



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us




Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Chief Planner

Date: January 17, 2018

Subject: January 26, 2018 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on January 26, 2018. We have also enclosed the following items:

- The minutes from the Committee's November 17, 2017 meeting; and
- Draft resolutions and reports on the Hamilton Township, Jackson Township and Manchester Township master plan and ordinance amendments on the agenda

/CS15

cc: All Commissioners (agenda only)



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey

January 26, 2018

9:30 a.m.

Agenda

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the November 17, 2017 CMP Policy & Implementation Committee meeting
4. Executive Director Reports

Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017, Amending Chapter 203 (Land Use and Development) of the Township's Code by revising zoning boundaries and permitted uses in Regional Growth Area zoning districts

Jackson Township's June 2017 Amended Housing Element and Fair Share Plan and Ordinance 22-17, amending Chapter 244 (Land Use and Development) of the Township's Code with respect to permitted residential development in the RG-2 and RG-3 Zones

Manchester Township Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Township's Code by revising zoning boundaries and permitted uses in Regional Growth Area zoning districts

5. Update on CMP Amendments
6. Public Comment on Agenda Items

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
November 17, 2017- 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Sean Earlen, Candace Ashmun (via telephone), Robert Barr, Paul E. Galletta, Ed McGlinchey, and Richard Prickett

MEMBER ABSENT: Ed Lloyd

OTHER COMMISSIONER PRESENT: Mark Lohbauer (*as a non-member of the Committee, Commissioner Lohbauer did not vote on any matter*)

STAFF PRESENT: Executive Director Nancy Wittenberg, Stacey P. Roth, Larry L. Liggett, Susan R. Grogan, Gina Berg, Brad Lanute, Robyn Jeney, Paul Leakan and Betsy Piner. Also present was Craig Ambrose with the Governor's Authorities Unit.

1. Call to Order

Chairman Earlen called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:32 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the October 24, 2017 CMP Policy & Implementation Committee Meeting

Commissioner Barr moved the adoption of the October 24, 2017 meeting minutes. Commissioner Prickett seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

4. Executive Director Report

Galloway Township Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Township's Code by adopting revised standards for signs, including electronic message center signs

Mr. Lanute said that Galloway Township Ordinance 1971-2017 revises the sign standards for the Township by permitting on-site electronic signs (EMC signs) in the Township's Regional Growth Area (RGA), Pinelands Town (PT) and Pinelands Village (PV) management areas. On the map (included in the meeting packet and displayed on the Smart Board) he indicated the various portions of the Township where such signs would be allowed. He said, in addition, the Ordinance includes standards related to illumination, message duration and message transition. The ordinance will not permit electric messaging billboards.

Mr. Lanute said this EMC sign ordinance is very similar to others the Commission has certified for Egg Harbor, Buena Vista and Monroe townships as well as Egg Harbor City. He said the Commission had received neither written comment nor testimony at the public hearing and the staff recommends certification of Ordinance 1971-2017.

Commissioner Galletta moved the recommendation to the Commission of the certification of Galloway Township Ordinance 1971-2017. Commissioner Barr seconded the motion and all voted in favor.

5. First Amendment to the 2009 Memorandum of Understanding among the Pinelands Commission, Winslow Township and the Camden County Municipal Utilities Authority regarding water use in the Great Egg Harbor River Watershed

Commissioner McGlinchey said in order to avoid any perception that he might have a conflict of interest over this matter, he would recuse himself. He left the room at 9:42 a.m. During the presentation, Commissioner Ashmun disconnected from the meeting.

Ms. Berg made a PowerPoint presentation (*Attachment A to these minutes and also posted on the Commission's website at:*

<http://www.nj.gov/pinelands/home/presentations/P%20&%20I%20committee%20111717.pdf>).

Ms. Berg reviewed the original MOU among Winslow Township, the Camden County Municipal Utilities Authority (CCMUA) and the Pinelands Commission. She noted it was established in late 2009 with a final signature in February 2010. She said the purpose of the MOU was to protect the Great Egg Harbor River watershed from over diversion because of the need to close a failing infiltration basin system at the Winslow Township wastewater treatment plant in Sicklerville (outside the Pinelands Area). She said, with the closing of the treatment plant, the wastewater was piped to the CCMUA treatment plant in Camden. Absent the recharge into the

watershed and because most of the Township wells are located in the Kirkwood/Cohansey aquifer, the MOU was developed to protect the resources of the Pinelands by requiring purchase of water from non-Kirkwood/Cohansey sources to replace lost infiltrated effluent at Sicklerville.

Ms. Roth explained the distinction between a Memorandum of Agreement (MOA) as being defined in the regulations and pertaining to a particular application that is a deviation from the rules while a Memorandum of Understanding (MOU) is merely an agreement between government entities.

Ms. Berg said Winslow Township wanted to plan for additional growth and was requesting that credit be given for its water conservation efforts since the original MOU was signed. She said, based on its review and the new information regarding ecological impacts provided in the 2017-2022 New Jersey Water Supply Plan, staff agrees that Winslow should be given credit for its efforts and allow them to plan for additional development, but also allow further protections for the Great Egg Harbor Watershed. One important provision of the MOU is the establishment of a working group to include other communities within the watershed to develop a plan for further protection.

Mr. Liggett said the continuous streamflow monitoring required under the original MOU may no longer be necessary; rather the peak flow needs to be examined and a monthly peak cap needs to be established.

In response to Commissioner Galletta's questions about the working group, Mr. Liggett said it would include representatives of Waterford and Winslow townships and Chesilhurst Borough. He said that water from both the Mullica and Great Egg Harbor River basins is being directed to the Camden sewage treatment plant. Winslow's portion represents the water from only 11% of the basin.

In response to Commissioner Prickett's statement that if one knows how much water is being discharged at the CCMUA Camden plant and knows how much water is coming from the Kirkwood-Cohansey, then any extra water must be coming through the water supply pipes, Ms. Berg said there is not a direct comparison. She said some homes are on sewer but might not be on a public water supply. Also, infiltration and inflow to the sewers would affect that comparison. The Township has already invested heavily into repairing sewer pipes to reduce infiltration and inflow.

In response to Commissioner Prickett's question as to the underlying goals of the MOU, Ms. Wittenberg said there is a need to make up for the lost recharge following the closing of the Sicklerville plant. The Commission would be agreeing to credit the Township for its extensive conservation efforts and allow development to resume with the understanding that the

conservation efforts would continue. She said she believed that Winslow would bring in other municipalities to participate in conservation efforts.

Winslow Township Mayor Barry Wright thanked the staff for its assistance during this four-year process. He said the Township currently has \$8 million worth of water conservation projects. Mayor Wright said the increase of water rates by 300% discourages lawn irrigation and other wasteful practices. He said the Township examines its water rates every year to help finance new projects and this has helped increase Winslow's rates.

Commissioner Barr moved the recommendation to the Commission of the approval of an amended Memorandum of Understanding among Winslow Township, the Camden County Municipal Utilities Authority and the Pinelands Commission regarding water use in the Great Egg Harbor River watershed. Commissioner Galletta seconded the motion and all voted in favor.

6. Proposed Comprehensive Management Plan amendments

Commissioner McGlinchey returned to the meeting at 10:22 a.m. and Commissioner Ashmun reconnected on the telephone.

Ms. Grogan made a PowerPoint presentation regarding the comments received thus far on the proposed CMP amendments (*Attached to these minutes and also posted on the Commission's website at*

<http://www.nj.gov/pinelands/home/presentations/Nov%202017%20P&I%20CMP%20amendment%20public%20comment.pdf>.)

Ms. Grogan reminded the Committee that it had authorized this proposal at its July 14, 2017 meeting and noted that the close of public comment is today, November 17, 2017. She said all comments would be addressed in the final version of the adoption notice that the Commission could consider at its December 8, 2017 meeting. She reviewed the slides and the various issues that had been raised by the public.

Ms. Grogan said the New Jersey Builders Association (NJBA) supports the proposed 25% fee increase but also stated it opposed fees for pre-application conferences. She said staff would reach out to NJBA to discuss their concerns as the Commission does not charge a fee for pre-application conferences.

Ms. Grogan said, likewise, NJBA supports the amendment changing the definition of "interested person" to that of "interested party" but it is opposed by the Pinelands Preservation Alliance (PPA) and others.

