as set forth in N.J.A.C. 7:8-5.8.

20-11.5 *Stream Encroachments and Stream Buffers.*

No structure shall be built on a lot any side of which fronts on a natural watercourse unless a permit or certificate of exemption has been issued by the New Jersey Department of Environmental Protection or as appropriate by the Township of Mansfield as follows:

- (a) as required by the Stream Encroachment Law, R.S. 58:1-26, et seq., and the Floodplain Act, R.S. 58:16A-50, et seq;
- (b) as required by N.J.A.C. 7:8-5.5(h) special water resource protection areas, also known as Category One waters; and
- (c) as required by Chapter XXII, Zoning article 22-4.8 entitled "Riparian Buffer Conservation Zone".

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**21 Land Subdivision and Site Plan Review**

**§21-5.3 Minor Subdivision Plat**

Sub-article d. is changed to read as follows:

- d. Existing and proposed drainage and stormwater management features of the property and surrounding area within 200 feet (for example, culverts, wetlands, water areas, streams and leads subject to occasional flooding) and a stormwater management plan and report complying with §21-5.4 c. 3. (d)

**§21-5.4 Preliminary Subdivision Plat**

The following is added §21-5.4 c. 3

- (d) Stormwater Management Plan and Report shall consist of the following elements:
  - (1) Existing conditions mapping shall include a topographic survey of the property which shall include indications of existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, property lines, and significant natural and manmade features not otherwise enumerated.
  - (2) An Environmental Site Analysis which shall consist of 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. This mapping may utilize appropriate portions of the environmental impact statement or analysis as required by §20-4.1 and may cross reference said mapping.
  - (3) A Stormwater Management Facilities Map and Report which shall be a comprehensive map indicating all existing and proposed site features upon which the required stormwater management facilities are based. This shall include the following elements:
    - [a] existing and proposed site conditions which affect compliance with the requirements of §20-11 Stormwater Management and Flooding;
    - [b] a demonstration of how the goals and standards of §20-11 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;
    - [c] an indication of the stormwater management facilities which shall include:
      - [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

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- [2] 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;
- [d] a set of calculations documenting compliance with §20-11 which shall include as a minimum:
  - [1] a copy of the NSPS with a key to the stormwater management facilities map for each element of the calculations.
  - [2] comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §20-11
  - [3] when the proposed stormwater management control measures (e.g., infiltration devices or features) 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 soils present at the location of the control measure.
- (4) A Maintenance and Repair Plan and report describing the procedures required to meet the maintenance requirements of §20-11

§21-5.5 Improvement and Utility Plans

Sub-article f.6. shall be changed as follows:

- 6. Final design computations and an updated stormwater management plan and report complying with §21-5.4 c. 3. (d)

§21-7.5 Site Plan Information for Preliminary Approval

Sub-article j shall be changed as follows:

- (j) The approximate location and size of all existing and proposed storm drainage facilities, plus all required preliminary design data supporting the adequacy of the existing or proposed facility to handle future storm flows and analysis of the capacity of the facility into which the stormwater will flow and a stormwater management plan and report complying with §21-5.4 c. 3. (d)

§21-7.7 Final Site Plan Requirements

Sub-article c.15 shall be changed as follows:

- 15. The location, type and size of all existing and proposed catchbasins and storm drainage facilities with profiles thereof, including design calculations, plus all

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required design data supporting the adequacy of all existing facilities to accept the additional stormwater and an updated stormwater management plan and report.

