

NJ Department of Environmental Protection



Consistency Review and Comments On the Petition for Initial Plan Endorsement

**Submitted by the
Township of Brick**

April 28, 2006

Petition for Initial Plan Endorsement Submitted by the Township of Brick

NJ DEP Consistency Review and Comments

Introduction

The Township of Brick submitted a petition for Initial Plan Endorsement to the Office of Smart Growth on February 16, 2006. As part of the process established in the State Planning Commission's Plan Endorsement Guidelines, the Department (DEP) reviewed the petition and supporting materials submitted by the Township for completeness and found the petition to be incomplete. In addition to the Commission's Plan Endorsement Guidelines, the Department has developed its own guidelines and review criteria (*NJDEP Initial Plan Endorsement Program and Process Guide*) to assist municipalities in the Plan Endorsement process, and to assist in determining consistency with both the State Development and Redevelopment Plan and Department-related plans and programs.

The Department notified the Office of Smart Growth (OSG) that the petition did not include all of the required items and materials related to the Department's programs and regulations as prescribed in the Plan Endorsement Guidelines and the Department's Initial Plan Endorsement Program and Process Guide. Without this information the Department felt that it did not have a complete picture of current conditions and future activities in the Township. The items the Department cited as missing were part of the Statement of Planning Coordination:

- Coordination and consistency of planning
- Conflicts with Vision Statement and State planning and regulatory activities.
- Private sector development activity.

In an Addendum the Township provided the missing items, and the Office of Smart Growth determined the petition complete for review on March 14, 2006

Overview

In 2000, the Department made substantive revisions to the Coastal Zone Management Rules (NJAC 7:7E) to change the way development intensity is determined in the CAFRA area, replacing the more complex site-by-site analyses with a regional system that defines CAFRA planning areas. The regulations encourage development in compact centers, which are located in all CAFRA planning area. Large-scale development is discouraged outside of centers in rural and environmentally sensitive planning areas. The Department examined the State Plan Policy Map, the purposes for which it was established, and the factors that determined the delineation of the planning areas in order to determine whether the Department could use the boundaries for the purposes of implementing the Coastal Area Facilities Review Act (CAFRA, N.J.S.A. 13:19)). The Department determined that the boundaries delineated in the CAFRA area were established and drawn to serve the same purposes as the Department's boundaries under the Coastal Zone Management (CZM) rules for the CAFRA area. The Department further determined that the State Plan Policy Map boundaries are in keeping with the purposes of the CAFRA statute, which include the "encourage[ment of] the development of compatible land uses in order to improve the overall economic position of the inhabitants of [the CAFRA] area within the framework of a comprehensive environmental design strategy which preserves the most ecologically sensitive and fragile area from inappropriate development and provides adequate environmental safeguards for the construction of any developments in the [CAFRA] area.". Thus the Department determined to use the State Plan structure of Planning Areas and centers as the basis for its own CAFRA Planning Map.

The current DCA Plan Endorsement Guidelines permit a municipality to request centers or planning area revisions as part of the Initial Plan Endorsement process (Appendix 6.2 State Plan Policy Map Amendments) only where the municipality submits additional justification illustrating consistency with the State Plan. The Department has now established its own supplemental set of requirements necessary for

determining the acceptability of a center or planning area boundary as a CAFRA center or Coastal Planning Area. Through this list of additional required information, the Department is seeking to bring environmental planning and resource management to a higher level, and to do that, the Department recognizes that it must partner with local governments to implement strategies that will achieve better coastal resource protection, facilitate a sustainable future, and provide a consistent path for smart growth from planning to permitting.

The Department will require that municipalities complete the additional work and/or plans when conditions in a particular municipality warrant such work. The Department will provide guidance and technical assistance to complete these items. These items are separated into two categories, those that the Department will require prior to favorable review by the Department, and items that will require a longer time period to complete, and shall be incorporated into the Planning and Implementation Agreement. The Department requirements for supplemental work for Brick Township are itemized in Additional Department Requirements for Coastal Municipalities Seeking CAFRA Centers section of this review, and are detailed in the attached Appendix A.