Ms. Roth said there had been much confusion over the change in the definition of “interested person” to “interested party” and much comment was received in opposition by those who believed this amendment would inappropriately limit the rights of individuals to participate in or appeal Commission decisions. She said in 1993, the legislature amended the Administrative Procedure Act to limit third party rights to hearings and it withdrew the authority from State agencies to confer a right to an Office of Administrative Law hearing. One must be the applicant, an agency or have a statutory interest in the matter. She said in 2004, the appellate division issued a decision in a case related to the Meadowlands Commission that reinforced who is an interested party. She said it was important that the rules be consistent with existing law and that she had discussed the matter with the DAG who concurred the change is appropriate.

Ms. Grogan said many objections were received from those who did not want to eliminate the provision requiring the applicant to provide the name and address of those who participated in local Planning Board meetings. She said this current requirement is difficult to meet as many times that information is not provided at those meetings and an application can be slowed as applicants struggle to find contact information for those individuals. She said perhaps 30 or 40 years ago, before email and the website, it might have been necessary but today there are easier and more efficient ways for the public to obtain documents and receive notifications rather than through such an outdated manner. Ms. Grogan said individuals can sign up for notifications or review the status reports on the web site to find the information they seek without having had to attend a Planning Board meeting and then providing contact information to the applicants, then ultimately to the Commission. She said these comments relate to private development applications and are not part of the formal comment process on public developments. Also, she said, she believed in recent years the Commission has gone to great lengths to notify the public. She noted that NJBA supports this proposal.

Ms. Grogan then reviewed the concerns over the requirement to apply for fire breaks over six feet wide. She said staff heard from farmers, municipalities, homeowners associations and others concerned about the application requirement and it became apparent that there was quite a range of interested parties.

Commissioner Galletta said historically fire breaks are 30’ to 90’ wide and the CMP has fire management standards with fuel breaks of up to 200’.

Ms. Wittenberg interjected that the issue has become what one is calling a fire break. She said the issue arose based on the “roads” in Wharton State Forest that originated as fire breaks. Furthermore, she said, in an emergency situation, all that would be required would be a phone call to her office.

Ms. Grogan said some of the concerns of commenters were that if one had to apply for a fire break, then they cannot respond to an emergency situation or that some will not maintain fire breaks if they must submit an application.

Ms. Roth said staff had reached out to NJDEP and others to see what can be done.

Ms. Grogan summarized the remainder of the proposal, noting that either no comment was received or it was supportive of the amendments. For instance, Buena Vista Township is supportive of the use of advanced wastewater treatment systems for expanding existing businesses and although no comment was received, many municipalities are interested in implementing new digital sign technology. Finally, she said, the Office of Administrative Law (OAL) made a publication error that will be corrected in the adoption notice.

7. Pinelands Conservation Fund

Ms. Jeney said that for today's discussion she would speak in somewhat generic terms in order to avoid meeting in closed session. She reminded the Committee that at its June 30, 2017 meeting it had allocated funding for three projects. At the July 14, 2017 Commission meeting, the full Commission allocated funding for another project, outside the pre-approved area. She said all four projects had a December 1, 2017 deadline to meet certain requirements (execute a contract, acquire appraisals, obtain certified market value, and execute a grant agreement with the Commission).

Ms. Jeney said the New Jersey Conservation Foundation (NJCF) Thompson-Wright project, a 457-acre project in Southampton Township's and Woodland Township's Forest Area (FA) and Preservation Area District (PAD), had met its initial obligations and was now seeking additional funds from other sources. She said this project has until September 5, 2018 to complete this transaction.

Ms. Jeney said Ocean County's Daniels Project, a 44-acre project in Ocean Township's FA, had met its obligations on November 13, 2017 and has until November 13, 2018 to complete the transaction but anticipates that it will be closing later this month.

Ms. Jeney said Ocean County's other project is awaiting a certified market value, which may be lower than the anticipated costs. She said the closing is anticipated for the end of December so Ocean County has requested an extension until May 1, 2018 in order to complete the transaction.

Ms. Jeney said the final project, that of the Rancocas Conservancy, is a 200-acre project for which the appraisal is complete but the Conservancy is searching for additional funding and is requesting an extension until May 1, 2018.

Commissioner Lloyd moved the granting of an extension for two projects until May 1, 2018 for two projects that will not meet the December 1, 2017 deadline. Commissioner Galletta seconded the motion.

Ms. Grogan said staff was confident that the Ocean County project would close. Ms. Jeney added that, if the Rancocas Conservancy project does not, the Committee could re-evaluate the project in May, 2018 and then consider allocating the funds elsewhere.

The vote occurred with all Committee members voting in the affirmative.

8 Public Comment on Agenda Items

Mr. Rich Bizub, with PPA said he felt the MOU with Winslow Township was well thought out and far superior to the original agreement. He said the water conservation efforts have had huge benefits and that using financial incentives to avoid purchasing water from the New Jersey American Water Company has translated into impacts that reduce the stress on the aquifer. He said the monthly cap on water use is very important as it will control how much water is used in the summer when the wetlands are particularly stressed. He said the working group is also an important element as some of the wells are outside the Pinelands and this group may have the potential to minimize the impacts of water withdrawal and encourage techniques such as recharge, green infrastructure and water conservation.

Mr. Fred Akers, Administrator of the Great Egg Harbor River Council and Watershed Association, expressed his appreciation of the work done by staff on the amended MOU with Winslow Township. He said the MOU represents the best that can be done and it will have positive impacts for his organizations. He distributed a handout (*Attachment C to these minutes*) describing a partnership agreement with Rutgers University and Winslow Township to develop various plans related to stormwater. He said Winslow is a member of the River Council and he wanted to reach out to the Camden County Freeholders as they are very interested in the County Parks in Berlin and may help secure a broader group. He asked for the Commission's support for this endeavor and reminded the Committee of his experience at the Hamilton Mall some years ago in successfully achieving a recharge rate of 95% on that private property.

Ms. Katie Smith, with PPA, said she was happy to hear that the Commission would be clarifying issues related to fire breaks. She said PPA had submitted more technical comments but wanted the Commission to know that her organization continues to receive calls from local residents who are interested in the status of projects in their municipalities.

In response to a question from Ms. Smith regarding the status of the Commission's resolution regarding Wharton State Forest (*Resolution PC4-17-30*), Ms. Wittenberg said she had provided it to Mr. Mark Texel (Director NJDEP Division of Parks and Forestry) and that NJDEP supports


the resolution and will re-start its outreach groups in January to discuss the resolution, maps, etc. She said that NJDEP will take the lead on enforcing vehicular traffic issues in Wharton and the Commission will provide support.

Ms. Smith continued that there was a cleanup at the Winslow Wildlife Management Area and that PPA is holding a photography exhibit.

In response to Chairman Earlen's question if the Commission could support Mr. Akers' request for an endorsement, Ms. Wittenberg said she would review the proposal.

There being no other items of interest, the meeting adjourned at 11:28 a.m. (moved by Commissioner McGlinchey and seconded by Commissioner Barr).

Certified as true and correct:



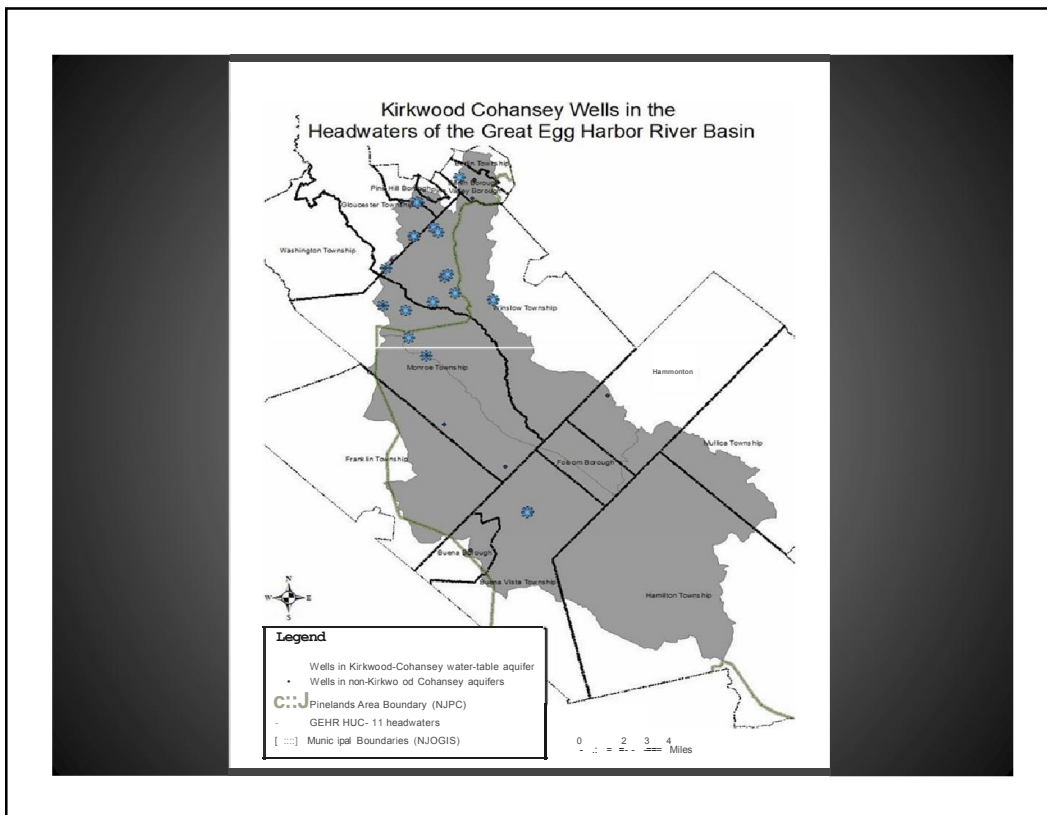
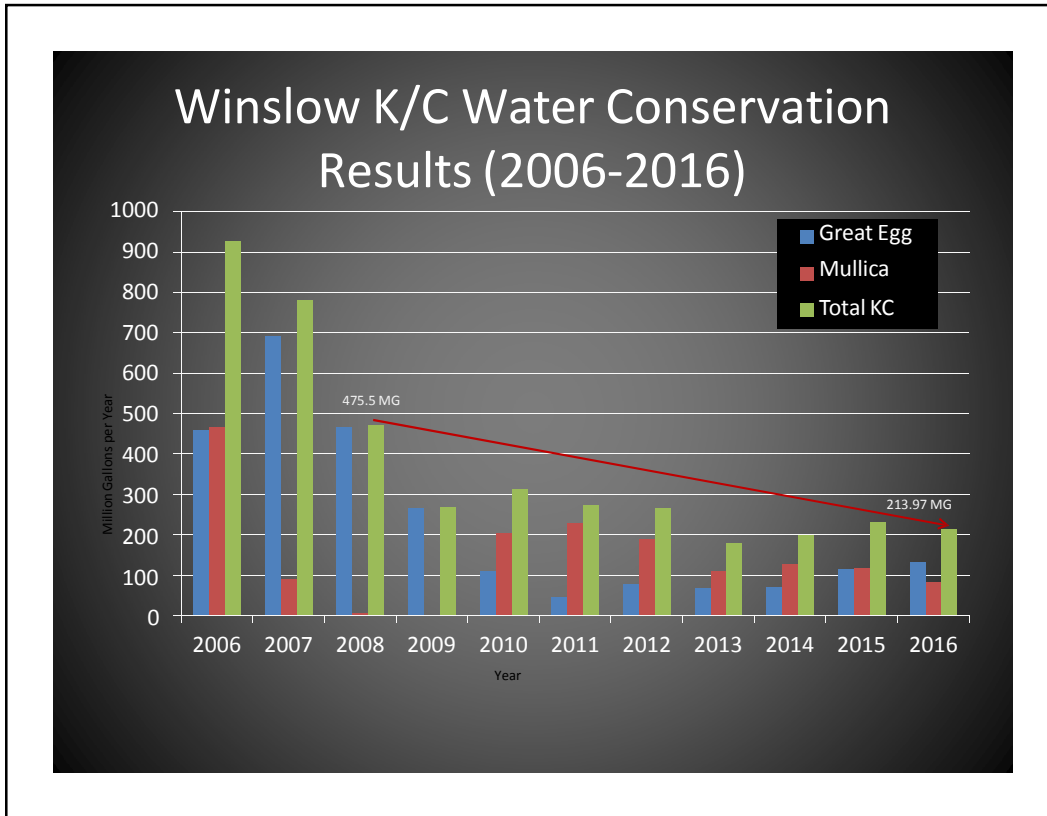
Betsy Piner,
Principal Planning Assistant

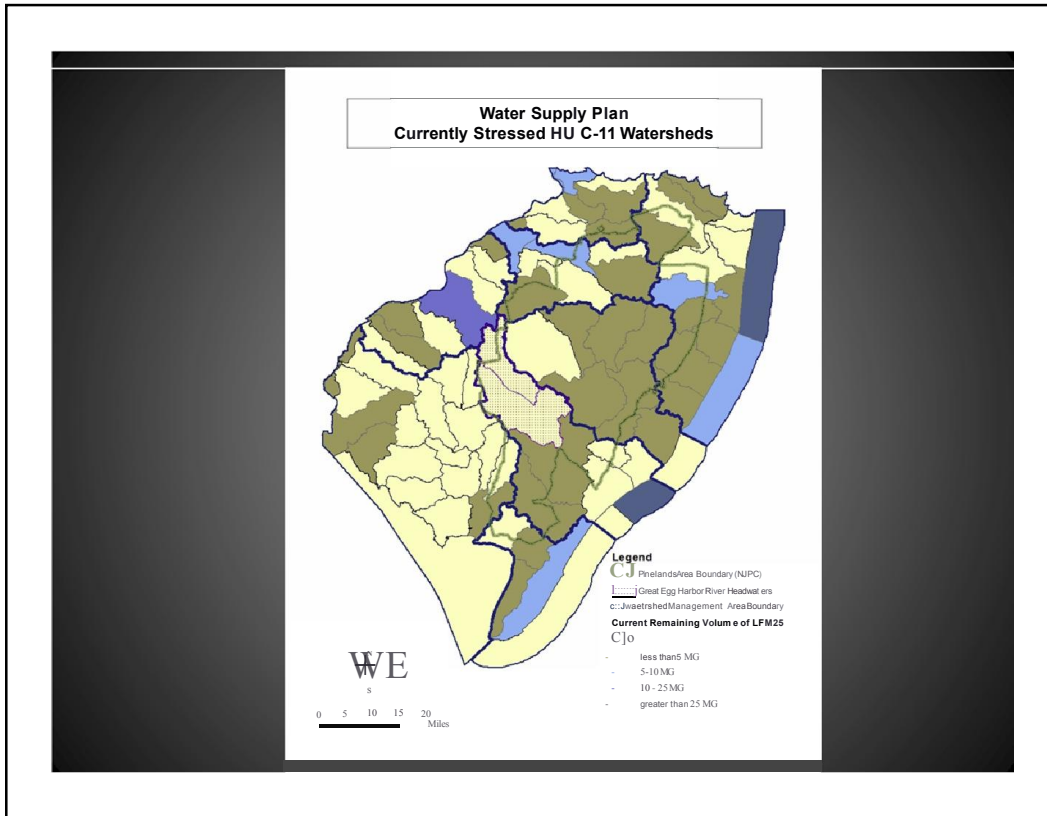
Date: January 5, 2018

First Amendment to the Winslow-CCMUA MOU

Reasons for Amendment

- Winslow planning for growth and requesting credit for water conservation success
- Pinelands staff concurs with conservation credit and looks to further protect the watershed
- New information about ecological impacts from the 2017-2022 New Jersey Water Supply Plan





Summary of MOU Benefits

Benefits of MOU	Beneficiaries:	Benefits of Amended MOU	Beneficiaries:
1. End of pollution from of STP Recharge facility	Pinelands Watershed		
2. Wastewater Treatment Savings	CCMUA		
3. Offset of infiltration by 1.5 mgs of non-K/C water	Pinelands Watershed		
4. Removal of sewer ban on Township permitting ratable and PDC use growth	Pinelands Watershed & Winslow Twp		
5. Substantial on-going water use savings through conservation	Pinelands Watershed & Winslow Twp	“Conservation Credit” = cost savings until credit is used up	Winslow Twp.

