

**MINUTES BASS RIVER TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING OF MONDAY, AUGUST 5, 2013**

Mayor Cope called the regular meeting of the Bass River Township Board of Commissioners to order at 7:00 p.m. Present at meeting were: Mayor Deborah Buzby-Cope, Deputy Mayor Nicholas Capriglione and Commissioner Louis Bourguignon. Also present Township Clerk Amanda Somes and Solicitor Joanne O'Connor. Members of the public were present at this meeting.

FLAG SALUTE

Mayor Cope led the flag salute and read the sunshine statement.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting of July 1, 2013 were presented to the Board for Approval. The motion to approve the minutes was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and minutes were hereby approved as submitted.

Minutes of the Special Meeting of July 22, 2013 were presented to the Board for Approval. The motion to approve the minutes was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and minutes were hereby approved as submitted.

PAYMENT OF BILLS:

The motion was made by Mayor Cope to approve payment of the bills in the amount of \$634,526.05. The motion was seconded by Commissioner Bourguignon to approve bills for payment. Votes: Cope –Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and bills were ordered paid.

BASS RIVER BD. OF ED.	LOCAL SCHOOL TAX LEVY 7/2/13	\$	105,312.75
PINELAND REG. SCHOOL DISTRICT	REGIONAL SCHOOL TAX LEVY 7/2/13	\$	172,221.12
K & S GOURMET, LLC	SAFETY BANQUET	\$	270.00
ACADEMY SECURITY	OUTDOOR CAMERA REPLACEMENT	\$	560.00
ACE OUTDOOR POWER EQUIP 3	HEDGE TRIMMER REPAIR	\$	57.02
ADVANTAGE CARD	SUPPLIES SUMMER PROGRAM	\$	70.33
ALLUS, INC	COMPUTER REPAIR	\$	60.00
ANIMAL CAPTURE & CONTROL	2ND QTR 2013 ANIMAL CONTRIL	\$	936.00
ATLANTIC CITY ELECTRIC	ELECTRICITY JULY 2013	\$	2,197.38
A T & T	ALL IN ONE JUNE 2013	\$	297.50
A T & T	JUNE 2013 ISDN LINE	\$	66.62
BASS RIVER BD. OF ED.	LOCAL SCHOOL TAX LEVY 8/6/13	\$	105,312.75
BEACONS	ORDINANCES & SPECIAL MEETING	\$	119.72

BURL CO TREAS, LANDFILL	JULY 2013 TIPPING FEES	\$	4,749.75
BURL CO TREASURER	3RD QTR. TAXES	\$	157,024.03
BURLCOJIF	2ND INSTALL BURLCO JIF	\$	30,586.00
BURLINGTON COUNTY ANIMAL SHELTER	ANIMAL CONTROL JUNE 2013	\$	30.00
CAROL KENNEDY	REFUND FOR OVER PAYMENT	\$	324.79
CASA PAYROLL SERVICES	PAYROLL JULY 2013	\$	235.50
CAUSEWAY FORD	FORD F-550 REPAIRS	\$	712.19
CHRISTOPHER NORMAN, ESQ.	PLAN. BD. MTG 7/18/13	\$	300.00
COMCAST	SERVICE 7/49/13 - 8/18/13	\$	104.95
CONWAY AUTOMOTIVE	PARTS & HYDRAULIC FLUID	\$	163.28
DAVE'S SEPTIC	CONV. CTR. PORT A POT	\$	85.00
FLOWERS BY P.J.	FUNERAL MACHE - SHUFF	\$	88.00
GEORGE EMMER	CONFLICT PD 7/29/13	\$	500.00
HOME DEPOT	SUPPLIES	\$	78.93
INTEGRATED PEST MANAGEMENT	QUARTERLY SERVICE	\$	85.00
JEREMY S. PRICE	PUBLIC DEFENDER 7/29/13	\$	500.00
JOHN STEELE	SUPPLIES SUMMER PROGRAM	\$	15.07
MGL PRINTING SOLUTIONS	ENVELOPES & LABELS	\$	292.00
MYRON	PENS SAFETY AWARD	\$	243.01
NJRPA	NJRPA MEMBERSHIP - SOMES	\$	120.00
OFFICE BASICS, INC	PAPER & SUPPLIES	\$	179.85
PEGGY BECK	BANK MILEAGE	\$	61.20
PETER C. LANGE	MAY & JUNE LEGAL SERVICES	\$	8,094.50
BRIAN E. RUMPF, P.C.	PROSECUTOR 7/15 & 29/13	\$	1,400.00
SAFEGUARD BUSINESS SYSTEMS	CHECKS & DEPOSIT SLIPS 2ND QTR.	\$	336.69
STATE OF NJ DIV EMPLOYER ACCTS	REIMBURSEMENT	\$	588.00
TERRI L. EVANS	SUPPLIES SUMMER PROGRAM	\$	134.54
THE PRESS OF ATLANTIC CITY	PUBLIC NOTICE / RESOLUTION	\$	194.30
THOMSON REUTERS - WEST	2013 NJ CRIMINAL LAW	\$	130.50
TOMASELLA'S FIRE PROTECTION INC	EXTING. INSPECT. & SERVICE	\$	315.75
TRANSFORMATION ENTERPRISES	JUNE 2013 ROLL-OFF SERVICE	\$	5,200.00
TREASURER, STATE OF NEW JERSEY	MARRIAGE LICENSE FEES	\$	100.00
TRISH HOME CENTER	KEYS	\$	23.88
VERIZON	COURT & MUNICIPAL PHONES 7/2013	\$	963.04
VERIZON WIRELESS	WIRELESS PHONES	\$	134.27
WAWA STORE #978	GIFT CARDS - SAFETY AWARD	\$	250.00
WEX BANK	FUEL CHARGES JUNE 2013	\$	905.74
ARTCRAFT SIGN STUDIO	SIGNS FOR PLAYGROUND	\$	394.00
DAVE'S SEPTIC	OAK LANE PK. PORT A POT	\$	85.00
BRIAN E. RUMPF, P.C.	DWI PROSECUTION	\$	300.00
BASS RIVER PAYROLL ACCT.	PAYROLL 7/11/13	\$	14,094.72
BASS RIVER PAYROLL ACCT.	PAYROLL 7/25/13	\$	16,921.38

TOTAL \$ 634,526.05

ORDINANCES & RESOLUTIONS:

ORDINANCE 2013-04
**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
GOVERNING THE USE OF PUBLIC PARKS AND PLAY AREAS IN THE
TOWNSHIP OF BASS RIVER AND PROVIDING FOR ENFORCEMENT
AND PRESCRIBING
PENALTIES FOR THE VIOLATION OF ITS PROVISIONS**

Mayor Cope read Ordinance 2013-04 on second reading by title. The motion to approve Ordinance 2013-04 upon second reading was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and Ordinance 2013-04 was hereby approved on second reading. The motion to open for public hearing on Ordinance 2013-04 was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and meeting was open for public hearing on Ordinance 2013-04. Comments: Mr. And Mrs. Assur asked the question regarding insurance and outside groups using playground and if fees would be charged. No fees would be charged. Mr. Aaronson commented that the playground is meant to be a kid's park and we should leave it at that. Mr. Assur commented that he would like to see kids use the park and not rent it out. Board agreed not to rent out at this time to outside groups. Being no further comments or questions, the public portion was closed upon a motion by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and public portion was closed. The motion to adopt Ordinance 2013-04 was made by Mayor Cope. The motion was seconded by Commissioner Bourguignon. Votes: Cope-Yes, Capriglione-Yes, Bourguignon-Yes.