The Department reviewed the materials submitted by the Township to determine if the Brick Township planning portfolio and development/redevelopment objectives are generally consistent with DEP policies and programs, particularly the Coastal Zone Management Rules and the CAFRA statute, the supplemental plans required for CAFRA centers, and the environmental and natural resource policies in the State Plan.

Consistency Review

It is the Department's intent to review the information submitted by an applicant for consistency with the plans and programs of the Department, and provisions of the State Development and Redevelopment Plan, primarily those related to resource protection. To do this, the Department uses the applicable State Plan Planning Areas and their Policy Objectives as benchmarks for determining consistency. As the State Plan's key concepts, the Statewide Policies are applied to the natural and built resources of the state through the designation of the five Planning Areas. The Planning Areas reflect distinct geographic units within the state and serve as the organizing framework for application of the Statewide Policies. Because the Township is within the Coastal Zone, the Department will primarily consider consistency with the applicable coastal planning areas and centers as established in the Coastal Zone Management Rules. The coastal planning areas established in the Rules are consistent with the State Plan planning areas and centers.

Coastal Zone Management Rules - N.J.A.C. 7:7E

Coastal Planning Areas and centers are established at NJAC 7:7E-5B.

Coastal Suburban Planning Area Policy Objectives

The Coastal Suburban Planning Area is generally located adjacent to the more densely developed Coastal Metropolitan Planning Area, but can be distinguished by a lack of high intensity centers and by a more dispersed and fragmented pattern of development. The existing inventory of undeveloped and underdeveloped land in this Coastal Planning Area should be sufficient to accommodate much of the market demand for future growth and development in the CAFRA area. Internally oriented, mixed-use centers should be encouraged in the Coastal Suburban Planning Area. While development patterns are well established here, development intensities should be highest within CAFRA centers to concentrate development and take advantage of infrastructure efficiencies. Development in the Coastal Suburban Planning Area outside of centers should be less intense than in centers and less intense than in the Coastal Metropolitan Planning Area. Development in areas not in centers and not in or adjacent to an existing sewer service area should be less intense than in other parts of the Coastal Suburban Planning Area. The policy objectives for the Coastal Suburban Planning Area are as follows:

Encourage mixed-use development and redevelopment in compact centers.

- The Brick Township Master Plan encourages mixed use development and redevelopment in centers, and the petition proposes a center boundary where that development is encouraged, at the intersection of Route 70, Brick Boulevard and Chambers Bridge Road on the mainland. The Brick center serves as

the regional retail and medical concentration for northern Ocean and southern Monmouth County municipalities. There has been substantial redevelopment of existing commercial and retail facilities in this area.

Guide opportunities for economic development and employment in centers, and promote seasonal and year-round travel and tourism activities in the coastal resort areas.

- The Brick Township Master Plan supports economic development and employment in centers, and the petition proposes a center boundary where that development is encouraged, as noted above.

The Township has many seasonal homes, on Barnegat Bay and its tributaries, and on the Township's portion of the barrier spit. The Township circulation element identifies the major roadways in the Township (Garden State Parkway, Routes 70 and 88, Brick Boulevard and Chambers Bridge Road) that provide the access routes to both seasonal visitors and year-round residents to bayfront and barrier spit communities.

Encourage links from coastal suburban areas to employment centers with public transit, and promote transportation systems that address the special seasonal demands of travel and tourism along the coast.

- The Township has a high percentage of residents that leave the municipality each day to travel to employment centers. The master plan (and 2000 re-examination) and circulation element acknowledge this and advocate improvements to the Garden State Parkway and Routes 70 and 88 to improve linkages. The Township was an active participant in the Northern Bay Corridor Regional Study that provides a strategy for improving regional transportation. The Study recommends improvements to the Parkway, County arterials, bridges, transit, and for regional rail service via the Monmouth-Ocean-Middlesex Rail Line proposal.

Ensure adequate wastewater treatment capacity, and minimize off-site stormwater runoff by encouraging the use of best management practices that protect the character of natural drainage systems.