The "Checklists" in this chapter shall be changed as follows:

**MINOR SUBDIVISION PLAN CHECKLIST**

\_\_\_\_\_ 21-5.3d Existing and proposed drainage features  
\_\_\_\_\_ Stormwater Management Plan and Report

**MAJOR SUBDIVISION PRELIMINARY PLAT CHECKLIST**

\_\_\_\_\_ 21-5.4c 3. (c) Preliminary design computations  
\_\_\_\_\_ (d) Stormwater Management Plan and Report

**MAJOR SUBDIVISION IMPROVEMENT & UTILITY PLAN CHECKLIST**

\_\_\_\_\_ 21-5.3f 6. Existing and proposed drainage features  
\_\_\_\_\_ Stormwater Management Plan and Report

**PRELIMINARY SITE PLAN CHECKLIST**

\_\_\_\_\_ 21-7.5j Existing and proposed drainage features  
\_\_\_\_\_ Stormwater Management Plan and Report

**FINAL SITE PLAN CHECKLIST**

\_\_\_\_\_ 21-7.7c 15 Existing and proposed drainage features  
\_\_\_\_\_ Stormwater Management Plan and Report

**Mr. Baldwin made a motion to approve Ordinance 2006-13, Mrs. Nerbak seconded the motion.**

Ayes: Mrs. Oakley, Mr. Baldwin, Ms. Nerbak, Mr. Appleby, Mayor Watters  
Nays: None

**SECOND READING:**

Mayor Watters presented Ordinance 2006-06 for public hearing.

2006-06

**TOWNSHIP OF MANSFIELD**

**AN ORDINANCE TO AMEND CHAPTER 22 OF THE CODE OF THE TOWNSHIP  
OF  
MANSFIELD TO CREATE ESTABLISH REQUIREMENTS FOR THE  
ESTABLISHMENT OF  
RIPARIAN BUFFER CONSERVATION ZONES.**

WHEREAS the Township Committee of the Township of Mansfield desires to implement riparian buffer conservation zone in accordance with the guidelines from the New Jersey Department of Environmental Protection.

BE IT ORDAINED by the Township Committee of The Township of Mansfield in the County of Warren and State of New Jersey as follows:

Article 22-2 entitled Definitions is amended by the addition of the following:

*Category One (C1) Waters-* Shall have the meaning ascribed to this term by the Surface Water Quality Standards at N.J.A.C. 7:9B-1 .15.

*Category Two (C2) Waters-*Shall** mean those waters not designated as Outstanding Natural Resource Waters or Category One in the Surface Water Quality Standards at N.J.A.C. 7:9B- 1.15 for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9B-1.5(d).

*Floodway-*Shall** have the meaning ascribed to this term by the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.) and regulations promulgated there under published at N.J.A.C. 7.13 et seq., and any supplementary or successor legislation and regulations from time to time enacted or promulgated.

*Intermittent Stream-*Shall** mean surface water drainage channels with definite bed and banks in which there is not a permanent flow of water. Streams shown as a dashed line on the USGS topographic quadrangle maps.

*Lake, pond or reservoir-*Shall** mean any impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water, excluding sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

*Perennial stream-*Means** a stream that flows continuously throughout the year in most years. Streams appearing as a blue line on USGS topographic quadrangle maps shall be considered perennial, however any stream not shown which flows continuously shall be included within this definition.

*Riparian Buffer Conservation Zone (RBCZ) -*Shall** mean an area of land or water within or adjacent to a Surface Water Body within the municipality.

*Riparian Buffer Conservation Zone Management Plan-*Shall** mean a plan approved by the Administrative Authority, prepared by a landscape architect, professional engineer or other qualified professional, which evaluates the effects of any proposed activity/uses on any RBCZ.

*Surface Water Body-*Shall** mean any perennial stream, intermittent stream, lake, pond or reservoir, as defined herein. In addition, any state open waters identified in a letter of interpretation issued by the New Jersey Department of Environmental Protection Land Use Regulation Program shall also be considered surface water

bodies.