***BASS RIVER TOWNSHIP
ORDINANCE 2013-04***

***AN ORDINANCE ESTABLISHING RULES AND REGULATIONS GOVERNING THE USE OF
PUBLIC PARKS AND PLAY AREAS IN THE TOWNSHIP OF BASS RIVER AND PROVIDING FOR
ENFORCEMENT AND PRESCRIBING
PENALTIES FOR THE VIOLATION OF ITS PROVISIONS***

BE IT ORDAINED, by the Township Commissioners of the Township of Bass River, County of Burlington and State of New Jersey that:

Section I. Purpose

The purpose of this chapter is to establish rules and regulations governing the use of public parks and recreation areas in the Township of Bass River. Rules of acceptable conduct are established herein for all persons using public park facilities, as well as prohibited activities and procedures for obtaining use permits.

Section II. Personal Conduct.

While in a Public Park or recreation area, all persons shall conduct themselves in a proper and orderly manner, and, in particular, all persons shall obey the following regulations:

All Persons Shall:

- A. Properly maintain all picnic areas by placing all trash, refuse, garbage and debris in designated disposal receptacles where provided. If no trash receptacles are available, or if available but full, then trash shall be carried away from the park area by the picnicker, to be properly disposed of elsewhere.*
- B. Maintain all rest rooms and washrooms in a neat and sanitary condition.*
- C. Appear at any park in only proper clothing, and no person shall dress or undress in any place, vehicle or structure.*
- D. Be responsible for preventing the entry of dogs or other domestic animals into the park and play area.*
- E. Ride all bicycles, roller skates and skateboards with all reasonable regard to the safety of others. Bicycling, roller skating and skateboarding shall be confined to areas so designated for such activities and not permitted in the play area. Bicycles shall be parked in bicycle racks or other areas so designated when such facilities are provided.*
- F. Operate, drive and park vehicles only on roads and parking areas so designated by the Township and only during the times set forth by the Township.*

Section III. Prohibited Activities.

No Person Shall:

- A. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any park property, appurtenances or structures.*
- B. Dig or remove any soil, rock, sand, stones, wood or wood materials or make any excavation by tool, equipment, blasting or other means.*
- C. Damage, cut carve, transplant or remove any tree or plant or injure the bark, pick flowers or seeds of any plants or tree, dig in or otherwise disturb grass areas or in any other way injure plant life.*
- D. Climb any tree or walk, stand or sit on planters, railings, fences or upon any other property not designated or customarily used for such purposes.*
- E. Dump, deposit or leave trash, dirt, bottles, broken glass, refuse, garbage, debris or other waste materials.*
- F. Solicit money or contributions for any purpose, whether public or private, unless written permission is granted by the Township.*
- G. Build, attempt to build or start a fire except in such areas and facilities and under such regulation as may be designated and set forth by the Township. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco paper or any other flammable material within a park or on any highways, roads or streets abutting or contiguous thereto.*
- H. Have in his or her possession, or set or otherwise cause to explode, discharge or burn any firecrackers, or other fireworks or explosives, or discharge or throw said explosive into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous in terms of flammability and explosion.*

I. Carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other form of weapons dangerous to human safety and wildlife, or any kind of trapping device.

J. Bring alcoholic beverages or drink same at any time, or be under the influence of intoxicating liquor in the park or play area.

K. Paste, glue, tack, nail or otherwise post any sign, placard, advertisement or inscription whatsoever, nor shall any person erect or cause to be erected any sign on any public lands or highways or roads adjacent to the park.

L. Expose or offer for sale any article or object, or station or place any stand, cart or vehicle for transportation, sale or display of any article or object.

M. Sleep or protractedly lounge on the seats, benches or other areas of the park or engage in loud boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to breach the public peace and welfare.

N. Cause or permit the vehicle he/she is operating to stand outside of the designated parking spaces, except for a reasonable time to receive or discharge passengers or equipment. No vehicle shall be parked in the park area from ½ hour after sunset until sunrise.

Section IV. Hours

A. The Public Park and Play Area of the Township of Bass River shall operate from dawn until dusk.

B. Any person present on the Public Park or Play Area before opening time or after closing time shall be deemed to be in violation of this section.

Section V. Availability of Park Facilities.

Except for unusual and unforeseen emergencies, all Public Park and Play Areas shall be open to the public every day of the year during the hours designated by the Township. Any area or facility may be declared closed to the public by the Township at any time and for any interval of time, either temporarily or at regular or stated intervals (daily or otherwise).

Section VI. Enforcement.

The Township or its duly authorized representatives, including the custodians, supervisors and assistants appointed by the Township or the State Troopers, shall be responsible for the enforcement of this chapter and shall have authority to eject from the park or play area any person or persons acting in violation thereof and shall also have the authority to seize and confiscate any property, thing or device which is being used in the park or play area in violation thereof.

Section VII. Violations and Penalties.

A. *Violations.* Any person who shall violate any rules, regulations or bylaws duly adopted by the Township may be deemed and adjudged a disorderly person by any court of competent jurisdiction, as provided by law.

B. *Penalties.* Any person violating any of the provisions herein, or any rule, regulation or bylaws of the Township shall, upon conviction, be subject to a penalty, either imprisonment of not more than 90 days or a fine not to exceed \$500, or both, in the discretion of the Court, and the Court may also order the replacement, repair or restoration of any property damaged by such person in the park or play area.

Section VIII. Unconstitutionality.

In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this ordinance in whole or in part thereof, other than the part so held unconstitutional or invalid.

Section IX. Repealer

All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistencies.

Section X. When Effective.

This Ordinance shall take effect upon final passage and publication and in accordance with all applicable laws.