- The Ocean County Utilities Authority provides sewer service to Brick Township. The Northern Water Pollution Control Facility in Brick Township has a capacity of 32 million gallons per day. Current average daily flow is 20.85 million gallons.

Brick Township adopted a stormwater management plan in August 2005. The Department will seek documentation in order to monitor and provide assistance to Brick Township in their compliance with the Municipal Stormwater Regulation program including Municipal Stormwater Permit and Stormwater Management requirements.

Coastal Environmentally Sensitive Planning Area Policy Objectives

The Coastal Environmentally Sensitive Planning Area generally has large contiguous land and water areas with critical coastal ecosystems, wildlife habitats, geological features, and other valuable coastal resources. Some of these lands have remained rural and relatively undeveloped, while others have been dominated by development for many years, such as the coastal barrier islands and spits. The barrier islands represent a major public investment in infrastructure systems that should be maintained while protecting the economic and ecological value of adjacent coastal resources. Centers on the barrier islands are almost all served by public wastewater facilities whereas centers in other environmentally sensitive areas are often not. Centers are usually linked by rural roads and separated by open spaces, or linked to the mainland by State highways crossing coastal wetlands and waterways. Areas outside of centers in the Coastal Environmentally Sensitive Planning Area are by definition more vulnerable to disturbance from new development. Damage may include fragmentation of landscapes, degradation of aquifers and potable water supplies, habitat destruction, extinction of plant and animal species, and destruction of other irreplaceable resources that are vital to the preservation of the ecological integrity of the coastal area. The Coastal Environmentally Sensitive Planning Area also supports recreation and tourism industries, and resource based industries such as mining and forestry. The policy objectives for the Coastal Environmentally Sensitive Planning Area are as follows:

Protect environmentally sensitive features by guiding development into centers and maintaining low intensity development patterns elsewhere, carefully link the location, character and magnitude of development to the capacity of natural and built environments to support new growth, accommodate development at higher intensities in the Coastal Environmentally Sensitive Planning Area barrier island centers, compatible with development patterns in existing centers, and discourage the development of public infrastructure facilities outside of centers.

- There are no centers proposed on Brick's barrier island community, and economic needs are served by the mainland center, as well as Mantoloking and Pt. Pleasant to the north, and Lavallette to the south. The barrier spit section of the Township is largely seasonal housing, with some businesses that serve the tourism industry. This area, a coastal center under the Coastal Zone Management Rules, is served by public sewer and water, and is zoned for single family housing.

Department Landscape Project mapping indicates that there is high quality shorebird habitat on the ocean beaches in Brick, and the beach is part of the Mantoloking Beach Natural Heritage Priority Site. The Department would like to work with the Township to develop strategies to protect this habitat.

Department Landscape Project mapping also indicates that a portion of the Metedeconk River and Forge Pond are considered foraging habitat for bald eagles. Although this area is in the Coastal Environmentally Sensitive Planning Area, the Township has included this area within their proposed Brick Town Center. This area should be removed from the center.

The majority of the land area on the mainland is delineated as Coastal Suburban Planning Area, with Barnegat Bay tributaries and coastal wetlands surrounding the upper bay delineated as Environmentally Sensitive. The North Branch of the Metedeconk River, and tributaries of the Manasquan are Category 1 streams, and within the Coastal Environmentally Sensitive Planning Area. The Township stormwater management plan also provides protection to this waterway.

The existing Coastal Environmentally Sensitive Planning Area is predominantly lands that are environmentally constrained, i.e. stream corridors and wetlands. There is very little acreage in the planning area that is developable. As such, there are no environs in the Coastal Environmentally Sensitive Planning Area. *However, the planning area should be more accurately delineated throughout the Township to both include sensitive features, and also to exclude developed areas. The Township has raised this issue in its Cross-Acceptance Report.*

Locate economic development opportunities in centers that serve the surrounding region and the travel and tourism industry and accommodate in other areas appropriate seasonal, recreational, and natural resource based-activities that have a minimal impact on environmental resources; and

- As mentioned, Brick Township's commercial/retail area serves the surrounding region as well as seasonal visitors. Brick's barrier spit beachfront provides recreational opportunities for residents and visitors. In addition, the Township
- There are several recreational campgrounds in the Township that serve seasonal visitors. Located in the Coastal Environmentally Sensitive Planning Area (and Coastal Rural Planning Area), these facilities are served by their own on-site wastewater treatment facilities.