There is added to Chapter 22 of the Mansfield Township Code a new Section 22-4.9 as follows:

22-4.8 *Riparian Buffer Conservation Zone*

- a. *Intent and purpose*-The governing body of the Township of Mansfield finds that riparian lands adjacent to streams, lakes or other surface water bodies that are adequately vegetated, provide an important environmental protection and water resource management benefit. It is necessary to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection and maintenance of vegetation along the surface water bodies within the jurisdiction of the Township of Mansfield, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas. The purpose of this section is to designate Riparian Buffer Conservation Zones, and to provide for land use regulation therein in order to protect the streams, lakes and other surface water bodies of the Township of Mansfield; to protect the water quality of watercourses, reservoirs, lakes and other significant water resources within the Township of Mansfield; to protect the riparian and aquatic ecosystems of the Township of Mansfield; to provide for the environmentally sound use of the land resources of the Township of Mansfield, and to complement existing state, regional, county and municipal stream corridor protection and management regulations and initiatives. The results of these measures are to:
1. Restore and maintain the chemical, physical and biological integrity of the water resources the Township of Mansfield;
  2. Prevent excessive nutrients, sediment and organic matter, as well as biocides and other pollutants from reaching surface waters by optimizing opportunities for filtration, deposition, absorption, adsorption, plant uptake, biodegradation and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed sheet flow prior to reaching receiving waters;
  3. Provide for shading of the aquatic environment so as to moderate temperatures, retain more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna;
  4. Provide for the availability of natural organic matter (fallen leaves and twigs) and large woody debris (fallen trees and limbs) that provide food and habitat for small bottom dwelling organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;

5. Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing stream bank erosion and sedimentation and protecting habitat for aquatic organisms;
  6. Maintain base flows in streams and moisture in wetlands;
  7. Control downstream flooding; and
  8. Conserve the natural features important to land and water resources, e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.
- b. *Establishment of riparian buffer conservation zones*-Riparian Buffer Conservation Zones (RBCZs) shall be delineated as follows:
1. In the case of Category One (C1) waters, the RBCZ shall equal the Special Water Resource Protection Area, and shall be measured as defined at N.J.A.C. 7:8-5.5(h). Special Water Resource Protection Areas are established along all waters designated as C1 at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage.
  2. For areas adjacent to surface water bodies designated Category Two (C2) Waters for Trout Production (FW2-TP) the RBCZ shall be measured from the defined edge of the perennial stream, or centerline if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level, and shall extend 150 feet horizontally outward from the perpendicular.
  3. For areas adjacent to other surface water bodies, the RBCZ shall be measured from the top of bank of the perennial stream, or centerline if bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level, and shall extend 75 feet horizontally outward from the perpendicular. Where steep slopes in excess of 25 percent are located within the designated widths, the RBCZ shall be extended to include the entire distance of this sloped area to a maximum of 100 feet.
  4. For areas adjacent to surface water bodies for which the Floodway has been delineated, the RBCZ shall cover the entire Floodway area, or the area described in hereinabove, whichever area has the greatest extent. Floodway delineations shall be based upon the State's adopted floodway delineations. However, requests for alterations to the adopted delineations can be provided to the New

Jersey Department of Environmental Protection for consideration of site specific information is available.

- c. *Establishment of an RBCZ as an overlay zone.*  
An RBCZ is established as an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the RBCZ differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply to land disturbances resulting from or related to any activity or use requiring application for any of the following permits or approvals:
- Zoning variance
  - Conditional use
  - Subdivision land development approval
2. The applicant shall be responsible for the initial determination of the presence of an RBCZ on a site, and for the preparation of a Riparian Buffer Conservation Zone Management Plan as set forth hereinbelow and identifying the area on any plan submitted to the Township of Mansfield, in conjunction with an application for a land development. This initial determination shall be subject to review and approval by the Administrative Authority and, where required, by the New Jersey Department of Environmental Protection.
- d. *Uses permitted in riparian buffer conservation zones:*  
For Category One (C1) RBCZs, permitted uses are governed by N.J.A.C. 7:8-5.5(h), unless otherwise exempt. If exempt from NJAC 7:8-5.5(h), the uses shall be governed by this ordinance as if the RBCZ.
2. Any other RBCZ area shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of this ordinance shall be restored to a natural condition unless said agricultural activity shall continue. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species. There shall be no altering of watercourses, dumping of trash, soil, dirt, fill, vegetative or other debris, regrading or construction. The following uses are permitted either by right or after review and approval by the municipality in RBCZs. The following uses after review and approval by the Administrative Authority shall be permitted within an RBCZ:
- (a) Open space uses that are primarily passive in character shall be permitted to extend into an RBCZ, provided near stream vegetation is preserved. These uses do not require

approval by the Approving Authority or compliance with an approved RBCZ Management Plan. Such uses include wildlife sanctuaries, nature preserves, forest preserves and fishing areas but excluding structures. Such uses also include passive recreation areas of public and private parklands, including unpaved hiking, bicycle and bridle trails, provided that said trails have been stabilized with pervious materials.