Summary of MOU Benefits

Benefits of MOU	Beneficiaries:	Benefits of Amended MOU	Beneficiaries:
6. Well Management System e.g., in time of drought	Pinelands Watershed		
7. Protection of watershed in future through non K/C water purchases	Pinelands Watershed	New watershed work group to investigate and reduce impact of existing uses	Pinelands Watershed
8. Infiltration and inflow (I&I) reductions to sewer lines reduce stress on aquifer	Pinelands Watershed & Winslow Twp & CCMUA		
9. On-going water use monitoring and transition stream impact monitoring	Pinelands Watershed	Peak month cap to guard against severe use during time of drought	Pinelands Watershed

- ## Next Steps (with P & I approval)
- Bring to Commission meeting December 8TH
 - Forward to Winslow and CCMUA for signature if approved by Commission in December
 - Initiate Work Group to develop strategies to further reduce stress on the K/C aquifer and the GEHR headwaters

Proposed CMP Amendments P&I Committee

November 2017

11/17/2017

Rulemaking Process

- Rule proposal authorized by Commission on 7/14/17
- Rule proposal posted on the Commission's website and published in the NJ Register on 9/18/17
- Notice provided to the PMC, municipalities, counties and others on 9/12/17
- Public hearing held 10/4/17
- Written comments accepted through 11/17/17
- Adoption notice and public comments will be provided to the Commission for review and action on 12/8/17

11/17/2017

Application Fees

- Add specific fees for general development plans
- Reduce fees for solar energy facilities
- Eliminate need for applicants to submit sworn statements of construction cost estimates
- Increase most fees by 25%
- Update escrow provisions to include facilities, services and other "unusual expenditures" related to an application

11/17/2017

Public Comments Received

- NJBA supports 25% fee increase
- NJBA opposes fees for pre-application conferences

11/17/2017

Definitions

- Change the definition of "interested person" to "interested party" and clarify who has the right to formally participate in the Commission's decision-making processes

11/17/2017

Public Comments Received

- NJBA supports the amendment
- PPA and others object to the amendment, believing that it will inappropriately limit the rights of individuals to participate in or appeal Commission decisions

11/17/2017

Application Procedures

- Eliminate requirement that towns/applicants submit names and addresses of people who “actively participate” on applications at Planning Board meetings
- Provide notice of the Commission’s actions on applications to:
 - individuals who have submitted comments to the Commission on an application
 - Individuals who have requested such notice on an application
 - Individuals who have registered to receive all Commission hearing and other notices

11/17/2017

Public Comments Received

- PPA and others request that submission of names and mailing addresses of participants at a municipal meetings continue to be required in order to provide the maximum opportunity for public participation
- NJBA supports elimination of requirements

11/17/2017

Notice and Mailing Procedures

- Define “mail” to include “email”
- Eliminate certified mailing requirements for the Commission and towns
- Eliminate requirement for applicants to post notices on properties
- Require the Commission to post notices on its website

11/17/2017

Public Comments Received

- NJBA supports use of email and elimination of certified mailing requirements
- NJBA supports elimination of requirement to post notices on properties
- NJBA asks that applicants be permitted to transmit information to the Commission via “overnight mail”.

11/17/2017

Exemptions

Clarify exemption for prescribed burning:

17. To control and reduce the threat of wildfire:

- i. Prescribed burning; and
- ii. Linear clearing of vegetation, including subsequent maintenance of that cleared area and vegetation, provided the linear clearing does not exceed six feet in width;

11/17/2017

Public Comments Received

- Numerous individuals and municipalities object to the need to submit applications for maintenance of existing fire breaks
- DEP, municipalities and private landowners and others object to the need to submit applications for clearing of fire breaks over six feet in width

11/17/2017

Waivers

- Shift responsibility for providing notice of public hearings on compelling public need waivers from applicants to the Commission

11/17/2017

Public Comments Received

- None

11/17/2017

Landfills

- Clarify the circumstances under which municipalities will not need to install impermeable caps on their closed landfills:
 - No leachate plume
OR
 - A leachate plume exists, but poses no significant ecological risk to wetlands

11/17/2017

Public Comments Received

- None

11/17/2017

Alternate Design Wastewater Systems

- “Graduate” the FAST technology from the septic pilot program and allow for residential use on 1.4 acre lots without further monitoring
- Rely on DEP septic management requirements
- Allow alternate design systems to be used for the expansion of or changes to existing nonresidential uses in the RDA, APA FA and infill areas

11/17/2017

Public Comments Received

- NJBA supports graduation of the FAST system from the pilot program
- Buena Vista Township supports use of advanced treatment systems for expansion and improvement of existing businesses

11/17/2017

Signs

- Delegate regulation of on-site signs to the municipalities (delete CMP standards)
- Give municipalities the ability to determine whether and where on-site signs using digital technology should be permitted
- Allow existing and new billboards in Regional Growth Areas and Pinelands Towns to use digital technology subject to certain conditions
- Prohibit old, nonconforming billboards in conservation areas from converting to digital technology

11/17/2017

Public Comments Received

- None

11/17/2017



Christopher C. Obropta, Ph.D., P.E.
Extension Specialist, Water Resources

<http://www.water.rutgers.edu>
obropta@envsci.rutgers.edu

Rutgers New Jersey Agricultural Experiment
Station Cooperative Extension
Rutgers, The State University of New Jersey
14 College Farm Road
New Brunswick • New Jersey 08901

848-932-5711
Fax: 732-932-8644

November 14, 2017

Via Email

Fred Akers, Administrator
Great Egg Harbor River Council and Watershed Association
P.O. Box 109
Newtonville, NJ 08346
Email: fred_akers@gehwa.org

RE: Partnership Agreement for Preparing an Impervious Cover Assessment (ICA), a Reduction Action Plan (RAP), and a Green Infrastructure Feasibility Study for Winslow Township

Dear Fred:

The Rutgers Cooperative Extension (RCE) Water Resources Program is pleased to provide you with this proposed scope of work. We are excited to develop an impervious cover assessment (ICA), a reduction action plan (RAP), and a green infrastructure (GI) feasibility study for the community of Winslow. The RCE Water Resources Program has been actively involved in working with municipalities across the state to identify opportunities to reduce the impacts of stormwater runoff using green infrastructure practices. The ICA, RAP, and GI feasibility study will provide Winslow with a blueprint for retrofitting existing development with stormwater management that will help improve the water quality of the Great Egg Harbor River, Big Bridge Branch, Squankum Branch, and New Brooklyn Lake as well as reduce localized flooding in the community.

The RCE Water Resources Program is funded in-part by the New Jersey Agricultural Experiment Station (NJAES), which receives state and federal financial support. Our projects, staff, and programs are made possible through this support, supplemental grants, and agreements with our project partners and communities throughout New Jersey. Financial support from our project partners allows the Water Resources Program to leverage the resources available through Rutgers University by applying them to the real-world issues threatening the quality of our state's waters and our citizens' quality of life.

We appreciate your interest in working with the RCE Water Resources Program, and our technical staff is well qualified and prepared to develop these very important plans for Winslow.

The RCE Water Resources Program will prepare an ICA, develop a RAP, and create a GI feasibility study to clearly identify green infrastructure opportunities in Winslow. As outlined below, the RCE Water Resources Program will work closely with you to complete these documents.

Task 1 – Prepare an Impervious Cover Assessment (ICA) for Winslow

The RCE Water Resources Program will prepare an impervious cover assessment. Using NJDEP's land use/land cover GIS data layer, the RCE Water Resources Program will determine the acres of impervious cover in each municipality. In the NJDEP land use/land cover GIS data layer, each land cover polygon has an associated impervious cover percentage, based on the type of land use there. Rutgers will calculate stormwater runoff volumes for the impervious surfaces for the New Jersey Water Quality Design Storm of 1.25 inches of rain, an annual rainfall of 44 inches, the 2-year design storm (3.3 inches of rain), the 10-year design storm (5.1 inches of rain), and the 100-year design storm (8.5 inches of rain). These calculations will graphically illustrate the impact of impervious surfaces with increasing the amount of stormwater runoff leaving a site. This plan will include concept designs for three sites in the municipality. These concept plans can be used to encourage the site owner to implement green infrastructure practices.

Task 2 – Prepare Impervious Cover Reduction Action Plans (RAP) for Winslow

Using the data gained from the ICA, the RCE Water Resources Program will develop a RAP for Winslow. Digital imagery will be used to identify opportunities for implementing impervious cover management strategies. Several factors will be considered, including property ownership, availability of useable land on site, and proximity to waterways. For each opportunity, appropriate green infrastructure practices will be identified. Large scale systems such as constructed wetlands or bioretention systems will be considered to treat residential or commercial developments. Small scale systems such as rain gardens will also be considered for individual lots (e.g., churches, schools, businesses, homes). The environmental benefits for each recommended practice will be provided in the plan including stormwater volume managed, expected pollutant load reductions, and wildlife habitat enhancements. Ten to 20 sites will be incorporated into the RAP. The municipality will have an opportunity to recommend sites for consideration. The sites from the RAP will be incorporated into a web-based interface so the general public can easily access the recommendations.

Task 3 – Create a Green Infrastructure (GI) Feasibility Study for Winslow

The RCE Water Resources Program will prepare a green infrastructure feasibility study for Winslow. The feasibility study incorporates the information from the ICA and RAP into an easy-to-read document that includes information from the Green Infrastructure Guidance Manual for New Jersey such as descriptions and images of various green infrastructure practices as well as information on community engagement and educational programs. Artistic rendering for several of the proposed green infrastructure projects will be included in the feasibility study.