Protect sensitive natural resources critical to the maintenance of coastal ecosystems by maintaining large contiguous areas of undisturbed habitat, open space and undeveloped land, maintain the balance of ecological systems and growth, and protect the areas outside of centers from the effects of development by maintaining it as open space.

- Brick Township has over 2,000 acres of preserved lands. This includes state, federal and county lands as well as municipal lands. The Township itself has purchased more than 1,000 acres. There is an Open Space and Recreation Plan and an aggressive acquisition program (and open space tax) to implement the objectives of the Open Space plan.

Additional Department Requirements for Coastal Municipalities Seeking CAFRA Centers

As described on page 3, the Department has developed a set of plans and other items that must be completed and deemed consistent prior to the Department accepting a center for CAFRA center status. These additional items and their status are listed below.

Coastal Consistency Statement

This statement must address natural resource protection and coastal management in coastal municipalities through demonstration of consistency of local plans and ordinances with the goals of the Coastal Zone Management Program found in the Coastal Zone Management rules at N.J.A.C.7:7E. Municipal plans must also be consistent with any existing Department rule, permit or plan including Municipal Stormwater Regulations and Federal River Management Plans.

Status: The Township must prepare a Coastal Consistency Statement and submit to the Department.

Wastewater Management Plan

The Ocean County Wastewater Management Plan has expired and is no longer current. The Township must work with Ocean County to revise the Brick Township portion of the Plan. The Wastewater Management Plan must be up-to-date, comply with Executive Order 109 guidance and be consistent with the master plan and petition. Proposed wastewater service must be pulled back from the Fringe, Rural and Environmentally Sensitive Planning Areas, and other areas not proposed for growth.

Status: The Township must prepare a revised wastewater management plan in coordination with Ocean County and submit to the Department.

Water Supply

Municipalities must provide documentation that water supply capacity exists for the amount of growth detailed in the Endorsed Master Plan. This documentation must identify existing and proposed water supply sources. For existing public water sources, identify the available approved allocations and firm capacity. In addition, municipalities must identify local water conservation measures required to ensure efficient use of available resources and methods to be used to promote wastewater reuse.

Status: Based on the Department's projected water supply deficit (NJ Statewide Water Supply Plan, 1996), Brick Township constructed a 1 billion gallon reservoir on its northern border. The reservoir opened in 2004.

Zoning Ordinance

Zoning Ordinance revisions and/or new ordinances must implement the policies and recommendations of the Master Plan, and accurately reflect center boundaries and/or planning area changes (if applicable), and ordinances that implement appropriate Critical Environmental Site and environs protection measures, including zoning, resource protection, and site plan and subdivision ordinance revisions and are consistent with coastal goals and wastewater management plans.

Status: The Township must provide documentation of effective ordinances that implement both center-based development and protection for environmentally sensitive features.

Center and Planning Area Boundaries

Significant environmental features must be removed from areas identified for growth, or certain fragmented environmental features recognized as Critical Environmental Sites.

The Township has proposed the Brick Town Center that is based on the re-established coastal town center. The proposed center includes the Metedeconk River, part of which is a Category One waterway, with

sensitive wetland areas. The Metedeconk corridor within the proposed center is also the location of multiple public water supply wells, and serves as a foraging area for bald eagles.

The Department also recommends that the planning area boundaries be re-examined in light of the Department's newest environmental data. There are several areas of the Township that are host to endangered and threatened species habitat that should be delineated as either Environmentally Sensitive Planning Area or Critical Environmental Sites, and there are existing Environmentally Sensitive Planning Area boundaries that should be refined.

Status: The Township must work with the Department to examine planning area boundaries and delineate the Brick center to avoid sensitive features where possible.

