



**Coastal Consistency Statement  
Submitted by the  
City of Long Branch**

**June 2012**

**Introduction**

The City of Long Branch was a designated Regional Center, whose Center designation was set to expire in 2008. In order to maintain its Regional Center designation, the City began its participation in the Plan Endorsement process in late 2007. The City submitted the required planning documents to the Office of Smart Growth (OSG) and attended a pre-petition meeting with the OSG and other state agency representatives on January 22, 2008. The City is also seeking an Urban Center designation as part of Plan Endorsement. If the City is not deemed to qualify for Urban Center designation, it intends to maintain its Regional Center designation.

The Office of Planning Advocacy (OPA) (the successor agency to the OSG) offered the City the opportunity to enter into a Memorandum of Understanding (MOU) and Action Plan, adopted by the State Planning Commission (SPC) on December 7, 2011. The City adopted Resolution #R27-12 on January 24, 2012, to enter into the MOU with the SPC. Since then, the City has been working actively to complete the Action Plan.

**Coastal Consistency Requirements**

As part of the requirements to establish Coastal Area Facilities Review Act (CAFRA) centers in the City, a Coastal Consistency Statement must be submitted to the OSG (now OPA) and the Department of Environmental Protection. The Coastal Consistency 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.”*

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

In 2000, the Department made substantive revisions to the Coastal Zone Management Rules (N.J.A.C. 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. Coastal Planning Areas and centers are established at N.J.A.C. 7:7E-5B.

The Rules also establish the standards by which the Department will evaluate new or changed boundaries to coastal planning areas or centers. These standards are at N.J.A.C. 7:7E-5B.3(b):

*(b) Whenever the State Planning Commission formally approves any new or changed Planning Area boundary, any new or changed community development boundary, or any new or changed core or node boundary, the Department shall evaluate the new or changed boundary to determine whether it is consistent with the purposes of the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., and this chapter. The Department shall not reject or reject and revise a boundary unless it finds that accepting the State Planning Commission approved boundary would result in unacceptable harm to the coastal ecosystem or the resources of the built or natural environment, or would otherwise be clearly inconsistent with the purposes of the Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq., or this chapter. For those new or changed community development boundaries or new or changed core or node boundaries which are located within the Pinelands National Reserve, the Department shall also, in consultation with the New Jersey Pinelands Commission, determine whether the boundaries are consistent with the intent, policies and objectives of the National Parks and Recreation Act of 1978, P.L. 95-625, section 502, creating the Pinelands National Reserve, and the State Pinelands Protection Act of 1979 (N.J.S.A. 13:18A-1 et seq.).*

### **1973 Coastal Area Facilities Review Act**

The NJ Legislature declared that:

*“ it is in the interest of the people of the State that all of the coastal area should be dedicated to those kinds of land uses which promote the public health, safety and welfare, protect public and private property, and are reasonably consistent and compatible with the natural laws governing the physical, chemical and biological environment of the coastal area.”*

Further, the Legislature:

*“ encourage(d) the development of compatible land uses in order to improve the overall economic position of the inhabitants of that 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 coastal area.”*

### **Consistency with CAFRA Legislation**

In seeking new center boundaries, the City of Long Branch seeks to classify the entire municipal boundary with the Urban Center designation or, alternatively, Regional Center designation, with the exception of beaches and dunes, which would be excluded from the Center, except for the area of the area upon which the historic Long Branch Pier will be reconstructed. The City will protect coastal resources by removing these sensitive environmental areas from the Center. The City has also adopted a number of ordinances,

discussed below, that will further serve to promote the public health, safety and welfare, and protect public and private property, while preserving ecologically sensitive and fragile areas.

Notably, Long Branch maintains a unique status under CAFRA due to the adoption of a General permit under CAFRA, *N.J.A.C. 7:7-7.4*. Pursuant to the Long Branch General Permit, the construction of any redevelopment programs or projects requiring a CAFRA permit are authorized under so long as they are consistent with the Long Branch Oceanfront Redevelopment Plan and Design Guidelines.

### **Coastal Environmentally Sensitive Planning Area Policy Objectives**

An objective for environmentally sensitive planning areas is to 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.

☐ The City is excluding from its growth center its beaches and dunes along the coast and will implement policies to steer development away from its very few wetland areas and preserved open space throughout the municipality.

☐ The City of Long Branch's Master Plan is consistent with State Plan objectives by encouraging development and redevelopment opportunities in the growth center areas with the existing infrastructure to support such development with limited impact upon existing environmentally sensitive areas. There is public wastewater infrastructure as well as public water supply to serve the entire City.

The City seeks to capitalize upon economic redevelopment 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. This includes the reconstruction of the Long Branch Pier, anticipated to include a ferry terminal, educational opportunities with a focus on environmental sustainability, and significant public space.

☐ The City serves tourists from all over the tri-state area with its beaches and increasingly popular restaurants, social nightclubs, and retail stores in Pier Village. This tourism is advanced and facilitated by public transportation opportunities, including bus and train as well as close proximity to the Garden State Parkway and State Highway 36, State Highway 35, and State Highway 71. The City hopes to substantially increase its transportation access through the introduction of ferry service to New York City and other destinations, which can serve not only commuters exiting the City to work, but also recreational visitors to the City.