ORDINANCE 2013-05
**AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF THE TOWNSHIP OF BASS RIVER**

ORDINANCE 2013-06
**AN ORDINANCE AMENDING TITLE 12, STREETS, SIDEWALKS AND
PUBLIC PLACES, CHAPTER 12.08, TREES, OF THE TOWNSHIP OF BASS
RIVER**

ORDINANCE 2013-07
**AN ORDINANCE AMENDING TITLE 17, ZONING, CHAPTER 17.20.190,
WATER QUALITY, OF THE TOWNSHIP OF BASS RIVER**

Mayor Cope introduced Ordinance 2013-05, 2013-06 and 2013-07 upon first reading by title only. Commissioner Bourguignon made the motion to approve Ordinance 2013-05, 2013-06 and 2013-07 upon first reading by title. The motion was seconded by Deputy Mayor Capriglione. All in favor and Ordinance 2013-05, 2013-06 and 2013-07 were hereby approved upon first reading by title with second reading and public hearing scheduled for the September regular meeting.

ORDINANCE 2013-05

***AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF THE TOWNSHIP OF BASS RIVER***

BE IT ORDAINED by the Board of Commissioners of the Township of Bass River, County of Burlington, State of New Jersey, as follows:

I. PURPOSE: *The purpose of this Ordinance is to amend Title 17, Zoning of the Township of Bass River in response to amendments to the Pinelands Comprehensive Management Plan related to cluster development and wetlands management, effective April 6, 2009 and December 1, 2009, respectively.*

II. Section 17.04.030.B, Definitions, is hereby amended by replacing or adding the following definitions:

“Forestry”—*means the planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this chapter, the following activities shall not be defined as forestry:*

1. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
2. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
3. Removal of trees necessitated by the development of the parcel as otherwise authorized by this chapter;
4. Removal of trees necessary for the maintenance of utility or public rights-of-way;
5. Removal or planting of trees for the personal use of the parcel owner; and
6. Removal of trees for public safety.

“Impermeable Surface” means any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of 10^7 cm/second at the maximum anticipated hydrostatic pressure. The term “impermeable” is equivalent in meaning.

“Impervious Surface” means any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

“Resource Management System Plan” means a plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.

“Wetlands Management”— means the establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

III. Section 17.08.060, Recordation of Deed Restriction, is hereby amended by replacing Sections A and B with the following:

- A. In the Pinelands Preservation and Coastal Wetlands Districts: Berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; agricultural employee housing as an accessory use; and low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than fifteen feet of frontage per one thousand feet of frontage on the water body, clearing of vegetation does not exceed five percent of the parcel and no more than one percent of the parcel will be covered with impervious surfaces.
- B. In the Special Agricultural Production District: Berry agriculture, horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; and agricultural employee housing as an accessory use.

IV. Section 17.12.130, Schedule of District Regulations, is hereby amended as follows:

- In the list of Permissible Uses for the PP Pinelands Preservation District, add “wetlands management”

- *In the Special Requirements column, replace the second entry under Single Family Dwellings in the F District with the following:*

“Cluster development at a maximum density of one unit per 15 acres shall be required in accordance with Section 17.20.260 whenever two or more units are proposed as part of a residential development. For any parcel between 3.2 and 15 acres, one unit will be permitted. Applies in F Zone only.”
- *In the list of Permissible Uses for the F Forest District, replace “Fish and wildlife management” with “Fish and wildlife management and wetlands management”*
- *Add the following as a new Conditional Use in the F Forest District:*

Non-clustered single-family dwellings in accordance with Section 17.20.270
Area in Acres: 15
Width in Feet at Street Line: 200
Front Yard: 200
Side Yard: 25
Rear Yard: 50
Maximum Height in Feet: 35
- *In the Special Requirements column, replace the first entry for the RD Rural Development District with the following:*

“Same as for respective permissible uses in PP and F Zone above. Cluster development shall be required in accordance with Section 17.20.260 whenever two or more units are proposed as part of a residential development.”

V. Section 17.20.120.B is hereby amended to read as follows:

B. Except as otherwise provided in subsection C below, no permit shall be issued for development other than for agricultural commercial establishments unless the applicant demonstrates that all buildings are set back at least two hundred (200) feet from the center line of the scenic corridor. This requirement shall not apply to residential cluster developments in the Rural Development and Forest Area Districts which comply with the standards of Section 17.20.260.

VI. Section 17.20.210.E is hereby amended to read as follows:

E. Fish and wildlife activities and wetlands management, in accordance with N.J.A.C. 7:50-6.10.

VII. Section 17.20.240.E is hereby amended to read as follows:

E. All non-contiguous lands acquired pursuant to subsections A through D above are permanently protected through recordation of a deed of restriction in accordance with the following requirements:

1. The deed of restriction shall permit the parcel to be managed for:

a. Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this chapter;

b. Where agricultural use exists on a parcel proposed to be protected, the following standards shall apply:

- i. *For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;*
- ii. *For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;*
- iii. *For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection b.ii above, the deed of restriction shall permit the land to be managed only in accordance with Subsection a. above and shall not provide for continuation of any agricultural use on the parcel; and*
- iv. *The deed of restriction to be recorded pursuant to Subsection b.i or ii above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Burlington County or the State Agricultural Development Committee, evidence of their approval shall also be provided.*

2. *The deed of restriction shall be in favor of the parcel to be developed and the Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission.*

VIII. *Add the following as Sections 17.20.260 and 17.20.270 :*

17.20.260 *Residential Cluster Development in the Forest and Rural Development Districts.*

In the RD Rural Development and F Forest Districts, clustering of single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply:

- A. *Permitted density:*
 - 1. *In the RD Rural Development District: one unit per 3.2 acres.*
 - 2. *In the F Forest District: one unit per 15 acres.*
- B. *The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in Subsection A. above, with a bonus applied as follows:*

Parcel Size	RD Rural Development District	F Forest District
<50 acres	0	0
50-99.99 acres	10%	20%
100-149.99 acres	15%	25%
≥150 acres	20%	30%

- C. *The residential cluster shall be located on the parcel such that the development area:*
1. *Is located proximate to existing roads;*
 2. *Is located proximate to existing developed sites on adjacent or nearby parcels;*
 3. *Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and*
 4. *Conforms with the minimum environmental standards of N.J.A.C. 7:50-6.*
- D. *Development within the residential cluster shall be designed as follows:*
1. *Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;*
 2. *The following minimum yard and building requirements shall apply:*
 - a. *Lot width: 125 feet.*
 - b. *Front yard: 50 feet*
 - c. *Side Yard: 30 feet*
 - d. *Rear Yard: 50 feet*
 - e. *Maximum height: 35 feet*
 3. *Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of Section 17.20.190.B.4_ may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with Subsection 5(b)[2] below, individual on-site septic waste water treatment systems shall comply with the standards of Sections 17.20.190.B.5 or 7. Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of Sections 17.20.190.B.5 or 7 shall also be permitted;*
 4. *The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and*
 5. *Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.*
- E. *The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit*

conservation organization, Bass River Township or incorporated as part of one of the lots within the cluster development area.