The Department will also require the additional items from coastal municipalities if they are applicable to the municipality. These items are listed below, with their applicability to Brick Township:

Municipal Environmental Justice Plan

In the event that the data provided by the Department indicate environmental justice issues, a municipal Environmental Justice plan shall be prepared. The plan shall address whether the sites are causing adverse consequences for any residential communities, and ensure that municipal planning does not adversely and/or disproportionately affect minority and low-income individuals. The Department will provide technical assistance to municipalities.

Status: The Township should review the data provided by the Department, and incorporate, where applicable into future planning initiatives. It does not appear that there are environmental justice issues in the Township at this time.

Open Space, Recreation and Parks Plan

The Open Space, Recreation and Parks Plan must articulate a vision of open space and recreation for a municipality. The plan should establish a philosophical and practical justification for the protection and preservation of open space and recreation opportunities. The plan must identify and examine open space and recreation resources important to the municipality, and map out an implementation strategy to protect, manage, and improve them.

Status: Brick Township has prepared a Recreation Plan element as part of its Master Plan that will be reviewed by the Green Acres program.

Habitat Conservation Plan

The Habitat Conservation Plan specifies conservation requirements and implementation measures to fully mitigate any incidental take of the suitable habitat of state-listed Endangered or Threatened species. Conservation Plan requirements may include a mix of options that include the creation, enhancement, restoration, acquisition or preservation of habitat and/or monetary contributions for these purposes.

Status: As discussed, there remain areas of high quality habitat in the Township. The Township must work with the Department to develop a habitat protection strategy and prepare a habitat conservation plan.

Historic Preservation Plan

The Historic Preservation Plan should be based upon a Cultural Resource Inventory, and be adopted as part of a municipal master plan. The municipality is encouraged to adopt a historic preservation ordinance that sets forth a process for designation and protection of historic sites and districts. The ordinance must articulate the design guidelines or standards for regulating these properties in order to prevent their unauthorized loss, alteration, or demolition, and where applicable, empower a local historic preservation commission to administer the Historic Preservation Plan. See N.J.S.A. 40:55D-28.

Status: There are significant historic and cultural resources in the Township. The Township has prepared a Historic element that will be reviewed by the State Historic Preservation Office.

Wellhead Protection Plan

The Wellhead Protection Plan shall manage potential sources of contamination and threatening activities that occur within a source water protection area. Plans shall include delineation of the source water protection area, an inventory of known and potential contamination sources, a determination of water supply system susceptibility to these contaminants, public outreach and education about threats, implementation measures to prevent, reduce or eliminate threats, and contingency planning strategies to address with water supply contamination or service interruption emergencies. Source Water Protection Plans can be developed for the protection of either groundwater supplies of drinking water, wellhead protection areas or surface water supplies, intakes and reservoirs and their drainage.

Status: In addition to surface water supplies, the Township relies on public wells for some of its potable water. The Township, with Department technical assistance must prepare and submit a wellhead protection plan and implementing ordinance.

Water Conservation Plan

The Water Conservation Plan shall:

- reduce water consumption levels
- reduce the loss and waste of water
- improve efficiency in the use of water
- increase recycling and reuse in the water supply
- extend the life of current water supplies by reducing the rate of growth in demand

Status: The Township must prepare and submit a water conservation plan, with Department assistance.

Stream Corridor Protection Plan

The Stream Corridor Protection Plan shall establish the basis for a municipal Stream Corridor Protection Ordinance. The plan shall consider all waterways within or forming the boundary of a municipality and any State-required stream setback, wetland transition area, and riparian buffer. The plan shall also:

- establish a comprehensive waterways map which will denote the standard limits of construction disturbance for each waterway based upon the best currently available information.
- identify areas where existing or proposed development patterns conflict with and any State required stream setback, wetlands transition area, and riparian buffer.
- provide for a systematic procedure to allow for alternative stream corridor construction setbacks based on an evaluation of the specific stream corridors in the study area to determine the extent of the features critical to supporting the functions of a healthy riparian buffer for the stream corridors in question and the requirements of applicable State statutes and regulations.
- identify and prioritize locations for rehabilitation of areas with disturbed stream corridors.

Status: The Township, with Department technical assistance must prepare and submit a stream corridor protection plan and implementing ordinance..