All work will be closely coordinated with you and the Township of Winslow. The RCE Water Resources Program will work to meet the established project schedule and complete tasks in a timely manner. The preparation of an ICA, RAP, and feasibility study will cost \$15,000. Since we currently have some funding from Dodge Foundation and New Jersey Sea Grant, the cost to Great Egg Harbor River Council and Watershed Association will only be \$10,000.

If the scope of services and proposed budget are acceptable, please have an authorized representative sign where indicated and return a copy to our office.

We are excited about this opportunity to partner with you and Winslow. We look forward to preparing the ICA, RAP, and feasibility study with you to improve and protect water resources in the community of Winslow. Please do not hesitate to call or email me with any comments or questions.

Sincerely,



Christopher C. Obropta, Ph.D., P.E.
Extension Specialist in Water Resources

c: Hollie Dimuro

I authorize the Rutgers Cooperative Extension Water Resources Program to begin work on this project as outlined in this agreement for the cost indicated above.

Name: _____

Signature: _____

Title: _____

Date: _____



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Issuing an Order to Certify the Mays Landing Neighborhood Plan and Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, on March 8, 1985, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Hamilton Township; and

WHEREAS, Resolution #PC4-85-10 of the Pinelands Commission specified that any amendment to the Township’s certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-85-10 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on November 5, 2015, the Hamilton Township Planning Board amended the Hamilton Township Master Plan to include the Mays Landing Neighborhood Plan; and

WHEREAS, on February 5, 2016, the Pinelands Commission received a certified copy of the adopted Planning Board minutes memorializing the amendment of the Hamilton Township Master Plan to include the Mays Landing Neighborhood Plan; and

WHEREAS, the Mays Landing Neighborhood Plan includes multiple recommended action items that would require the adoption of one or more ordinances to implement said action items; and

WHEREAS, pursuant to N.J.A.C. 7:50-3.32 of the Comprehensive Management Plan, the Executive Director cannot accept a master plan amendment for formal review and certification without an adopted ordinance that implements said master plan, unless no such ordinance is necessary; and

WHEREAS, by letter dated February 9, 2016, the Executive Director notified Hamilton Township that the Mays Landing Neighborhood Plan would be deemed incomplete until such time that one or more implementing ordinances are adopted and submitted to the Commission for certification; and

WHEREAS, on October 16, 2017, the Hamilton Township Committee adopted Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township to implement the recommendations made by the Mays Landing Neighborhood Plan; and

WHEREAS, on October 23, 2017, the Pinelands Commission received a certified copy of Ordinance 1858-2017; and

WHEREAS, by letter dated October 25, 2017, the Executive Director notified Hamilton Township that the Mays Landing Neighborhood Plan and Ordinance 1858-2017 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on the Mays Landing Neighborhood Plan and Ordinance 1858-2017 was duly advertised, noticed and held on December 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Hamilton Township’s Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Hamilton Township’s Mays Landing Neighborhood Plan and Ordinance 1858-2017 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Hamilton Township’s Mays Landing Neighborhood Plan and Ordinance 1858-2017 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Hamilton Township’s Mays Landing Neighborhood Plan and Ordinance 1858-2017 and has reviewed the Executive Director’s report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that the Mays Landing Neighborhood Plan and Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Hamilton Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Jannarone					Quinn				
Avery					Lloyd					Rohan Green				
Barr					Lohbauer					Earlen				
Chila					McGlinchey									
Galletta					Prickett									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
 (609) 894-7300
 www.nj.gov/pinelands



Philip D. Murphy
 Governor
 Sheila Y. Oliver
 Lt. Governor

General Information: Info@njpinelands.state.nj.us
 Application Specific Information: AppInfo@njpinelands.state.nj.us

Sean W. Earlen
 Chairman
 Nancy Wittenberg
 Executive Director

**REPORT ON HAMILTON TOWNSHIP’S MAYS LANDING NEIGHBORHOOD PLAN
 AND ORDINANCE 1858-2017, AMENDING CHAPTER 203 (LAND USE AND
 DEVELOPMENT) OF THE CODE OF HAMILTON TOWNSHIP**

January 26, 2018

Hamilton Township
 6101 Thirteenth Street
 Mays Landing, NJ 08330

FINDINGS OF FACT

I. **Background**

The Township of Hamilton is located in the south-central portion of the Pinelands Area in Atlantic County. Pinelands Area municipalities adjacent to Hamilton Township include the Townships of Mullica, Galloway, Egg Harbor, Weymouth and Buena Vista as well as Estell Manor City, Folsom Borough and the Town of Hammonton, all of which are located in Atlantic County.

On March 8, 1985, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Hamilton Township.

On November 5, 2015, the Hamilton Township Planning Board amended the Township’s Master Plan to include the Mays Landing Neighborhood Plan. The Mays Landing Neighborhood Plan incorporates new data, public input and analysis, and provides recommendations that address flood mitigation and resiliency, economic development initiatives, zoning changes, building character and land use changes, circulation and streetscape improvements, historic preservation, and the use of green infrastructure. Section four of the plan includes multiple recommended action items for implementing the plan. A subset of these recommendations would require amendments to zoning district boundaries as well as other land development regulations affecting areas within the Pinelands Area portion of the Township.

On February 5, 2016, the Pinelands Commission received a certified copy of the Planning Board minutes that memorialized the Master Plan amendment. By letter dated February 9, 2016, the Executive Director notified the Township that the Mays Landing Neighborhood Plan would be deemed incomplete until such time that implementing ordinances are adopted and submitted to the Commission for certification.

On October 16, 2017, the Hamilton Township Committee adopted Ordinance 1858-2017, which implements action items of the Mays Landing Neighborhood Plan. Ordinance 1858-2017 amends Chapter 203, Land Use and Development, of the Code of Hamilton Township and includes the rezoning of eleven lots as well revisions to permitted uses, conditional uses and development standards. In particular, eleven lots are rezoned to the Village Commercial (VC) district. The ordinance adds “Bed and Breakfasts” as a conditional use in the R-9 and R-22 districts. The ordinance also revises permitted uses in the VC district to include: bicycle and scooter rental establishments; museums, art galleries and similar uses; theaters; bars, pubs and taverns; and health and exercises facilities. The ordinance also adds mixed use development as a conditional use in the VC district and requires the redemption of Pinelands Development Credits in any mixed use development proposing five or more residential units.

The Pinelands Commission received a certified copy of Ordinance 1858-2017 on October 23, 2017. By letter dated October 25, 2017, the Executive Director notified the Township that the Mays Landing Neighborhood Plan and Ordinance 1858-2017 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following master plan amendment and ordinance have been submitted to the Pinelands Commission for certification:

- * Mays Landing Neighborhood Plan, adopted by the Hamilton Township Planning Board on November 5, 2015; and
- * Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township, introduced on September 18, 2017 and adopted October 16, 2017.

The above-mentioned master plan amendment and ordinance have been reviewed to determine whether they conform with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Land Use Ordinance Relating to Development Standards**

The Mays Landing Neighborhood Plan

The stated purpose of the Mays Landing Neighborhood Plan is “to explore how redevelopment and green infrastructure can be used to enhance economic development, flood mitigation and resiliency, aesthetics and the quality of life in Mays Landing.” The plan analyzes the existing conditions of the study area and uses findings from a S.W.O.T. Analysis to identify the strengths,

weaknesses, opportunities and threats to improving the appearance, function and economic vitality of Mays Landing. The plan concludes with recommended action items that address flood mitigation and resiliency, economic development initiatives, zoning changes, building character, land use changes, circulation and streetscape improvements, historic preservation, and use of green infrastructure. A subset of these recommendations require amendments to zoning district boundaries as well as other land development regulations affecting areas within the Pinelands Area portion of Hamilton Township.

The plan acknowledges that the majority of the Mays Landing study area is located within the Pinelands Area, with the majority of those lands designated as Pinelands Regional Growth Area along with a small portion on northeastern edge of the study area designated as Pinelands Forest Area (see Exhibit 1). Additionally, the southern portions of the study area are outside of the Pinelands Area, but are within the Pinelands National Reserve.

Ordinance 1858-2017

Ordinance 1858-2017 implements various recommended action items from the Mays Landing Neighborhood Plan and includes the rezoning of eleven lots as well revisions to permitted uses, conditional uses and development standards within the Mays Landing study area.