1. *All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor of Bass River Township or another public agency or non-profit organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and*
2. *The deed of restriction shall permit the parcel to be managed for:*
 - a. *Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this chapter; and*
 - b. *Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:*
 - i. *For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;*
 - ii. *For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;*
 - iii. *For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection b.ii above, the deed of restriction shall permit the land to be managed only in accordance with a. above and shall not provide for continuation of any agricultural use on the parcel;*
 - iv. *The deed of restriction to be recorded pursuant to Subsections b.i or ii above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Burlington County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and*
 - v. *For parcels which meet the standards of Subsections b.i or ii above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.*

Single-family detached dwellings in which are not clustered in accordance with Section 17.20.260 may be permitted as a conditional use in the RD Rural Development and F Forest Districts, provided that:

A The Planning Board finds that:

1. Clustering of the proposed dwellings would be inconsistent with the minimum environmental standards set forth at N.J.A.C. 7:50-6; or
2. Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.

B. Minimum lot area requirements:

1. In the RD Rural Development District: 3.2 acres.
2. In the F Forest District: 15 acres.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon proper passage and in accordance with the law.

TOWNSHIP OF BASS RIVER
Ordinance 2013-06

**AN ORDINANCE AMENDING TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES,
CHAPTER 12.08, TREES, OF THE TOWNSHIP OF BASS RIVER**

BE IT ORDAINED by the Board of Commissioners of the Township of Bass River, County of Burlington, State of New Jersey, as follows:

I. PURPOSE: The purpose of this Ordinance is to amend Chapter 12.08, Trees, of the Township of Bass River in response to amendments to the Pinelands Comprehensive Management Plan related to forestry, March 1, 2010.

II. Section 12.08.020 Definitions, is hereby amended by replacing or adding the following definitions:

Artificial Regeneration - The establishment of tree cover through direct or supplemental seeding or planting.

Bedding – A silvicultural practice involving the preparation of land before planting in the form of small mounds so as to concentrate topsoil and elevate the root zone of seedlings above temporary standing water.

Broadcast Scarification - A silvicultural practice involving the dragging of cut trees or other objects across a parcel to remove or reduce above-ground shrub cover, debris, leaf litter and humus without disturbance to mineral soil horizons and associated roots.

Clearcutting - A silvicultural practice involving removal of an entire forest stand in one cutting for purposes of regeneration either obtained artificially, by natural seed or from advanced regeneration. Clearcutting typically results in the removal of all woody vegetation from a parcel in preparation for the establishment of new trees; however, some trees may be left on the parcel.

Coppicing - A silvicultural practice involving the production of forest stands from vegetative sprouting by the trees that are harvested (stump sprouts, root suckers, and naturally rooted layers). Coppicing typically involves short rotations with dense stands of short trees.

Disking - A silvicultural practice involving the drawing of one or more heavy, round, concave, sharpened, freely rotating steel disks across a site for the purposes of cutting through soil and roots or cutting and turning a furrow over an area

Drum Chopping - A silvicultural practice involving the drawing of a large cylindrical drum with cutting blades mounted parallel to its axis across a site to break up slash, crush scrubby vegetation prior to burning or planting or to chop up and disturb the organic turf and roots in the upper foot of soil.

Forestry - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this chapter, the following activities shall not be defined as forestry:

- A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
- B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- C. Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- D. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- E. Removal or planting of trees for the personal use of the parcel owner; and
- F. Removal of trees for public safety.

Forest Stand - A uniform group of trees of similar species, composition, size, age and similar forest structure.

Group Selection - A silvicultural practice whereby a group of trees is periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

Individual Selection - A silvicultural practice whereby single trees are periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

Natural Regeneration - The establishment of a plant or plant age class from natural seeding, sprouting, suckering or layering.

Pinelands Native Forest Type – See N.J.A.C. 7:50-6.43.

Root Raking - A silvicultural practice involving the drawing of a set of tines, mounted on the front or trailed behind a tractor, over an area to thoroughly disturb tree and vegetation roots and/or to collect stumps and slash.

Seed Tree Cut - A silvicultural practice involving the removal of old forest stand in one cutting, except for a small number of trees left singly, in small groups or narrow strips, as a source of seed for natural regeneration.

Shelterwood Cut - A silvicultural practice involving the establishment of a new, essentially even-aged forest stand from release, typically in a series of cuttings, of new trees started under the old forest stand. A shelterwood cut involves the establishment of the new forest stand before the old forest stand is removed.

Thinning - A silvicultural practice involving the removal of competing trees to favor certain species, sizes and qualities of trees.

III. Section 12.08.040, Forestry Application Requirements, is hereby replaced in its entirety with the following:

The information in A or B below shall be submitted to the Township Zoning Officer prior to the issuance of any forestry permit:

A. For forestry activities on a parcel of land enrolled in the New Jersey Forest Stewardship Program, a copy of the approved New Jersey Forest Stewardship Plan. This document shall serve as evidence of the completion of an application with the Pinelands Commission as well as evidence that the activities are consistent with the standards of the Pinelands Comprehensive Management Plan. No certificate of filing from the Pinelands Commission shall be required.

B. For all other forestry applications:

1. The applicant's name and address and his interest in the subject parcel;
2. The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
3. The description, including block and lot designation and street address, if any, of the subject parcel;
4. A description of all existing uses of the subject parcel;
5. A brief written statement generally describing the proposed forestry operation;
6. A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject parcel, the Pinelands management area designation and the municipal zoning designation are shown;
7. A forestry management plan that includes, as appropriate:
 - a. A cover page for the plan containing:
 - i. The name, mailing address and telephone number of the owner of the subject parcel;
 - ii. The municipality and county in which the subject parcel is located;
 - iii. The block and lot designation and street address, if any, of the subject parcel;
 - iv. The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and
 - v. The date the plan was prepared, subsequent revision dates and the period of time the plan is intended to cover;
 - b. A clear and concise statement of the owner's objectives for undertaking the proposed forestry activities, including a

description of the short- (five years) and long-term (20 years) objectives for all proposed silvicultural techniques that will be used to manage the parcel;

c. A description of the existing conditions of the subject parcel and of each forest stand in which a proposed activity, prescription or practice will occur. These stand descriptions shall include photographs of each stand taken at eye level showing the location of all Pinelands Native Forest Types, as identified at N.J.A.C. 7:50-6.43, and shall be keyed to an activity map that shall include, as appropriate, the following information:

- i. The number of acres;*
- ii. The general condition and quality of each stand;*
- iii. The overall site quality, relative to the management goals and objectives identified in subsection B.7.b. above;*
- iv. An inventory and map of Pinelands Native Forest Types with Native Forest Types broken into "stands," including information on type, size and volume by species;*
- v. The age of representative trees;*
- vi. The species composition, including overstory, understory, ground layer structure and composition;*
- vii. The stand cohort composition;*
- viii. The percent cover;*
- ix. The basal area;*
- x. The structure, including age classes, diameter breast height (DBH) classes and crown classes;*
- xi. The condition and species composition of advanced regeneration when applicable;*
- xii. A stocking table showing the stocking levels, growth rates and volume;*
- xiii. Projections of intended future stand characteristics at 10-, 20-, and 40-year intervals;*
- xiv. A description of the forestry activities, silvicultural prescriptions, management activities and practices proposed during the permit period and the acreage proposed for each activity. These may include, but are not necessarily limited to, a description of:*

[A] Stand improvement practices;

[B] Site preparation practices;

- [C] Harvesting practices;*
- [D] Regeneration and reforestation practices;*
- [E] Improvements, including road construction, stream crossings, landings, loading areas and skid trails;*
- [F] Herbicide treatments;*
- [G] Silvicultural treatment alternatives;*
- [H] If planting will occur to accomplish reforestation, the application shall include seed sources records, if such records are available;*
- [I] Implementation instructions; and*
- [J] Measures that will be taken to prevent the potential spread of exotic plant species or Phragmites into wetlands; and*

xv. *A description, if appropriate, of the forest products to be harvested, including volume expressed in cords and board feet; diameter breast height (DBH) classes and average diameter; age; heights; and number of trees per acre; and*

d. *A map of the entire parcel which includes the following:*

- i. The owner's name, address and the date the map was prepared;*
- ii. An arrow designating the north direction;*
- iii. A scale which is not smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet;*
- iv. The location of all property lines;*
- v. A delineation of the physical features such as roads, streams and structures;*
- vi. The identification of soil types (a separate map may be used for this purpose);*
- vii. A map inset showing the location of the parcel in relation to the local area;*
- viii. Clear location of the area and acreage in which each proposed activity, prescription or practice will occur. If shown on other than the property map, the map or maps shall note the scale, which shall not be smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet, and shall be appropriately keyed to the property map; and*

- ix. *A legend defining the symbols appearing on the map.*
- 8. *A letter from the Office of Natural Lands Management identifying any threatened or endangered plants or animals reported on or in the immediate vicinity of the parcel and a detailed description by the applicant of the measures proposed to meet the standards set forth in N.J.A.C. 7:50-6.27 and 6.33;*
- 9. *A cultural resource survey documenting cultural resources on those portions of the parcel where ground disturbance due to site preparation or road construction will occur and a detailed description of the measures proposed by the applicant to treat those cultural resources in accordance with N.J.A.C. 7:50-6.156;*
- 10. *A statement identifying the type, location and frequency of any proposed herbicide treatments and how such treatments will comply with the standards set forth in Section 12.08.050.1.2;*
- 11. *A statement identifying the specific steps to be taken to ensure that trees or areas to be harvested are properly identified so as to ensure that only those trees intended for harvesting are harvested;*
- 12. *Written comments from the New Jersey State Forester concerning the extent to which the proposed forestry activities are consistent with the guidelines provided in the New Jersey Forestry and Wetlands Best Management Practices Manual developed by the New Jersey Department of Environmental Protection, dated October 1995, as amended. Any such comments which indicate that the proposed activities are not consistent with said Manual must be addressed by the applicant in terms of their potential impact on the standards set forth in Section 12.08.050 below;*
- 13. *A Certificate of Filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34; and*
- 14. *When prior approval for the forestry activities has been granted by the Zoning Officer or other Township approval agency, a letter from the Pinelands Commission indicating that the prior approval has been reviewed pursuant to Section 17.32.110 through 130 of the Zoning Ordinance.*

IV. Section 12.08.050, Forestry Standards, is hereby replaced in its entirety with the following:

Forestry operations shall be approved only if the applicant can demonstrate that the standards set forth below are met:

- A. *All forestry activities shall serve to maintain Pinelands native forest types, including those which are locally characteristic, except in those stands where other forest types exist;*
- B. *Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site;*
- C. *The following actions shall be required to encourage the establishment, restoration or regeneration of Atlantic White Cedar in cedar and hardwood swamps:*
 - 1. *Clearcutting cedar and managing slash;*
 - 2. *Controlling competition by other plant species;*

3. *Utilizing fencing and other retardants, where necessary, to protect cedar from overbrowsing;*
 4. *Utilizing existing streams as cutting boundaries, where practical;*
 5. *Harvesting during dry periods or when the ground is frozen; and*
 6. *Utilizing the least intrusive harvesting techniques, including the use of winches, corduroy roads and helicopters, where practical.*
- D. *All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth at N.J.A.C. 7:50-6.27 and 6.33. The species accounts provided in the "Recommended Forestry Management Practices Report," Appendix I - Endangered Animals, dated March 2006, as amended and supplemented and available at the principal office of the Commission or at www.nj.gov/pinelands, may be utilized as a guide for meeting these standards;*
- E. *All forestry activities and practices shall be designed and carried out so as to comply with the standards for the land application of waste set forth in N.J.A.C. 7:50-6.79, except as expressly authorized in this section;*
- F. *All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of historic, archaeological and cultural resources set forth in N.J.A.C. 7:50-6.156;*
- G. *A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required when Atlantic White Cedar is proposed to be harvested, established, restored or regenerated. The streamside management zone shall be at least 25 feet in width. Where soils are severely erodible, slopes exceed 10 percent or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of 70 feet to buffer the water body from adjacent forestry activities;*
- H. *Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to:*
1. *Minimize changes to surface and ground water hydrology;*
 2. *Minimize changes to temperature and other existing surface water quality and conditions;*
 3. *Prevent unnecessary soil erosion, siltation and sedimentation; and*
 4. *Minimize unnecessary disturbances to aquatic and forest habitats.*
- I. *The following standards shall apply to silvicultural practices for site preparation, either before or after harvesting:*
1. *In areas with slopes of greater than 10 percent, an undisturbed buffer strip of at least 25 feet in width shall be maintained along roads during site preparation to catch soil particles;*
 2. *Herbicide treatments shall be permitted, provided that:*
 - a. *The proposed treatment is identified in the forestry application submitted pursuant to Section 12.08.040.B.10 above;*

