

BOROUGH OF BERLIN
ORDINANCE No. 2018-17

BOROUGH OF BERLIN, COUNTY OF CAMDEN, NEW JERSEY
ORDINANCE OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN, AND STATE
OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 335, ENTITLED
“ZONING AND LAND USE,” OF THE CODE OF THE BOROUGH OF BERLIN TO BE
CONSISTENT WITH THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN
AMENDMENTS

WHEREAS, Chapter 335 of the Code of the Borough of Berlin, entitled “Zoning and Land Use,” establishes standards for the development and use of land and buildings and is intended to meet the purposes and requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-2 et seq); and

WHEREAS, the objectives with respect to the Pinelands are to protect, preserve and enhance the significant values of the resources thereof, including natural, ecological, agricultural, archaeological, historic, scenic, cultural and recreational resources of Berlin Borough; and

WHEREAS, the Mayor and Borough Council have determined it is in the best interest of the Borough, consistent with the CMP amendments, to amend Chapter 335 of the Code of the Borough of Berlin in response to the most recent amendments to the Pinelands CMP; and

WHEREAS, the Mayor and Borough Council have reviewed the existing provisions pertaining to Pinelands development standards, development credits, notices and treatment systems in Chapter 335 and determined that same require revisions; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety, and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Berlin, County of Camden and State of New Jersey, as follows:

SECTION 1: Section 335-2, entitled “Definitions and word usage,” of Article II, entitled “Definitions,” is hereby amended, modified and/or supplemented by adding the term “SOLAR ENERGY FACILITY” and its definition in alphabetical order as follows:

“SOLAR ENERGY FACILITY

A solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the

facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.”

SECTION 2: Section 335-28, entitled “Development in Pinelands Protection Area,” of Article IV, entitled “Development and Review Procedures and Plat Details,” is hereby amended, modified and/or supplemented by revising subsection A(2) to read as follows:

“(2) Except as provided in A(3) below, the following shall not be subject to the procedures set forth in § 335-28B through G:

(a)-(f) [No changes.]

(g) The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:

[1] If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and

[2] If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.

(h)-(j) [No changes.]

(k) The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.

(l) The clearing of land solely for agricultural or horticultural purposes.

(m)-(r) [No changes.]

(s) The installation of an accessory solar energy facility on any existing structure or impervious surface.

(t) The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.

(u) The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.

- (v) The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.”

SECTION 3: Section 335-28, entitled “Development in Pinelands Protection Area,” of Article IV, entitled “Development and Review Procedures and Plat Details,” is hereby further amended, modified and/or supplemented by deleting the current subsection D in its entirety and replacing it with a new subsection D as follows:

“D. Notices.

- (1) Application submission and modifications. Written notification shall be given by the Borough, by email or regular mail, to the Pinelands Commission within seven days after a determination is made by the Borough that an application for development in the Pinelands Area is complete or if a determination is made by the Borough approval agency that the application has been modified. Said notice shall contain:
 - (a) The name and address of the applicant;
 - (b) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 - (c) A brief description of the proposed development, including uses and intensity of uses proposed;
 - (d) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (e) The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;
 - (f) The approval agency with which the application or change thereto was filed;
 - (g) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports; and
 - (h) The nature of the municipal approval or approvals being sought.
- (2) Meetings and hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:

- (a) The name and address of the applicant;
 - (b) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (c) The date, time and location of the meeting, hearing or other formal proceeding;
 - (d) The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding;
 - (e) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission; and
 - (f) The purpose for which the meeting, hearing or other formal proceeding is to be held.
- (3) Notice of approvals and denials. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall, within five days of the approval or denial, give notice by email or regular mail to the Commission. Such notice shall contain the following information:
- (a) The name and address of the applicant;
 - (b) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 - (c) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (d) The date on which the approval or denial was issued by the approval agency;
 - (e) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission;
 - (f) Any revisions to the application not previously submitted to the Commission; and
 - (g) A copy of the resolution, permit or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted."

SECTION 4: Except as set forth in Sections 1 through 3 above, the balance of the Code of the Borough of Berlin shall not be affected by this Ordinance.

SECTION 5: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

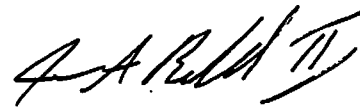
SECTION 6: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 7: This Ordinance shall take effect immediately upon final passage and publication in accordance with law and approval from the New Jersey Pinelands Commission.

Introduced: June 14, 2018

Adopted: July 12, 2018

This is to certify that the foregoing Ordinance was adopted by the Borough Council at a regular meeting of the Borough of Berlin held on July 12, 2018.



JAMES BILELLA, MAYOR



LOIS SAHINA, RMC
BOROUGH CLERK

Certified to be a true copy of an Ordinance adopted by the Mayor and Borough Council of the Borough of Berlin at a regularly scheduled meeting on July 12, 2018 at the Berlin Borough Municipal Building.



LOIS SAHINA, RMC
BOROUGH CLERK

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