The ordinance rezones eleven lots to the Village Commercial (VC) District (see Exhibit 2). The VC district is an existing district within the Pinelands Regional Growth Area of the Township that permits single-family dwellings and a variety of nonresidential uses that are compatible with the existing historic and residential character of the area generally along Main Street and Mill Street. Five of the eleven lots are located outside the Pinelands Area in the Pinelands National Reserve, while the remaining six lots, which total approximately one acre, are located in the Pinelands Area. Those lots in the Pinelands Area are all within the Pinelands Regional Growth Area and contain existing development. Five of the lots in the Pinelands Area are rezoned from the R-9 (Residential) District to the VC District. The sixth lot in the Pinelands Area is rezoned from the GC (General Commercial) District to the VC District.

Ordinance 1858-2017 also establishes Bed and Breakfasts as a conditional use in the R-22 and R-9 (Residential) Districts. All land zoned R-22 and R-9 within the Pinelands Area is located within the Pinelands Regional Growth Area. The ordinance includes a number of conditions related to this use: the subject property must be located in the Mays Landing Historic District or have frontage on the Great Egg Harbor River or Lake Lenape; and the subject property must be owner-occupied and owner-managed. Additional regulations are also established requiring New Jersey Department of Community Affairs licensing, off-street parking, limitations on the number of guests and duration of accommodations, and that the residential character of the lot and dwelling is maintained.

The ordinance revises permitted uses, parking regulations and design standards in the VC District. All land zoned VC within the Pinelands Area is located within the Pinelands Regional Growth Area. Newly permitted uses in the VC district include: bicycle and scooter rental establishments; museums, art galleries and similar uses; theaters; bars, pubs and taverns; and health and exercises facilities. The ordinance also revises the VC District's off-street parking requirements and architectural design standards for both existing and new commercial development.

A new conditional use is also established in the VC District that would allow for mixed use development (residential-over-commercial). The established conditions would require residential units not occupy the ground floor and that nonresidential units not occupy an upper floor where there is an existing residential unit. Additional regulations establish the bulk requirements for such mixed use development as well as requirements for the redemption of Pinelands Development Credits in any mixed use development proposing five or more residential units (discussed further in section 8 below).

In the Pinelands Area, all of the lands affected by Ordinance 1858-2017 are located in a Regional Growth Area, where the CMP affords municipalities a great deal of flexibility in determining zoning boundaries and permitted uses. Specifically, N.J.A.C. 7:50-5.28(a) provides that municipalities may permit any use not otherwise limited by the minimum environmental standards of the CMP in their Regional Growth Areas. The revised zoning boundaries, permitted and conditional uses and other revisions recommended in the Mays Landing Neighborhood Plan and adopted by Ordinance 1858-2017 are therefore consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

N.J.A.C. 7:50-3.39(a)8 requires that municipal ordinances provide for sufficient residentially zoned property in the Pinelands Regional Growth Area to be eligible for an increase in density via Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3. Ordinance 1858-2017 does not change the total area of residentially-zoned land in Hamilton Township's

Pinelands Regional Growth Area. As discussed in section 2 above, the ordinance does establish mixed use development (residential-over-commercial) as a conditional use within the VC District. This subsequently increases the residential zoning capacity of the Township's Regional Growth Area. It is important to note that the VC District is within the historic district of Mays Landing and is generally built out. Therefore, the potential increases in residential units from the conversion of existing building stock would likely be minimal. Additionally, it is difficult to estimate how many conversions may take place or to assign a permitted residential density to this type of mixed use redevelopment. However, in the case that a substantial redevelopment occurs, development that would create five or more residential units, Ordinance 1858-2017 requires the redemption of PDCs at a rate of one right for every four non-income restricted units. Such an approach allows the Township to pursue redevelopment opportunities in the historic district that will advance the Mays Landing Neighborhood Plan while still incorporating the PDC requirements of the CMP.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

The Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

The Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

A portion of the study area identified in the Mays Landing Neighborhood Plan is adjacent to Weymouth Township. However, the amendments adopted by Ordinance 1858-2017 do not impact any lands or zoning districts located along Hamilton's boundary with Weymouth

Township. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Hamilton Township's application for certification of the Mays Landing Neighborhood Plan and Ordinance 1858-2017 was duly advertised, noticed and held on December 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which testimony was received from Philip Sartorio, Community Development Director of Hamilton Township.

Mr. Sartorio stated that the Mays Landing Neighborhood Plan built off of previous planning efforts including the 2004 Livable Community Action Plan and the 2014 Hamilton Township Strategic Recovery Planning Report. He stated that Plan has approximately 43 recommended action items for economic revitalization and stabilization in Mays Landing along with some regulatory and administrative action items. He stated that Ordinance 1858-2017 is the first implementing ordinance of the Mays Landing Neighborhood Plan. He stated that the ordinance includes the rezoning of two areas, both to Village Commercial. The first area would remedy a legacy spot-zoned property and the other area would expand the existing Village Commercial district eastward to include some lots in the Pinelands Area and some lots in the CAFRA area. He stated that the rezoning would recognize the concentration of existing businesses in the area and would negate the need for them to go to the Zoning Board as nonconforming uses. He also stated that the ordinance adds a conditional use for owner-occupied Bed and Breakfasts in the R-22 and R-9 districts. In the Village Commercial District, permitted and conditional uses would be expanded to encourage more economic activity. He noted that residential-over-commercial mixed use would be permitted, and that, based upon the recommendations of Pinelands Commission staff, requirements were added for the redemption of Pinelands Development Credits at a rate of 1 right for every 4 market rate units, if five or more units are created.

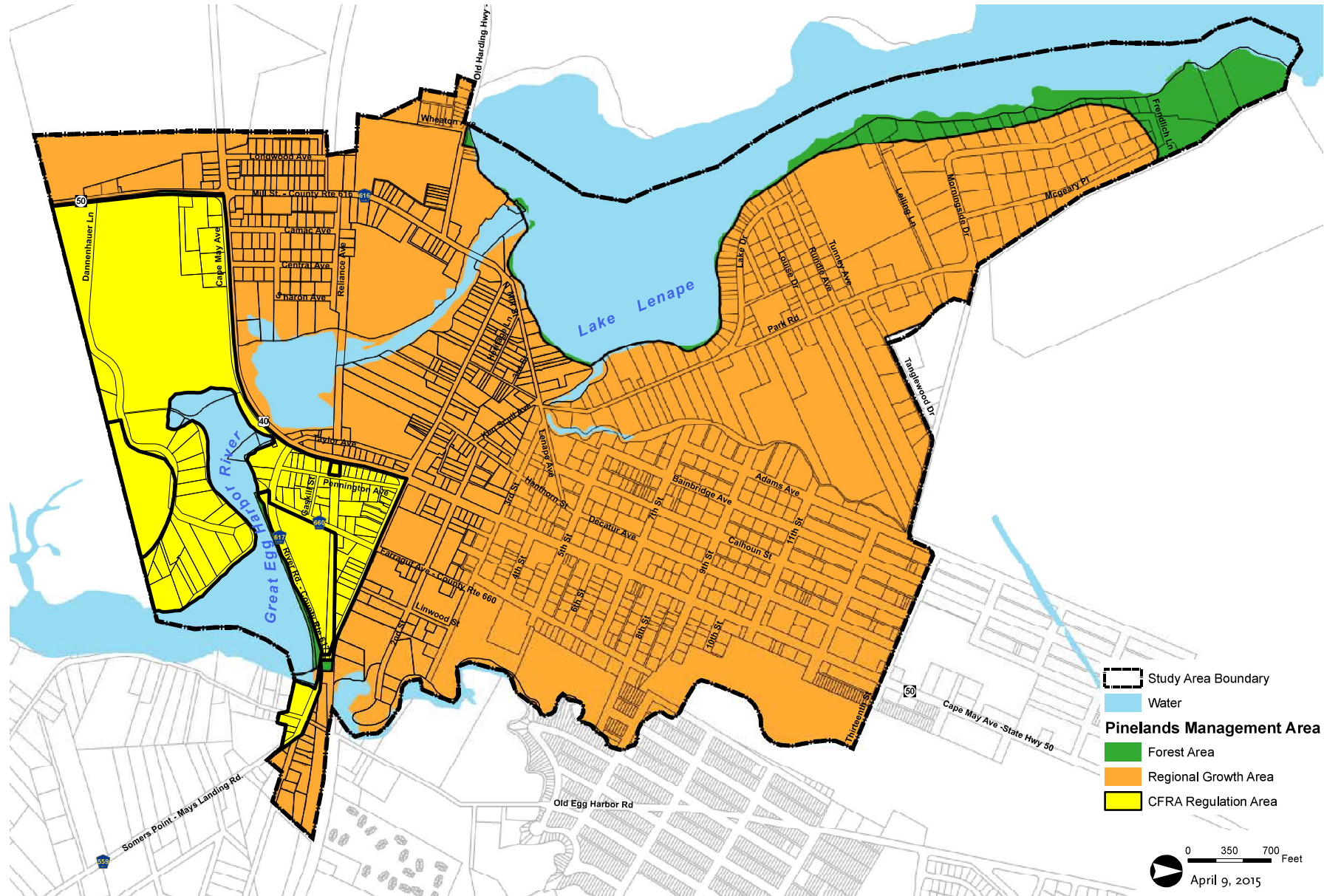
Written comments on the Mays Landing Neighborhood Plan and Ordinance 1858-2017 were accepted through December 13, 2017. However, no written comment was received.