- b. *Control of competitive plant species is clearly necessary;*
 - c. *Control of competitive plant species by other, non-chemical means is not practical;*
 - d. *All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements; and*
 - e. *In Pine-Shrub Oak Native Forest Types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment;*
3. *Broadcast scarification and mechanical weeding shall be permitted in all Pinelands Native Forest Types;*
4. *Disking shall be permitted, provided that:*
- a. *It shall not be permitted in Pine Plains Native Forest Types;*
 - b. *Disking shall only be permitted in Pine-Shrub Oak Native Forest Types as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration, and shall be limited as follows:*
 - i. *Disking may occur one time during the first year of the establishment of a stand to assure the successful growth of pine seedlings and may be repeated one time during the second year of the growth of the stand only in areas where pine seedling establishment has not successfully occurred; and*
 - ii. *Only single-pass disking, which penetrates the soil no deeper than six inches, shall be permitted.*
 - c. *It shall not occur in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, disking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and*
 - d. *It shall follow land contours when slopes are discernible;*
- .) *Root raking shall be permitted, provided that:*
- a. *It shall not be permitted in Pine-Shrub Oak Native Forest Types or Pine Plains Native Forest Types;*
 - b. *When used to establish, restore or regenerate Atlantic White Cedar, root raking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and*
 - c. *Root raking debris shall not be piled in wetlands;*
6. *Bedding shall be permitted only in recently abandoned, cultivated wetlands where there are no established Pinelands Native Forest Types; and*

7. *Drum chopping shall be permitted, provided that:*
- a. *It shall not be permitted in Pine Plains Native Forest Types except to create road shoulder fuelbreaks, which shall be limited to 25 feet in width, or to create scattered early successional habitats under two acres in size;*
 - .) *It shall not be permitted in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, drum chopping shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and*
 - c. *It shall adhere to the following procedures:*
 - i. *No more than two passes shall be permitted except to create scattered early successional habitats under two acres in size;*
 - ii. *Drums shall remain unfilled when used during the dormant season;*
 - iii. *Chop up and down the slope on a parcel so the depressions made by the cleats and chopper blades run parallel to the contour of the land to help reduce the occurrence of channeled surface erosion;*
 - iv. *Chop so the depressions made by the cleats and chopper blades run parallel to a wetland or water body; and*
 - vi. *Avoid short-radius, 180-degree turns at the end of each straight pass.*

J. *The following standards shall apply to silvicultural practices for harvesting:*

1. *Clearcutting shall be permitted, provided that:*
- a. *It shall not be permitted in Pine Plains Native Forest Types;*
 - b. *It shall be limited to 300 acres or five percent of a parcel, whichever is greater, during any permit period;*
 - c. *A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any clearcut and the parcel boundaries;*
 - d. *A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger clearcut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;*
 - e. *Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches diameter breast height (DBH) and six feet in height shall be left on the parcel for a minimum of five years; and*
 - f. *The area of the parcel subject to the clearcut shall have contoured edges unless the boundary of the clearcut serves as a firebreak in which case straight edges may be used;*
2. *Coppicing shall be permitted in all Pinelands Native Forest Types, provided that:*

- a. *It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;*
 - b. *A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any coppice cut and the parcel boundaries;*
 - c. *A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger coppice cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;*
 - d. *Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years; and*
 - e. *The area of the parcel subject to the coppice cut shall have contoured edges unless the boundary of the coppice cut serves as a firebreak in which case straight edges may be used;*
3. *Seed tree cutting shall be permitted in all Pinelands Native Forest Types, provided that:*
- a. *It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;*
 - b. *A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any seed tree cut and the parcel boundaries;*
 - c. *A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger seed tree cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;*
 - d. *Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years;*
 - e. *The area of the parcel subject to the seed tree cut shall have contoured edges unless the boundary of the seed tree cut serves as a firebreak in which case straight edges may be used;*
 - f. *Dominant residual seed trees shall be retained at a distribution of at least seven trees per acre; and*
 - g. *Residual seed trees shall be distributed evenly throughout the parcel; and*
4. *Shelterwood cutting, group selection and individual selection shall be permitted in all Pinelands Native Forest Types.*

K. *The following standards shall apply to silvicultural practices for forest regeneration:*

1. *Natural regeneration shall be permitted in all Pinelands Native Forest Types and shall be required in the Pine Plains Native Forest Type, except as provided in subsection K(2) below; and*
2. *Artificial regeneration shall be permitted in all Pinelands Native Forest Types provided that:*
 - a. *The use of non-native cuttings, seedlings or seeds shall not be permitted;*
 - b. *The use of hybrid cuttings, seedlings or seeds shall be permitted if it can be demonstrated that the cutting is from a locally native, naturally occurring hybrid which will be planted within its natural range and habitat;*
 - c. *Cuttings, seedlings or seeds shall be collected and utilized so as to ensure genetic diversity; and*
 - d. *When used in Pine Plains Native Forest Types, artificial regeneration shall only be permitted to restore drastically disturbed sites if seeds or seedlings from the immediate vicinity have been collected from local, genetically similar sources.*
- L. *Following site preparation and harvesting activities, slash shall either be retained in piles on the parcel, distributed throughout the parcel, removed from the parcel or burned.*
- M. *Thinning shall be permitted in all Pinelands Native Forest Types, including that which serves to maintain an understory of native plants and/or manage stand composition, density, growth and spatial heterogeneity.*
- N. *A copy of the approved municipal forestry permit shall be conspicuously posted on the parcel which is the site of the forestry activity.*

BE IT FURTHER ORDAINED that this ordinance shall take effect upon proper passage and in accordance with the law.

RESOLUTION 2013-60
SELF-EXAMINATION OF BUDGET RESOLUTION
 [as required by DCA]

The motion was made by Mayor Cope, seconded by Commissioner Bourguignon to approve Resolution 2013-60. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and Resolutions 2013-60 was hereby approved.

RESOLUTION 2013-60
SELF-EXAMINATION OF BUDGET RESOLUTION
 [as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Bass River has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Bass River that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

TOWNSHIP OF BASS RIVER
Ordinance 2013-07

AN ORDINANCE AMENDING TITLE 17, ZONING, CHAPTER 17.20.190, WATER QUALITY, OF THE TOWNSHIP OF BASS RIVER

BE IT ORDAINED by the Board of Commissioners of the Township of Bass River, County of Burlington, State of New Jersey, as follows:

I. PURPOSE: *The purpose of this Ordinance is to amend Chapter 17.20.190, Water Quality, of the Township of Bass River in response to amendments to the Pinelands Comprehensive Management Plan.*

II. Section 17.20.190, is hereby amended by replacing or adding the following:

A. *All development permitted under this title shall be designed and carried out so that the quality of surface and groundwater shall be protected. Except as specifically authorized in this section, no development which degrades surface or groundwater quality for which establishes new point sources of pollution shall be permitted.*

B. *The following point and nonpoint sources may be developed and operated in the Pinelands:*

1. *Development of new or the expansion of existing commercial, industrial and waste water treatment facilities, or the development of new or the expansion of existing non-point sources, except those specifically regulated in subsections b. through f. below, provided that:*

a. *There will be no direct discharge into any surface water body;*

b. *All discharges from the facility or use are of a quality and quantity such that groundwater exiting from the parcel of land or entering a surface body of water will not exceed two parts per million nitrate/nitrogen;*

c. *All public wastewater treatment facilities are designed to accept and treat septage; and*

d. *All storage facilities, including ponds or lagoons, are lined to prevent leakage into groundwater.*

