

ORDINANCE NO. 16-04
INTRODUCTION DATE: 02-17-16
ADOPTION DATE: 03-16-16

**ORDINANCE AMENDING CHAPTER XXXV (LAND USE), ARTICLE XI,
DESIGN AND PERFORMANCE STANDARDS AND CONSTRUCTION
SPECIFICATIONS), SECTION 11-33 (THREATENED AND ENDANGERED
SPECIES) THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.**

BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey, as follows (additions are underlined, and deletions are in [~~brackets~~):

I

Chapter XXXV, Land Use, Article 11, Design and Performance Standards and Construction Specifications, Section 11-33, Threatened and Endangered Species, is hereby amended to read as follows:

11-33 THREATENED AND ENDANGERED SPECIES.

11-33.1 Applicability – No change.

11-33.2 Standards for Threatened and Endangered Species Investigation

- A. *State Records Search.* The applicant shall provide a New Jersey Department of Environmental Protection Landscape Habitat Ranking Map and the current [a] NJDEP Natural Heritage Program database report of the site available at the time of the submission. A site that contains Habitat Ranking 3, 4, 5 and/or a Natural Heritage Program database report which identifies threatened or endangered species on or within close proximity of the site shall require a Threatened and Endangered Species Survey. If no threatened or endangered species have been identified on the Landscape Habitat Ranking Map or the Natural Heritage database report, no further Threatened and Endangered Species survey is required.
- B. *Surveyor Requirements.* – No change.
- C. *Time Frame of Survey.* – No change.
- D. *Survey.* - No change.

11-33.3 Review of Findings. – No change.

11-33.4 Protective Measures. – No change.

11-33.5 Time Period for Construction.

A. Any Threatened and Endangered Species Survey accepted under this sub-article shall remain valid for a period of 3 years from the date of the field survey.

B. If an update to the NJDEP Landscape Projects Cross Acceptance Data or Natural Heritage Database occurs more than 1 year prior to the resolution of compliance for a project, the applicant shall be required to submit a new survey for any new species identified on the project site. An extension request of up to an additional 6 months can be formally submitted to the Environmental Commission and granted at its discretion. A written request for an extension shall include a detailed explanation of the species' habitat requirements relating to the site and a valid reason for the request.

II

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

III

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

IV

This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

EXPLANATORY STATEMENT: This Ordinance amends the Threatened and Endangered Species Ordinance, within the Township's Land Use and Development Regulations regarding requirements for submitting a survey.