- (b) Fences, for which a permit has been issued to the extent required by applicable law, rule or regulation.
  - (c) Crossings by farm vehicles and livestock, recreational trails, roads, railroads, storm water lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to approval by the Administrative Authority, provided that any applicable State permits are acquired.
  - (d) Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved RBCZ Management Plan, or wetlands mitigation projects that have been approved by the Department of Environmental Protection, subject to approval by the Administrative Authority and subject to compliance with an approved RBCZ Management Plan.
- e. *Performance standards for riparian buffer conservation zones* All encroachments proposed into Category One (C1) RBCZs shall comply with the requirements at N.J.A.C. 7:8-5.5(h) and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt. If exempt, the encroachment shall be subject to the provisions below.
2. For all other RBCZs, the following conditions shall apply:
- (a) All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the RBCZ to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.
  - (b) Portions of lots within the RBCZ must be permanently restricted by deed or conservation easement in which the Township of Mansfield has been named as a third party beneficiary provided that the easement may also be held by a public or private land conservation organization which has the ability to provide adequate protection to prevent

adverse impacts within the RBCZ. The recorded conservation restriction shall be in the form approved by the municipality and shall run with the land and be binding upon the property owner and the successors or assigns in interest in the property or in any part thereof. The conservation restriction may include language reserving the right to make *de minimus* changes to accommodate necessary regulatory approvals upon the written consent of Mansfield Township provided such changes are otherwise consistent with this chapter. The recorded conservation restriction shall, at a minimum, include:

- (1) A written narrative of the authorized regulated activity, date of issuance and date of expiration, and the conservation restriction that, in addition, includes all of the prohibitions set forth at N.J.S.A. 13:8B-2b(1) through (7);
  - (2) Survey metes and bounds description for the property as a whole and, where applicable, for any additional properties of the applicant subject to the conservation restrictions; and
- (c) Any lands proposed for development which include all or a portion of an RBCZ shall as a condition of any major subdivision or major site plan approval, provide for the vegetation or revegetation of any portions of the RBCZ which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native and non-invasive tree and plant species to the maximum extent practicable.
- (d) All stormwater shall be discharged outside of but may flow through an RBCZ 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. (See N.J.A.C. 2:90-1.3).
- (e) If stormwater discharged outside of and flowing through an RBCZ cannot comply with the Standard for Off-Site Stability, then the stabilization measures in accordance with the requirements of the above standards may be placed within the RBCZ, provided that:

- (1) Stabilization measures shall not be placed closer than 50 feet from the top of the bank at bank-full flow or level of effected surface water bodies.
- (2) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall conditions of the RBCZ will be maintained to the maximum extent practicable;
- (3) A conceptual project design meeting shall be held with the appropriate municipal staff and Soil Conservation District staff to identify necessary stabilization measures; and
- (4) All encroachments proposed under this section shall be subject to review and approval by the Administrative Authority.

f. *Nonconforming structures and uses in riparian buffer conservation zones-*  
Nonconforming structures and uses of land within the RBCZ are subject to the following requirements:

Legally existing but nonconforming structures or uses may be continued.