2. *Development of new wastewater treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one existing on-site wastewater treatment or collection system where a public health problem has been identified, may be exempted from the standards of subsection (B)(1)(b) of this section provided that:*

a. *There will be no direct discharge into any surface water body;*

b. *The facility is designed only to accommodate wastewater from existing residential, commercial, and industrial development;*

c. *Adherence to subsection (B)(1)(b) of this section cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees; and*

d. *The design level of nitrate/nitrogen attenuation is the maximum possible within the cost limitations imposed by such user fee guidelines but in no case shall groundwater exiting from the parcel or entering a surface body of water exceed five (5) parts per million nitrate/nitrogen.*

3. *Improvements to existing commercial, industrial, and wastewater treatment facilities which discharge directly into surface waters provided that:*

- a. *There is no practical alternative available that would adhere to the standards of subsection (B)(1)(a) of this section;*
 - b. *There is no increase in the existing approved capacity of the facility; and*
 - c. *All discharges from the facility into surface water are such that the nitrate/nitrogen levels of the surface waters at the discharge point do not exceed two parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceed two parts per million, the discharge shall not exceed two parts per million nitrate/nitrogen.*
4. *Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:*
- a. *The proposed development to be served by the system is otherwise permitted pursuant to the provisions of this title;*
 - b. *The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water existing from the entire contiguous parcel or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December 1993, as amended, subject to the provisions of subsection 4.c. below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous land that have been deed restricted pursuant to Sections 17.20.240 or 17.08.060;*
 - c. *Only contiguous lands within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution purposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, nonresidential development on a lot of five (5) acres or less existing as of January 14, 1981, or cluster development in accordance with N.J.A.C. 7:50-5.19;*
 - d. *The depth to seasonal high water table is at least five (5) feet;*
 - e. *Any potable water well will be drilled and cased to a depth of at least 100 feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least fifty (50) feet;*
 - f. *The system will be maintained and inspected in accordance with the requirements of subsection C of this section;*
 - g. *The technology to be used has been approved by the New Jersey Department of Environmental Protection; and*
 - h. *Flow values for nonresidential development shall be determined based on the values contained in N.J.A.C. 7:9A-7.4, as amended, except that the number of employees may not be utilized in calculating flow values for office uses. In the event that N.J.A.C. 7:9A-7.4 does not provide flow values for a specific use, but a flow value is assigned for that use in 7:14A-23.3(a), the flow value specified in N.J.A.C. 7:14A-23.3(a) shall be used in calculating the flow.*

5. *Individual on-site septic wastewater treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:*
 - a. *The standards set forth in sections 4.a and c. through h. above are met ;*
 - b. *If the proposed development is nonresidential, it is located in the VR or VC Zones;*
 - c. *The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located, will ensure that groundwater exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model, dated December 1993, as amended, subject to the provisions of section 4.c above and the assumptions and requirements set forth in N.J.A.C. 7:50-6.84(a)5iv. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous land that have been deed restricted pursuant to Sections 17.20.240 or 17.08.060.*
6. *Surface water runoff, provided that:*
 - a. *The total runoff generated from any net increase in impervious surfaces by a ten-year storm of a twenty-four-hour duration shall be retained and infiltrated on site. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;*
 - b. *The rates of runoff generated from the parcel by a two-year, ten-year and 100-year storm, each of a twenty-four-hour duration, shall not increase as a result of the proposed development. Runoff rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;*
 - c. *Surface water runoff shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel;*
 - d. *Excessively and somewhat excessively drained soils, as defined by the soil conservation service, should be avoided for recharge of runoff wherever practical;*
 - e. *A minimum separation of two feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other stormwater management techniques, is adequate to protect groundwater quality; and*
 - f. *A four-year maintenance guarantee is provided for the entire stormwater management system by the applicant. In addition, the applicant shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than ten (10) years. The program shall identify the entity charged with responsibility for annual inspections and the completion of any necessary maintenance, and the method to finance said program.*
7. *Alternate design pilot program treatment systems, provided that:*

- a. *The proposed development to be served by the system is residential and is otherwise permitted pursuant to the provisions of this title;*
- b. *The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of subsection (2)(c) below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to Section __ or ___;*
- c. *Only contiguous lands located within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution proposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, non-residential development on a lot of five acres or less existing as of January 14 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;*
- d. *The depth to seasonal high water table is at least five feet;*
- e. *Any potable water well will be drilled and cased to a depth of at least one hundred (100) feet, unless the well penetrates an impermeable clay aquiclude in which case the well shall be cased to at least fifty (50) feet;*
- f. *No more than ten (10) alternate design pilot program treatment systems utilizing the same technology shall be installed in the development of any parcel if those systems are each serving one single-family dwelling;*
- g. *Each system shall be equipped with automatic dialing capability to the manufacturer, or its agent, in the event of a mechanical malfunction;*
- h. *Each system shall be designed and constructed so that samples of effluent leaving the alternate design pilot program septic system can be readily taken to confirm the performance of the technology;*
- i. *The manufacturer or its agent shall provide to each owner an operation and maintenance manual approved pursuant to N.J.A.C. 7:50-10.22(a)2iv;*
- j. *Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that cannot be cancelled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time;*
- k. *The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in this subsection, and grants access, with reasonable notice, to the local board of health, the commission and its agents for inspection and monitoring purposes. The*

recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the commission that apply to said system; and

l. No system shall be installed after August 5, 2013.

C. The owner of every on-site septic waste treatment facility shall, as soon as suitable septage disposal facility capacity is available, in accordance with the provisions of Chapter 326 of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and Section 201 of the Clean Water Act:

- 1. Have the facility inspected by a technician at least once every three years;*
- 2. Have the facility cleaned at least once every three years; and*
- 3. Once every three years submit to the board of health serving the township a sworn statement that the facility has been inspected and cleaned and is functional, setting forth the name of the person who performed the inspection and cleaning and the date of such inspection.*

D. Use of the following substances is prohibited in the township to the extent that such use will result in direct or indirect introduction of such substances to any surface, or ground or surface water or any land:

- 1. Septic tank cleaners; and*
- 2. Waste oil.*

*E. No person shall apply any herbicide to any road or public utility right-of-way within the township unless necessary to protect an adjacent agricultural activity.
(Ord. 2002-9 § 2; Ord. 1997-4, §§ 20--26; Ord. 90-15 § 1 (part); Ord. 89-8 § 8.11(I)).*

***BE IT FURTHER ORDAINED** that this ordinance shall take effect upon proper passage and in accordance with the law.*

RESOLUTION 2013-65

TAX OFFICE RESOLUTION

The motion was made by Mayor Cope, seconded by Commissioner Bourguignon to approve Resolution 2013-65. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and Resolution 2013-65 was hereby approved.

