

WETLANDS PROTECTION MODEL ORDINANCE

1. PURPOSE

The purpose of this ordinance is to protect wetlands and wetland transition areas from being destroyed; and to provide provisions by which the municipality shall be informed of the presence of wetlands. Wetlands provide important environmental benefits such as groundwater recharge, filtration and treatment of stormwater runoff, flood attenuation and wildlife habitat.

2. WETLAND SURVEY

A wetland survey shall be performed by a qualified professional on all properties which are the subject of a minor or major subdivision, or major site plan application. The survey shall state whether or not regulated wetlands are present on the site. All wetlands and transition areas identified shall be shown on all plans. The name of the person who performed the wetlands survey shall be shown on the plans. If regulated wetlands are not present on the site, a note shall be added to the plan stating that a wetland survey was performed, who performed the survey, the date the survey was performed and what method was used to perform the survey. In addition, the note shall state that no regulated wetlands were identified during the survey.

3. WETLAND DELINEATION

A wetlands letter of interpretation (LOI) from the NJDEP must be submitted as part of the application for any major subdivision or major site plan application. A minor subdivision application shall not be required to submit a LOI, however, an on-site wetland delineation shall be prepared by a qualified professional. Any wetlands identified as a result of such delineation shall be placed on the minor subdivision plans. If the wetlands present will be impacted by the proposed improvements, a NJDEP approved LOI is required to be submitted with the plans for minor subdivision.

4. PLAN APPROVAL

No minor or major subdivision plan or major site plan submitted will be approved unless a wetland survey has been performed and evidence of such has been provided to the municipality.

- A. Documentation** - All wetland and transition areas required pursuant to N.J.A.C. 7:7A-1 et seq. (N.J. Freshwater Wetlands Protection Act Rules) shall be clearly shown on all plats or site plans submitted for approval.
- B. Wetland protection standards** - To prevent adverse impacts on delineated wetlands, the following guidelines shall be employed:
 - 1.** A snow fence shall be installed in the area of disturbance outside of the final

wetland transition area boundary line prior to the commencement of on-site construction, so as to prevent encroachment into these regulated areas.

2. A silt fence and/or hay bales shall be installed downstream from disturbance areas adjacent to the State-mandated wetland transition line (or buffer) so as to prevent the transport of silt into the wetland areas.
 3. All final plats or final site plans shall include the wetland line(s) identification number as assigned by NJDEP, pursuant to the Freshwater Wetlands Protection Act.
 4. The applicant shall avoid encroachment into state-regulated wetland areas. All existing on-site vegetation within or adjacent to the wetland areas shall be preserved.
 5. Prior to signing of the final plat or site plan, the applicant shall provide evidence of the filing of any deed restriction required by NJDEP to permit transition area modification.
 6. All wetland boundaries on new sites shall be delineated with a sufficient number of permanent markers to ensure that future encroachment and distinction of wetlands does not occur.
 7. For all plans which contain NJDEP regulated wetlands, the applicant shall provide evidence of the filing of any deed restriction required by NJDEP to permit transition area modifications.
3. Conservation Easement - Whenever an LOI or wetlands delineation is required by this ordinance, all wetlands and transition areas shall be protected by a conservation easement dedicated to the municipality. The conservation easement shall, at the request of the landowner, be amended to conform to any subsequent modification of the included transition areas, provided that such modification is first approved by the NJDEP. Modifications may include, but are not limited to, transition area averaging plans. An owner may request such modification by submitting an amendatory deed to the municipal engineer for review and approval. The owner shall be responsible to reimburse the municipality for the cost of having any in-house or outside professional or technical personnel review the proposed, amendatory deed.
4. PROPERTY INSPECTIONS

The municipality, its agents or employees may make reasonable entry upon lands and waters within the municipality for the purpose of making any investigation, survey or study contemplated by this ordinance.

5. EXEMPTIONS

Land development plans which were approved prior to the adoption date of this ordinance, shall be exempt from these requirements.

6. 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 other applicable codes, rules, acts or ordinances. 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 and the protection of water quality.

7. SEVERABILITY

If the provisions of any part of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgement shall not affect or invalidate the remainder of this ordinance.