2. Any proposed enlargement or expansion of the building footprint within a Category One (C1) RBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).
3. For all other RBCZs:
  - (a) Encroachment within the RBCZ shall only be allowed where previous development or disturbance has occurred.
  - (b) Existing impervious cover shall not be increased within the RBCZ as a result of encroachments where previous development or disturbances have occurred.
  - (c) Discontinued nonconforming uses may be resumed any time when showing clear indications of having not been abandoned. No change or resumption shall be permitted that is more detrimental to the RBCZ, as measured against the intent and purpose hereinabove, than the existing or former nonconforming use. This abandonment shall not apply to agricultural uses that are following prescribed Best

Management Practices for crop rotation. However, resumption of agricultural uses must be strictly confined to the extent of disturbance existing at the time of adoption of this ordinance.

g. Uses prohibited in riparian buffer conservation zones

Any use within a Category One (C1) RBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).

2. For other RBCZs, any use or activity not specifically authorized herein shall be prohibited within the RBCZ. The following activities and facilities and any similar such activities or facilities are prohibited:

- (a) Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.
- (b) Storage of any hazardous or noxious materials.
- (c) Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.
- (d) Roads or driveways, except where permitted in compliance with this section.
- (e) Motor or wheeled vehicle traffic in any area, except as permitted by this Ordinance.
- (f) Parking lots.
- (g) Any type of permanent structure, except structures needed for a use permitted by this section.
- (f) New subsurface sewage disposal areas, provided that, the expansion and replacement of existing subsurface sewage disposal areas for existing uses is permitted.
- (g) Residential grounds or lawns, except as otherwise permitted pursuant to this section.

h. Activities permitted in stream buffer conservation zones in the case of no reasonable or prudent alternative or extreme hardship; interpretations

For Category One (C1) RBCZs, requests for exemptions that fall under the

purview of the Stormwater Management Rules must be authorized by the New Jersey Department of Environmental Protection, as per N.J.A.C. 7:8-5.5(h)l .ii.

2. For other RBCZs, variances subject to the provisions of N.J.S.A. 40:SSD-70c may be granted by the Administrative Authority in cases of a preexisting lot (existing at the time of adoption of this ordinance) when there is insufficient room outside the RBCZ for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the RBCZ, including obtaining variances from setback or other requirements that would allow conformance with the RBCZ requirements. In any event said encroachment is not permitted closer than 100 feet from the top of the bank at bank-full flow or level of Category Two Waters for Trout Production (FW2-TP), or closer than 50 feet from the top of the bank at bank-full flow or level of other surface water bodies.
3. When a landowner or applicant disputes the boundaries of a Category 2 (C2) RBCZ, or the defined bank-full flow or level, the landowner or applicant shall submit evidence to The Administrative Authority that describes the RBCZ, presents the landowner or applicant's proposed RBCZ delineation, and presents all justification for the proposed boundary change.

#### Riparian buffer conservation zone management plan

1. In conjunction with a subdivision or site plan within any RBCZ, no construction, development, use, activity or encroachment shall be permitted unless the effects of such development are accompanied by preparation, approval, and implementation of a Riparian Buffer Conservation Zone Management Plan.
2. The landowner, applicant, or developer shall submit to approving authority, or its appointed representative, a Riparian Buffer Conservation Zone Management Plan prepared by an environmental professional, professional engineer or other qualified professional which fully evaluates the effects of any proposed uses on the RBCZ. The Riparian Buffer Conservation Zone Management Plan shall identify the existing conditions including:
  - (a) Existing vegetation;
  - (b) Field delineated surface water bodies;
  - (c) Field delineated wetlands;
  - (d) The 100-year floodplain;
  - (e) Flood Hazard Areas, including Floodway and Flood Fringe

areas, as delineated by the New Jersey Department of Environmental Protection;