Septic Management Plan

The Septic Management Plan shall establish the strategies and implementation measures necessary to ensure that septic systems are properly maintained and that new systems are located, designed, installed and maintained in accordance with State statute and regulation so as to protect ground water quality and to ensure the continuing viability of this means of wastewater management.

Status: There are no significant land areas served by septic systems in the Township.

Critical Issues and Recommendations

Master Plan

The Brick Township Master Plan was prepared in 1988. Although the plan included a comprehensive inventory of conditions in the Township, and sound growth management strategies for the time, it is out of date and past the point where periodic re-examinations are useful. The township should begin a public process to develop a new comprehensive master plan that takes into account the new realities of northern Ocean County, such as continuing redevelopment, the need to protect, conserve and use water resources more carefully, improving the quality of Barnegat Bay and its tributaries, and the protection of remaining habitat areas.

Water Supply

Brick Township has done substantial work in planning and constructing its reservoir. However, water supplies in northern Ocean County will continue to be under pressure as the region grows. Brick Township, in coordination with the Department, should develop a water conservation plan that reduce water consumption levels, reduce water waste and loss, and increases recycling and reuse in the water supply.

Wellhead Protection

There are several public water supply wells in the Township that provide potable water, in addition to the Township's reservoir. These wells are susceptible to pollution from nearby land uses. Ground water supplies are being depleted for human use and polluted by nitrates, pathogens, and pesticides. The Department strongly encourages Brick Township to agree to develop a wellhead protection program and implementing ordinance that limits potentially harmful land uses near public water supply wells to safeguard potable water supplies. The Department can provide technical assistance and copies of Well Head Protection Ordinances adopted by other New Jersey municipalities. This should be included in the Planning and Implementation Agreement.

Stream Corridor Protection

Brick Township has many rivers and streams associated with the Metedeconk and Manasquan Rivers and Beaver Dam, Reedy and Kettle Creeks. As the Township's population has grown and development spreads, the impacts on water resources including Barnegat Bay become critical. In areas that have been impacted by development, surface water resources often are subjected to extreme risks from stormwater runoff. The change of land cover from woods and fields to one dominated by impervious pavement, rooftops, and turfgrass leads to runoff of greater volume, velocity, and pollutant load. In other words, the urban stream is dramatically impacted by man's activities. Urban streams can be an asset to a community. Recent years have seen a swing toward stream corridor restoration projects to try and mitigate some of the degradation that has occurred. There are a number of obvious advantages to returning a stream closer to its natural state: cooler water temperatures, improved quality of incoming runoff, improved riparian habitat, stable stream banks, restoration of riffle-pool sequences enhancing fish and other aquatic habitats, and improved aesthetics. This improvement can be reflected economically in improved property values in areas near the stream.

Protection of water quality should be a key element in local plans. The Department strongly encourages Brick Township to agree to develop and adopt stream corridor protection plans and implementing ordinances that protect Township waterways. The Department can provide guidance on establishing protection plans for stream corridors. This should be included in the Planning and Implementation Agreement.

Proposed Center and Planning Areas

The Township has proposed to establish the Brick Town Center, based on the boundaries of the Brick Coastal Town Center. This center was previously adopted as a coastal center in the CZM Rules, and has been re-established as of February 6, 2006. The proposed center includes the Metedeconk River, part of which is a Category One waterway, with sensitive wetland areas. The Metedeconk corridor within the

proposed center is also the location of multiple public water supply wells, and serves as a foraging area for bald eagles.

The Department also recommends the re-examination the boundaries of the Coastal Suburban and Coastal Environmentally Sensitive Planning Area so that they more accurately reflect both sensitive features and recently developed areas. The Township has raised this issue in their November 2004 Cross-Acceptance Report, citing developed areas east of the Garden State Parkway that are mapped as sensitive areas, and the open space that the Township has acquired since the planning areas were delineated. The Department has updated environmental data that the Township should consider in revising the boundary of the Coastal Suburban Planning Area