RESOLUTION 2013-65

WHEREAS the property known as Block 31.C, Lot 5 has an overpayment due to the 2012 Homestead Rebate and the property was sold on July 19, 2013; and

WHEREAS the prior owner has requested refund of the overpayment amount of \$324.79;

NOW THEREFORE, BE IT RESOLVED the CFO of the Township of Bass River is authorized to issue a check in the amount of \$324.79 be refunded to Carol Kennedy, 202 3rd Ave., Tuckerton, NJ 08087.

RESOLUTION 2013-66

A RESOLUTION AUTHORIZING SUBMISSION OF NJ DOT GRANT FOR 2013

The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to approve Resolution 2013-66. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and Resolution 2013-66 was hereby approved.

RESOLUTION 2013-66

A RESOLUTION AUTHORIZING SUBMISSION OF NJ DOT GRANT FOR 2013

*TOWNSHIP OF BASS RIVER
RESOLUTION 2013-66*

RESOLUTION: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Reconstruction of Chips Folly road project.

NOW, THEREFORE, BE IT RESOLVED that Council of Bass River Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Bass River Township-00063 to the New Jersey Department of Transportation on behalf of Bass River Township.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bass River Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2013-67

A RESOLUTION SETTING THE ANNUAL SALARY AND HOURLY PAY RATES FOR THE 2013 CALENDAR YEAR FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BASS RIVER

The motion was made by Mayor Cope, seconded by Commissioner Bourguignon to approve Resolution 2013-67. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and Resolution 2013-67 was hereby approved.

RESOLUTION 2013-67

A RESOLUTION SETTING THE ANNUAL SALARY AND HOURLY PAY RATES FOR THE 2013 CALENDAR YEAR FOR CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF BASS RIVER

BE IT RESOLVED by the Board of Commissioners of the Township of Bass River in the County of Burlington and the State of New Jersey at a special meeting held on this 5th day of August 2013 that the following pay rate is hereby established for the 2013 calendar year and set as follows pursuant to Salary Ordinance:

OFFICE/EMPLOYEE NAME	TITLE	SALARY
MUNICIPAL ALLIANCE GRANT 2013		
Sotak, Christina	Mun. Alliance Aid	7.25/hour
Evans, Terri	Mun. Alliance Coord.	1300/year
Jillson, Courtney	Mun. Alliance Aid	7.25/hour
Lucas, Hunter	Mun. Alliance Aid	7.25
Somes, Amanda S.	Mun. Alliance Coord.	1000/year
Steele, John	Mun. Alliance Coord.	1300/year
Zarych, Bridget	Mun. Alliance Aid	7.25/hour
Crowley, Mikaela	Mun. Alliance Aid	7.25/hour
Jaeckel, Kathleen	Mun. Alliance Aid	7.25/hour
DEPARTMENT OF STREETS & ROADS		
McCarten, Denis	Laborer	7.25/hour

RESOLUTION 2013-68

A RESOLUTION AWARDING CONTRACT FOR THE LEASING OF AN OUTDOOR
ADVERTISING SIGN PURSUANT TO
N.J.S.A. 40A:11-1

The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to approve Resolution 2013-68. Votes: Cope–Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and Resolution 2013-68 was hereby approved.

RESOLUTION 2013-68

BASS RIVER TOWNSHIP

A RESOLUTION AWARDING CONTRACT FOR THE LEASING OF AN OUTDOOR ADVERTISING
SIGN PURSUANT TO
N.J.S.A. 40A:11-1

WHEREAS, sealed public bids for the leasing of an outdoor advertising sign were received by the Bass River Municipal Clerk on July 31, 2013; and

WHEREAS, the Commissioners conducted significant discussion and consideration of the matter including a review of the most recent lease agreement for the outdoor advertising sign located on Block 4, Lot 1 in the Township of Bass River and the bid submitted pursuant thereto; and

WHEREAS, the Township Commissioners have reviewed the recommendations made by the Township Solicitor on said bid; and

WHEREAS, Interstate Outdoor Advertising, L.P. was the highest qualified bidder and submitted a conforming bid; and

WHEREAS, specifications were drawn to promote maximum competition for the public contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Bass River, County of Burlington, State of New Jersey that the contract for the leasing of the outdoor advertising sign located on Block 4, Lot 1 in the Township of Bass River for a period of five (5) years in the amount of One Thousand Eight Hundred Dollars (\$1,800.00) be and the same is hereby awarded to Interstate Outdoor Advertising, L.P.

BE IT FURTHER RESOLVED that the Mayor of Bass River Township be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said lease.

BE IT FURTHER RESOLVED that the clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Bass River Township Board of Commissioners at a meeting held on August 5, 2013.

NEW BUSINESS:

a. Campground License Renewal:

1. Chips Folly Campground

The motion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione to approve license for Chips Folly Campground. Votes: Cope-Yes, Capriglione-Yes, Bourguignon-Yes. All in favor and licenses for Chips Folly Campground was hereby approved for 2013.

REPORTS:

The following reports were noted.

Report of Solicitor
Report of Municipal Court
Dog Report
Report of Safety Coordinator

Deputy Mayor Capriglione requested a special meeting be scheduled to discuss ambulance service in the township and obtain public input on the matter. The meeting would be scheduled on August 19th at 7 p.m. at the school. He would like to have two meetings. This first meeting would be for the Town People and the second would be with the representatives from the various organizations.

PUBLIC COMMENT:

The meeting was open for public comment at 8:42 p.m. upon a motion by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor.

Mr. L. Assur asked questions concerning the Pinelands CMP to which the solicitor responded.

Mrs. R. Bourguignon noted a vehicle on the side of North Maple Avenue is in possible violation and creating a hazard and requested Code Enforcement to visit site.

Mrs. K. Dolch asked about future improvements to the Old Rustic Inn. Solicitor noted she has been attempting to make contact with the owners. No response has been received.

Mr. R. Nicholow asked about installation of speed bumps coming into town. Mayor noted this would not be recommended due to liability.

Mr. B. Aaronson commented on the July 22nd meeting. Various representatives from Viking spoke at this meeting. He asked why the Mayor did not allow some individuals to speak while others were permitted. Mayor allowed the attorney to respond at this meeting to attempt to stay on topic of the manufacturing node.

Mr. L. Assur noted the North Maple Avenue Park is being maintained very nicely.

Being no further comments the motion to close the public portion was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and public portion was closed at 8:59 p.m.

Being no further business to come before the Board the motion to adjourn was made by Commissioner Bourguignon, seconded by Deputy Mayor Capriglione. All in favor and meeting was adjourned at 8:59 p.m.

Respectfully Submitted
Amanda S. Somes, RMC
Township Clerk

Deborah Buzby-Cope, Mayor