- (f) Soil classifications as found on Soil Surveys;
  - (g) Existing subdrainage areas of site with HUC- 14 (Hydrologic Unit Code) designations;
  - (h) Slopes in each subdrainage area segmented into sections of slopes less than or equal to fifteen (15) percent; above fifteen percent but less than twenty (20) percent; and greater than twenty (20) percent.
3. The proposed plan shall describe all proposed uses/activities, and fully evaluate the effects of all proposed uses/activities in an RBCZ, and all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances to the RBCZ. A discussion of activities proposed, as well as management techniques proposed to offset disturbances and/or enhance the site to improve the RBCZ's ability to function effectively as an RBCZ, shall also be included with the RBCZ management Plan submittal to the Township of Mansfield.
4. The Riparian Buffer Conservation Zone Management Plan must include management provisions in narrative and/or graphic form specifying:
- (a) The manner in which the area within the RBCZ will be owned and by whom it will be managed and maintained.
  - (b) The conservation and/or land management techniques and practices that will be used to conserve and protect the RBCZ, as applicable.
  - (c) The professional and personnel resources that are expected to be necessary, in order to maintain and manage the RBCZ.
  - (d) A revegetation plan, if applicable, that includes: three (3) layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that when fully mature, will form an overhead canopy. Vegetation selected must be native, non-invasive species, and consistent with the soil, slope and moisture conditions of the site. The revegetation plan shall be prepared by a qualified environmental professional, landscape architect, or professional engineer, and shall be subject to the approval of the Administrative Authority. Dominant vegetation in the Riparian Buffer Conservation Zone Management Plan shall consist of plant species that are suited to the stream buffer environment. (e) A Riparian Buffer Conservation Zone Management Plan is not

required where the RBCZ is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the RBCZ.

- (f) Performance of the Riparian Buffer Conservation Zone Management Plan shall be guaranteed by a surety, such as a bond, cash or letter of credit, issues in accordance with bonding provisions of Article 19-8 or the code which shall be provided to the Township of Mansfield prior to the Township of Mansfield issuing any permits or approving any uses relating to the applicable use or activity.

Inspections.-Lands within or adjacent to an identified RBCZ may be inspected by designee of the Township when:

A subdivision or land development plan is submitted;

2. A change or resumption of a nonconforming use is proposed;

3. A discontinued nonconforming use is resumed.

4. The RBCZ may also be inspected periodically by representatives from the Township of Mansfield if excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality.

Mrs. Nerbak made a motion to approve the passage of Ordinance 2006-06 as presented, Mr. Appleby seconded the motion.

Ayes: Ms. Nerbak, Mr. Appleby, Mayor Watters

Nays: Mrs. Oakley, Mr. Baldwin

#### **ADMINISTRATOR REPORT:**

Mr. Lee stated that he needed a motion to approve a letter of resignation that was received from Mrs. Barbara Ball, Court Administrator.

The Township Committee regrettably accepted the letter of resignation and wished Mrs. Ball the best and expressed their gratitude for all of her hard work.

Mr. Lee stated that the Township of Mansfield is looking for a Court Administrator for the shared court with Washington Twp, Warren County. The position will be available in the next two weeks.

#### **COMMITTEE PERSON COMMENTS:**

Mr. Appleby stated that he had no reports because none of committees met yet this month.

Mr. Watters stated that he wished to appoint Bruce Stymacks to the Open Space Commission.

Ms. Nerbak inquired for the Recreation Commission of whether unsafe recreation equipment needed to be auctioned off or if it could be gotten rid of.

Mr. Lee stated that new parts of the law required a minimum value of \$1000 to require auctioning.

Ms. Nerbak stated that the Recreation Commission had soccer equipment that they would like to have included in the next auction.

Ms. Nerbak stated that there will be a multi sport summer program in Mansfield Township this summer.

Mr. Baldwin inquired about the security at the malls.

Mr. Lee stated that as of March 1, 2006, National Reality & Development has complied with all requirements and the security has begun at the mall. The other malls are in the process of completing a plan with the security company.

Mr. Lee also stated that the owners of the malls have also on the request of the zoning officer have begun maintaining Baldwin Drive at least three times a week.

Mr. Baldwin asked why there is not Title 39 in the Mansfield Village Mall.

Mr. Lee stated that he would contact the owners of the Mansfield Village Mall about the Title 39 requirements.

Mrs. Oakley questioned whether the Riverside Plaza has complied with the striping for the Title 39 requirements.

Mr. Baldwin made a motion to adjourn the meeting at 8:31pm, which was carried by all.