

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE OCEAN COUNTY WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that on ~~DEC 11 2008~~ pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15-3.4), an amendment to the Ocean County Water Quality Management (WQM) Plan was adopted by the Department. This amendment also modifies the Ocean County Central Planning Area Wastewater Management Plan. This amendment, submitted on behalf of Ocean Township, Ocean County, allows for the removal of areas of the Township that were previously designated to be serviced by sanitary sewers located in Planning Area 5 that are not currently served by sanitary sewers. The area removed from the Ocean County Utilities Authority's Central Planning Area's Wastewater Pollution Control Facility sewer service area is approximately 600 acres. The areas removed from the sewer service area include: a tract located north of Wells Mills Road and west of Route 9; a second tract located immediately east of the Garden State Parkway, between the Township's southern municipal border and Wells Mills Road; and other identified wetland areas throughout the Township. Submission of this amendment is required as part of the Township's Planning and Implementation Agreement with the State Planning Commission.

This amendment has been reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. Ground water quality in areas served by Individual Subsurface Sewage Disposal Systems (septic systems), will be protected by the adoption of a Township zoning ordinance that requires, as part of the subdivision and site plan approval process, an applicant apply a nitrate dilution analysis to ensure that the number of units allowed, regardless of the underlying zoning, supports conformance with the groundwater standards. On

May 8, 2008 Ocean Township adopted Ordinance 2008-12 which meets the Department's requirements as described above.

This amendment proposal was noticed in the New Jersey Register on June 2, 2008 at 40 N.J.R. 3325(a). Comments on this amendment were received during the public comment period and are summarized below with the Department's responses.

COMMENT: Shoreline Management Development and Realty, Inc. (Shoreline) objects to the proposed removal of property it owns in Ocean Township from the designated sewer service area as indicated in the proposed amendment to the Ocean County WQM Plan. This property consists of Block 39 Lots 4 & 5; Block 41 Lots 10 & 11; and Block 41, Lot 5. Shoreline submits that the above referenced properties should not be removed from the designated sewer service area for the following reasons: 1) The proposal to remove the Shoreline properties from the sewer service area would have a detrimental effect on the properties ability to be utilized as an inclusionary affordable housing site. These properties meet all of the Council on Affordable Housing (COAH)'s criteria for consideration as outlined in N.J.A.C. 5:97-3.13, entitled "Site suitability criteria and conformance with the State Development and Redevelopment Plan"; 2) The proposal to remove the Shoreline properties from the sewer service area may render them unsuitable according to COAH's criteria and would subject Shoreline to requirements of N.J.A.C. 5:97-3.13(b) which requires that Shoreline have the burden of demonstrating to COAH that the site is consistent with sound planning principles and the goals, policies, and objectives of the State Development and Redevelopment Plan; 3) The proposed amendment would create an impediment to the production of affordable housing in Ocean Township and the housing region and would be contrary to State goals and objectives to produce 100,000 affordable housing units in the next ten years, and; 4) It does not make sense to remove property from the sewer service area, where infrastructure is already in place to provide sewer service. There is currently a sanitary sewer line located

within County Route 532 that fronts the Shoreline Property. (Jonathan Burnham, attorney for Shoreline Management Development and Realty, Inc.)

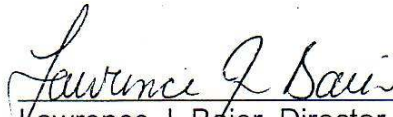
RESPONSE: Ocean Township completed a comprehensive, public planning process to determine where and how future development would occur in the Township. The Township has chosen to concentrate new development, including its affordable housing obligation, in the mixed-use Waretown Town Center. The Township pursued and obtained Plan Endorsement from the State Planning Commission (SPC) for their Master Plan and implementing ordinances which are fundamentally based upon this concept.


The Department, as member of the SPC, supported the Plan Endorsement of Ocean Township by the SPC. The Department has accepted the new and changed Planning Area boundaries and Town Center Community Development Boundary for Ocean Township that have been formally approved by the State Planning Commission as new and changed Planning Area boundaries and designated Town Center Community Development Boundary in the Coastal Zone. The Department evaluated the boundaries and determined that they are consistent with the purposes of the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., and the Coastal Zone Management rules at N.J.A.C. 7:7E (see 39 N.J.R. 768(b); March 5, 2007). This includes the designation of areas of the Township as Town Center, Suburban Planning Area and Environmentally Sensitive Planning Area as described in the State Plan. A condition of the Plan Endorsement by the SPC was that Ocean Township seek to remove sewer service area designation from lands not planned for growth. The Township's submission for removal of lands from the sewer service area is completely consistent with this condition of Plan Endorsement set forth by the SPC.

The Shoreline site is located in an area that the Township has rezoned to low density land uses that do not require sewer service. Department data also indicates that the area of the Shoreline site is environmentally sensitive due to

the presence of wetlands and documented Threatened and Endangered Species habitat. The lands of the Shoreline Management and Development and Realty Company lie within a larger area of land that was designated as an Environmentally Sensitive Planning Area in the State Plan and, as noted previously, these Planning area changes were accepted by the Department for use in the CAFRA program. Ocean Township's decisions have been consistent in regards to this area. For these reasons, the Department supports the decision of the Township to remove the area north of Wells Mills Road, which includes the Shoreline site, from the sewer service area.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.


Lawrence J. Baier, Director
Division of Watershed Management
Department of Environmental Protection


Date