Barnegat Bay Estuary

The Barnegat Bay Estuary Comprehensive Conservation and Management Plan (CCMP) was approved by the federal Environmental Protection Agency in 2002. The CCMP is intended to address all uses affecting the restoration and maintenance of the chemical, physical, and biological integrity of the Barnegat Bay estuary. The plans include recommended actions on a full range of issues, such as habitat protection, polluted runoff controls, stormwater pollution, resource management, protection of ground and surface water supplies and land-use planning. The challenges will, in some cases, take decades to accomplish. Therefore, a high level of local government and citizen participation is critical in order to maintain long-term community support and commitment to implementation of the actions recommended in the CCMP. Dover Township has been an active participant in the process, and has effected changes to its Master Plan based on the CCMP and its recommendations.

The Barnegat Bay National Estuary Program has also held educational seminars for Bay municipalities to assist them in meeting Department-mandated stormwater management compliance dates. We encourage Township officials to continue to work with the Estuary Program and its committees, and to implement, when possible, action items identified in the CCMP.

Endangered and Threatened Species Habitat

The remaining undeveloped areas of the Township are host to high quality habitat of endangered and threatened species, including the Manasquan River and Mantoloking Beach Natural Heritage Priority Sites, and bald eagle foraging habitat on the Metedeconk River. The Department would like to work with the Township to

Stormwater Management

Protection of water quality should be a key element of local plans and ordinances. As a result of the U.S. EPA's Phase II stormwater rules published in December 1999, the Department has developed the Municipal Stormwater Regulation Program and new rules to facilitate the implementation of the program. This program addresses pollutants entering our waters from many storm drainage systems owned or operated by local, State, interstate or Federal government agencies. Municipalities must obtain a NJPDES general permit. The permits address stormwater quality related issues to new and existing development and redevelopment by requiring the preparation of a stormwater program and implementation of specific permit requirements referred to as Statewide Basic Requirements.

Brick Township adopted a stormwater management plan in August 2005. The Department will seek documentation in order to monitor and provide assistance to Dover Township in their compliance with the Municipal Stormwater Regulation program including Municipal Stormwater Permit and Stormwater Management requirements.

The Department also urges Brick's continued active participation in local and regional efforts to protect and restore water quality within and draining into Barnegat Bay, and will seek documentation of participation.

Planning and Implementation Agreement

The Department recommends that Brick Township undertake the following actions, to be added to the Planning and Implementation Agreement:

- ❑ Water Conservation: The Township will work with DEP to develop a water conservation plan to protect future supplies.
- ❑ Update and revise wastewater management plan. The Ocean County Wastewater Management Plan will expire in the near future. The Township will work with Ocean County to revise the Brick Township portion of the Plan.
- ❑ Develop stream corridor protection plan and ordinances for waterways in the Township.
- ❑ Wellhead protection: Identify public water supply wells, amend and adopt local ordinances to protect public water supply wells.
- ❑ Work with the Department on protecting habitat of threatened and endangered species, including modification of center boundaries and planning areas to exclude habitat areas.

Staff Recommendation

The Office of Policy, Planning and Science believes that much of the Brick Township Master Plan and supporting elements are compatible with Coastal Zone Management Rules, mainly the Coastal Suburban Planning Area policy objectives. However, the Department believes that there continues to be significant gaps between Township plans and policies, and implementation measures, particularly with regard to resource conservation and protection strategies. The Department has concerns about protecting remaining habitat, and water quality and quantity. We believe that the Brick Township Petition for Initial Plan Endorsement is inconsistent with the State Development and Redevelopment Plan and DEP policies and programs. Therefore, the petition and planning documents would not form the basis of a positive recommendation to amend the Coastal Zone Management Rules.

In consideration of the recent State Planning Commission Policy Directive that proposes extending the consistency review process for a six-month period in order for the Office of Smart Growth and state agency partners to work with CAFRA municipalities to resolve consistency issues, the Department recommends that Brick Township agree to participate in the expanded process. During the six months, the Department will work with the Township to develop an action plan containing a schedule to adequately address the consistency issues raised in the Department's review during the six month extension period. This action plan will outline specific tasks that must be completed by the Township, and will provide a negotiated, but firm, timeline for each deliverable in order to allow adequate time to review them.