

Brick and Stafford CAFRA Impervious and Vegetative Cover Changes

Article By:

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On July 3, 2023, DEP issued notices of adoption accepting new and changed State Plan Policy Map Planning Area (“PA”) and Community Development (“CD”) boundaries, approved by the State Planning Commission as the boundaries for Coastal PAs and CAFRA Centers and Nodes, for Brick Township and Stafford Township. The map amendments being implemented by DEP include the entirety of both municipalities, and the changed Coastal PA boundaries will be incorporated into N.J.A.C. 7:7-13 for the purposes of applying impervious and vegetative cover requirements under CAFRA, some of which are described below.

In accordance with N.J.A.C. 7:7-13.16(c), the map amendments accepted by the DEP will be operative August 2, 2023. Property owners and developers in Brick and Stafford Townships that have applications pending with DEP prior to July 3, 2023 should be considered grandfathered and not have to comply with these requirements. This should also hold true for applications submitted prior to the August 2, 2023 operative date of the approved changes.

In Brick, the newly designated PA and CD boundaries differ from those previously approved in several ways. In the newly approved boundaries, “the Center no longer exists as part of the endorsed plan...with the area that had been in the previously designated center redesignated as two Cores with amended boundaries. The Core designation is intended to recognize existing development with the opportunity for focused future development. Additionally, amendments have been made to [PA]s throughout the Township, including the new designation of a significant amount of critical environmental sites (CESs) along the coastline.”

Upon the August 2, 2023 operative date of the approved boundary changes, “each Coastal [PA], CAFRA Center, and CAFRA Node will be subject to the applicable impervious cover limit identified in Table H at N.J.A.C. 7:7-13.17 and vegetative cover percentages identified in Table I at N.J.A.C. 7:7-13.18.” Impervious cover limit changes to be implemented by the rule include:

- for Town Center areas changed to a designated Core area, the impervious cover limits will increase from 70% to 80%.
- for Town Center areas changed to a Coastal Suburban PA that are within the sewer service area, the impervious cover limits will be reduced from 70% to 30%.

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- for Coastal Suburban PA areas changed to Coastal Environmental Sensitive Areas, the impervious cover will be reduced from 30% to 3%.
 - for Coastal Environmentally Sensitive PA areas changed to Coastal Suburban PAs in a sewer service area, the impervious cover will increase from 3% to 30%.

The Town Center (the Forge Pond around Ocean Medical Center and around Chambers Bridge Road) has been eliminated and replaced with two distinct Cores (the Hospital Core to the north, and a Commercial Core to the south). It captures commercial development adjacent to the hospital along State Highway 70 and a mix of other uses, including smaller commercial development along Princeton Post Road, government and medical offices, and surrounding residential neighborhoods.

The Commercial Core is approximately 800 acres (1.25 sq. miles) and follows the boundary of the southern part of the previous Center, with two additions. The first addition, which is approximately 220 acres, is an extension of the Core to the southwest that follows existing highway commercial development on Route 70 and Cedar Bridge Avenue, while the second is a small, approximately three-acre, amendment at the northern end of the Core.

The approximately 38-acre stretch of State Highway 70 between the two Cores, which was in the Town Center, has been removed from the CD Boundary. It runs between Forge Pond and the Metedeconk River, contains wetlands, and is entirely within the mapped 100-year flood zone. It was previously Environmentally Sensitive PA (PA5), which remains unchanged.

Several minor areas throughout Brick Township were also changed from Environmentally Sensitive PA (PA5) to Suburban PA (PA2). These limited cover enhancements primarily reflect areas of existing development, including on Adamston Road, Tilton Road, Marys Drive, and Baltic Road, and Robbins Street and Sturdy Street. These changes are intended to concentrate development in areas where it already exists and to limit development in surrounding areas earmarked as environmentally sensitive.

In several areas along the coastline in Suburban PA (PA2), the Critical Environmental Site overlay has been added to reflect mapped 100-year flood zones. In total, approximately 1,414 acres (2.2 sq. miles) of the Critical Environmental Site overlay have been added within the municipality. The newly designated PA boundaries changed the total size of each PA as follows: Suburban PA (PA2) decreased from 19.3 sq. miles to 18.2 sq. miles; Environmentally Sensitive PA (PA5) decreased from 3.7 sq. miles to 2.9 sq. miles; Environmentally Sensitive Barrier Island PA (PA5B) did not change, and remains 0.7 sq. miles; and, areas designated as Park PA (PA8) increased from 3.0 sq. miles to 4.8 sq. miles. For the purposes of CAFRA, Suburban PA will be designated as Coastal Suburban PA, and Environmentally Sensitive PA will be designated as Coastal Environmentally Sensitive PA.

In Stafford, the newly designated PA and CD boundaries also differ from those previously approved in several ways. The newly approved boundaries include “significant changes to the boundaries of the Stafford Regional Center, a new Commercial Node, and amendments to [PA]s.”

Same as for Brick, upon the August 2, 2023 operative date of the approved boundary changes, each Coastal PA, CAFRA Center, and CAFRA Node will be subject to the applicable impervious cover limit and vegetative cover percentages and the impact of the PA and other boundary changes will vary. Impervious cover limit changes to be implemented by the rule include:

- For areas that were designated Regional Center but are still a Coastal Suburban PA within a sewer service area, the impervious cover limits will be reduced from the current 80% to 30%.
- For areas that were designated Regional Center, but still designated as Coastal Suburban PA, but are outside of a sewer service area, the impervious cover limits will be reduced from 80% to 5%.
- For Coastal Suburban PA areas changed to Coastal Environmentally Sensitive Areas outside of the Center that are in a sewer service area, the impervious cover will be reduced from the current 30% to 3%.
- Coastal Rural PA areas changed to Coastal Environmentally Sensitive PA, the impervious cover will be reduced from 5% to 3%.
- The impervious cover limit for the area within the newly designated Node will be 80%.

Changes to the previously designated Stafford Regional Center are described below. The newly designated Center has been reduced by about 44% totaling approximately 1,987 acres (3.1 sq. miles). The most notable change is the removal of the Beach Haven West neighborhood from the Center. Stafford's map contains a newly designated Commercial Node on the north side of Cedar Bonnet Island, which is approximately 8.8 acres in size, with frontage on Route 72.

Interested parties with parcels in Brick and Stafford Townships are urged to analyze the impact of these revisions on their current and future development plans.

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