CONCLUSION








Based on the Findings of Fact cited above, the Executive Director has concluded that Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017.

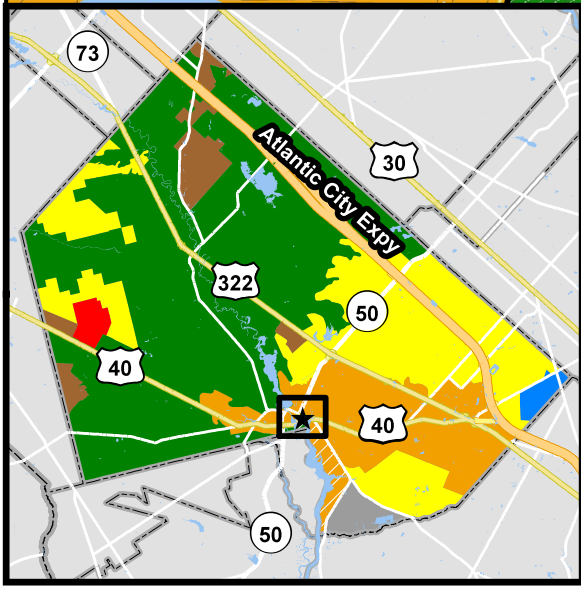
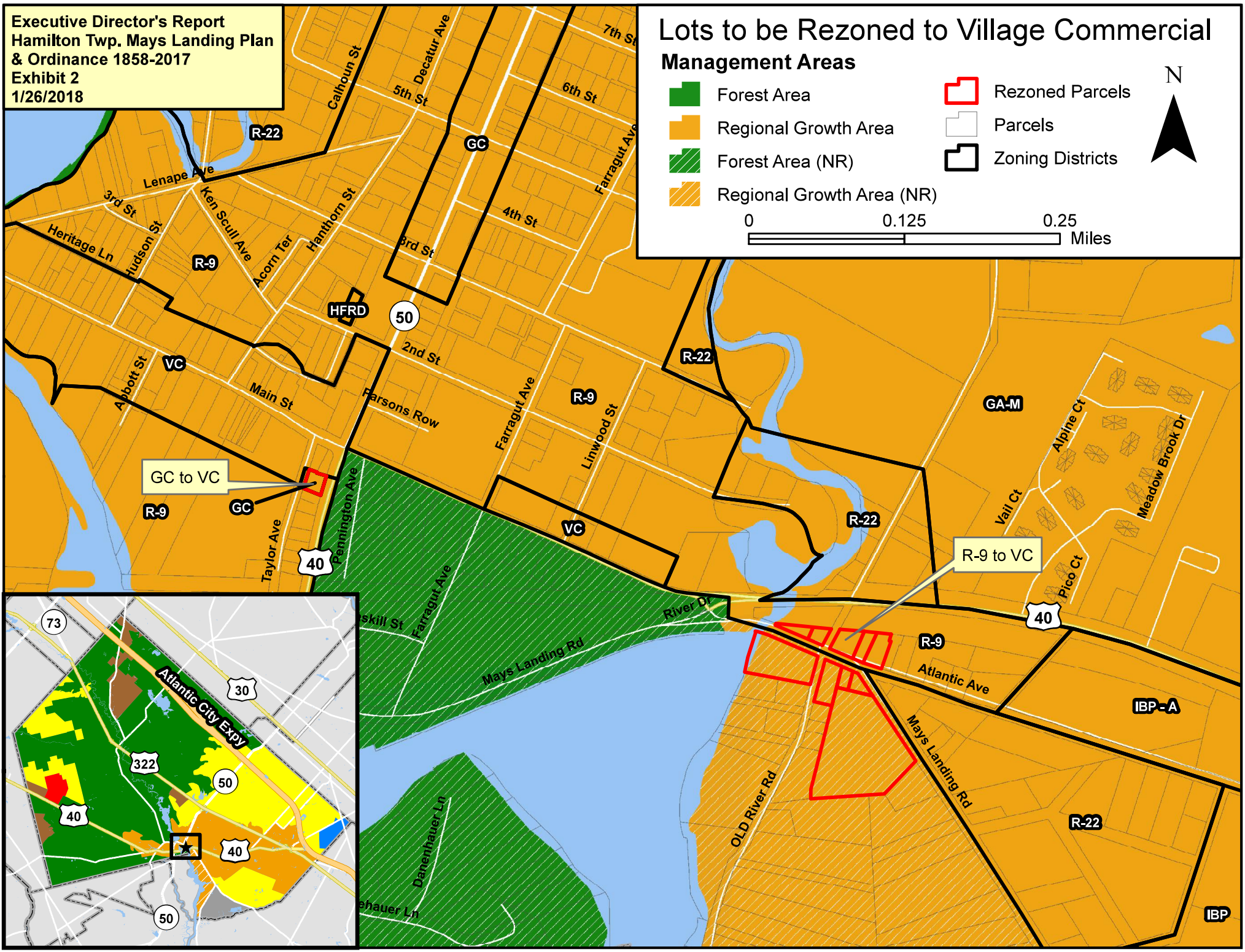
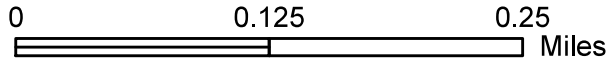
SRG/DBL/CHA
Attachments

PINELANDS MANAGEMENT AREAS MAP



Lots to be Rezoned to Village Commercial Management Areas

-  Forest Area
-  Regional Growth Area
-  Forest Area (NR)
-  Regional Growth Area (NR)
-  Rezoned Parcels
-  Parcels
-  Zoning Districts





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Issuing an Order to Certify Planning Board Resolution 2017-15, Adopting the June 2017 Amended Housing Element and Fair Share Plan of Jackson Township, and Ordinance 22-17, Amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, on July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Jackson Township; and

WHEREAS, Resolution #PC4-83-58 of the Pinelands Commission specified that any amendment to the Township’s certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-58 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on June 19, 2017, the Jackson Township Planning Board adopted Resolution 2017-15, approving the Township’s Amended Housing Element and Fair Share Plan, dated June 2017; and

WHEREAS, the Amended Housing Element and Fair Share Plan outlines the mechanisms by which the Township intends to satisfy its affordable housing obligation, including the imposition of inclusionary housing requirements in the RG-2 and RG-3 Zones located in the Pinelands Regional Growth Area; and

WHEREAS, on November 22, 2017, the Jackson Township Council adopted Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Township’s Code by adopting standards for conditional residential uses in the RG-2 and RG-3 Zones; and

WHEREAS, these conditional use standards include provision of public sewer, conformance with the affordable housing set aside requirements of the Fair Housing Act, submission of a traffic impact assessment and acquisition and redemption of Pinelands Development Credits; and

WHEREAS, the Pinelands Commission received an adopted copy of Ordinance 22-17 on November 27, 2017 and an adopted copy of Planning Board Resolution 2017-15 on November 28, 2017; and

WHEREAS, by letter dated November 29, 2017, the Executive Director notified the Township that Resolution 2017-15 and Ordinance 22-17 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Resolution 2017-15 and Ordinance 22-17 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Resolution 2017-15 and Ordinance 22-17 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Resolution 2017-15 and Ordinance 22-17 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Resolution 2017-15 and Ordinance 22-17 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Resolution 2017-15 and Ordinance 22-17 and has reviewed the Executive Director’s report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5H, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan of Jackson Township, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Jackson Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Jannarone					Quinn				
Avery					Lloyd					Rohan Green				
Barr					Lohbauer					Earlen				
Chila					McGlinchey									
Galletta					Prickett									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
 (609) 894-7300
 www.nj.gov/pinelands



Philip D. Murphy
 Governor
 Sheila Y. Oliver
 Lt. Governor

General Information: Info@njpinelands.state.nj.us
 Application Specific Information: AppInfo@njpinelands.state.nj.us

Sean W. Earlen
 Chairman
 Nancy Wittenberg
 Executive Director

REPORT ON PLANNING BOARD RESOLUTION 2017-15, ADOPTING THE JUNE 2017 AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN OF JACKSON TOWNSHIP, AND ORDINANCES 8-17 AND 22-17, AMENDING CHAPTER 244 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CODE OF JACKSON TOWNSHIP

January 26, 2018

Jackson Township
 95 W. Veterans Highway
 Jackson, NJ 08527

FINDINGS OF FACT

I. **Background**

The Township of Jackson is located in the northern portion of the Pinelands Area, in Ocean County. Pinelands municipalities that abut Jackson Township include the Townships of Manchester, Plumsted and Toms River in Ocean County.