- The beaches of Long Branch are the major tourist attraction during the summer, and increasingly on pleasant weather days throughout the spring and fall, for families who stay in the City for extended periods a weekend to a week, as well as many single day trippers. There are a substantial number of retail and food establishments to serve the beach visitors. The City revenues from beach tags have consistently increased over the last several years, rising from \$168,633.00 in 2002 to \$1,619,093.00 for the 2011 season.

The City strives to 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.

- The Borough recognizes that the beach and dune areas should not be included within the Center boundary. This is a contiguous area of beaches and dunes along the entire coastline of the City, with the exception of the area in which the Pier and redevelopment areas (zones PV and HC) between Morris and Madison Avenues will be reconstructed, as contemplated under the Long Branch General Permit, *N.J.A.C. 7:7-7.4*.
- The City of Long Branch Environmental Resource Inventory (Natural Resource Inventory) was prepared and adopted in 2011. The inventory documented & mapped the various natural systems within the City; including existing land use, soils, watersheds, wetlands, aquifers, floodplains, flora, fauna, threatened & endangered species, historic resources and public open space & park areas. The City of Long Branch has mitigated several abandoned or underutilized contaminated sites to create access, recreation and viable uses for the city. Recent projects include:

Jerry Morgan Park: Remediation and construction was completed in 2005-2006. This site was previously a NJ Natural Gas Manufacturing Plant – MGP Site. Remediation began in late 1990s and was led by NJDEP – excavated 2 feet of topsoil and refilled with clean soil, re-piped for drainage. After remediation, a walkway was constructed over the creek to meet Memorial Plaza. Remediation at Memorial Plaza was completed in 2007 and Memorial Plaza was connected to Jerry Morgan Park.

Pinsky Park (Broadway Park): This was an old parking lot that was remediated, constructed and completed in 2007.

Cherry Street Park (George Naylor Park): To fulfill Green Acres requirement, the city performed Phase I Assessment as part of renovations to park. Hot spots were found in areas used by the railroad and the other business uses. Remediation monitored by Green Acres – excavation and refill of topsoil then capped with a deed restriction for digging depth. Remediation except for monitoring wells is complete. The site is used for baseball, basketball, and a tot lot.

Van Court Park: To fulfill Green Acres requirement, the city performed Phase I Assessment as part of renovations to park and remediated as required.

Manahassett Creek Park: The city is currently undergoing well testing and monitoring by DEP for 50'x30' portion of park. The area will be remediated by capping as a parking lot.

- The Land Use Element Plan was prepared that outlines a vision for the City that is compatible with the CZM Rules. The City has had Impervious Cover limits and vegetation ordinances in place for over a decade. Standards are generally consistent with CAFRA Rules, and are specifically consistent in the Redevelopment Areas, per the CAFRA General Permit.
- The City, in conjunction with US Fish and Wildlife and NJDEP, adopted a Beach Management Plan in 2008 for the protection of endangered species. All maintenance of beaches will be in compliance with the plan. In addition to the Beach Management Plan, the City has compiled additional habitat protection measures into one document to provide coordination between and a means for monitoring of their efforts.
- The City's Land Use Plan and Zoning requirements are consistent with CZM Rules. Development of the Center (i.e., beaches and dunes) would be prohibited, with the exception of the Pier and redevelopment areas (zones PV and HC) between Morris and Madison Avenues, in order to maintain contiguous area of open space along the beaches and to protect the integrity of the dunes.
- The City, through its Flood Plain Ordinances, complies with FEMA floodplain requirements. The dunes of the City are a "V" zone (where no development occurs). This "V" zone is the exact area that is planned to be outside from the City's Center.
- The City prepared a Stormwater Management Plan and a Flood Damage Protection Ordinance to address groundwater recharge, stormwater quantity, stormwater quality impacts and flooding that were approved by the Monmouth County Planning Board on October 19, 2009 and in accordance with NJDEP regulations.
- A Stream Corridor Protection Ordinance, also in accordance with NJDEP regulations, was recently adopted by City Council in June, 2012.
- Water Supply is provided to Long Branch by a desalination plant owned by the City. The infrastructure, which serves every property within the proposed Center, is maintained by the City Water Utility, New Jersey American Water (NJAW). It is a regional water system with a primary supply to Long Branch from surface water obtained from the Swimming River Reservoir, the Shark River, the Glendola Reservoir and the Manasquan Reservoir System. The system is NJAW's Coastal North System, NJDEP Public Water System ID number NJ1345001. NJAW submits an updated Water Conservation plan to the NJDEP every 2 years with April 2011 being its most recent submission, consistent with the NJDEP and the Bureau of Water Allocation requirements, and in conjunction with the development of the desalination plant. (See NJAW letter dated June 12, 2012)
- The City is completely and independently "sewered" via the Long Branch Sewerage Authority, which maintains its own infrastructure. There are no septic systems.

Therefore, all development within the City is where infrastructure exists. The City is continuing to work with the Monmouth County Planning Board to achieve approval of its Water Quality Management Plan, most recently submitting comments in November 2011 on the projected build-out flows that were provided by MCPB. (See letter from Maser Consulting dated May 15, 2012).

- There is no infrastructure in the environmentally sensitive natural areas that would be outside of the Center boundary, except for beach operations and maintenance.