On July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Jackson Township.

As part of its originally certified land use ordinance, Jackson Township established a number of zoning districts within its Pinelands Regional Growth Area. Among these were the RG-2 and RG-3 (Regional Growth) Zones, which contained the majority of vacant land in the Township’s Regional Growth Area. Single-family detached dwelling units were a permitted use in both zones, on 3.2 acre lots if using a conventional septic system and on 1.0 acre lots if using an advanced treatment system. Higher density residential development was permitted as a conditional use in both zones, with conditions relating to sewer service, traffic impacts and consistency with the Township’s master plan and the Comprehensive Management Plan. If these conditions were met, densities of 2.0 units per acre in the RG-2 Zone and 2.5 units per acre in the RG-3 Zone were permitted. The originally certified ordinance also included provisions allowing these densities to be increased to 3.0 units per acre in RG-2 Zone and 4.5 units per acre in RG-3 through the use of Pinelands Development Credits.

Although the physical size of Jackson Township’s Regional Growth Area was reduced over time, permitted uses, conditional uses and permitted densities in the RG-2 and RG-3 Zones remained the same until November 2010, when the Township adopted Ordinance 29-10. This ordinance eliminated sewer residential development as a conditional use in the RG-2 and RG-3 Zones and, along with it, any opportunity for the use of Pinelands Development Credits in either zoning district. Ordinance 29-10

left only single-family detached units on 3.2 acre lots (with conventional septic systems) or 1.0 acre lots (with advanced treatment systems) as a permitted use in the two zones. The elimination of density and PDC opportunities rendered the Township's Regional Growth Area zoning plan inconsistent with the CMP. The Township requested and was granted numerous extensions of the Commission's review period for Ordinance 29-10 so that an alternative approach could be pursued. The Township's focus for the next several years was on the creation of a new nonresidential zone to encompass all, or large portions of, the RG-2 and RG-3 Zones. Ordinance 29-10 was never certified by the Commission; therefore, it never took effect pursuant to N.J.A.C. 7:50-3.45.

On August 12, 2014, the Township adopted another ordinance (13-14), creating a new zoning district referred to as the JB MDL RGC-3 (Joint Base McGuire-Fort Dix-Lakehurst Compatible Commercial Development) Zone. Based on the standards adopted by Ordinance 13-14, the JB MDL RGC-3 Zone was envisioned as a nonresidential zoning district where a wide variety of commercial and industrial uses were permitted, as well as a limited amount of residential development. Ordinance 13-14 established permitted uses in the new zone but did not amend the Township's zoning map to establish its boundaries. In order to do so, the Township introduced a second ordinance (6-15) on February 24, 2015 that would have rezoned all lands in the RG-2 and RG-3 Zones to the new JB MDL RGC-3 Zone. However, the Township Council did not proceed with adoption of Ordinance 6-15. Ordinance 13-14 therefore remained incomplete for purposes of the Commission's review and was never certified. As a result, the JB MDL RGC-3 Zone does not exist in the Pinelands Area and the certified boundaries of the RG-2 and RG-3 Zones have remained in effect.

Discussions with Jackson Township concerning the need to restore permitted residential densities to its Regional Growth Area continued over the next several years. On May 15, 2017, the Commission received a copy of Ordinance 8-17, which had been introduced by the Jackson Township Council on May 9, 2017 and was scheduled for public hearing and adoption on May 23, 2017. Ordinance 8-17 proposed to add sewer residential development back to the RG-2 and RG-3 Zones as a conditional use. Upon receipt and review of the draft ordinance, the Executive Director notified the Township that staff had identified a number of issues that required discussion. A conference call with various Township representatives was held on May 19, 2017 to review the identified issues in detail. Commission staff subsequently drafted suggested revisions to Ordinance 8-17 and provided them to the Township for its consideration.

On May 23, 2017, Jackson Township adopted Ordinance 8-17, amending Chapter 244 (Land Use and Development Regulations) of the Township's Code by adopting standards for sewer residential development as a conditional use in the RG-2 and RG-3 Zones. The Pinelands Commission received a certified copy of Ordinance 8-17 on May 30, 2017. Amendments to address the issues previously identified by Commission staff were not made upon adoption of the ordinance.

On June 19, 2017, the Jackson Township Planning Board adopted Resolution 2017-15, approving the Township's Amended Housing Element and Fair Share Plan, dated June 2017. The Amended Housing Element and Fair Share Plan outlines the mechanisms by which the Township intends to satisfy its affordable housing obligation, including the imposition of inclusionary housing requirements in the RG-2 and RG-3 Zones located in the Pinelands Regional Growth Area.

By letter dated July 7, 2017, the Township requested an extension of the Commission's review period for Ordinance 8-17 in order to draft and consider amendments in response to the concerns identified by Commission staff. By letter dated July 19, 2017, the Executive Director notified the Township that an extension through September 30, 2017 was granted.

By letter dated September 27, 2017, the Township requested a second extension of the Commission's review period for Ordinance 8-17 in order to complete the adoption process for a series of amendments intended to resolve inconsistencies with the Comprehensive Management Plan. By letter dated September 28, 2017, the Executive Director notified the Township that a second extension through October 31, 2017 was granted. A third and final extension was granted on November 9, 2017 through November 30, 2017 to accommodate the Township's revised adoption schedule.

On November 22, 2017, the Jackson Township Council adopted Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Township's Code by adopting standards for sewer residential development as a conditional use in the RG-2 and RG-3 Zones. These conditional use standards include provision of public sewer, conformance with the affordable housing set aside requirements of the Fair Housing Act, submission of a traffic impact assessment and acquisition and redemption of Pinelands Development Credits. Ordinance 22-17 supersedes the previously adopted Ordinance 8-17 in its entirety.

The Pinelands Commission received an adopted copy of Ordinance 22-17 on November 27, 2017 and an adopted copy of Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan, on November 28, 2017.

By letter dated November 29, 2017, the Executive Director notified the Township that Resolution 2017-15 and Ordinance 22-17 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following master plan and ordinance amendments have been submitted to the Pinelands Commission for certification:

- * Resolution 2017-15, adopting an Amended Housing Element and Fair Share Plan, adopted by the Jackson Township Planning Board on June 19, 2017; and
- * Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, introduced on October 24, 2017 and adopted on November 22, 2017.

These amendments have been reviewed to determine whether they conform to the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards**

Housing Plan

Jackson Township's June 2017 Amended Housing Element and Fair Share Plan contains updated data and analysis pertaining to the Township's current and projected demographic, housing stock and employment characteristics, as well as an updated Fair Share Plan for the cumulative period 1987-2025. The Fair Share Plan provides information on the Township's past efforts to provide affordable housing and outlines the mechanisms that will satisfy the Township's affordable housing obligation, as established pursuant to an October 2016 settlement agreement between Jackson Township and the Fair Share Housing Center. Based on that agreement, Jackson Township has a rehabilitation obligation of 28 units, a prior round obligation of 1,247 units, and a third round prospective need of 1,250 units.

The Fair Share Plan identifies a number of specific sites for inclusionary and other future affordable housing developments, the majority of which are located outside the Pinelands Area. Within the Pinelands Area, the Fair Share Plan identifies one project previously located in the Pinelands Village of Cassville that is expected to produce one affordable unit in accordance with a 2010 settlement agreement between the Township and the developer. More significantly, the Fair Share Plan identifies three residential projects in the RG-2 Zone within the Regional Growth Area that are expected to yield a total of 874 single-family detached units, of which 20 percent (175 units) are to be set aside for low- and moderate-income households. None of these three projects are built or under construction; they are all in various stages of the application and approval process. The Fair Share Plan further recommends the imposition of an inclusionary (20%) housing requirement on all other future residential development in the RG-2 and RG-3 Zones. This inclusionary housing requirement is projected to yield an additional 290 affordable units. The boundaries of the RG-2 and RG-3 Zones are depicted on the map attached as Exhibit 1.

RG-2 and RG-3 Zones

Ordinance 22-17 amends Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township by adding sewer residential development as a conditional use in the RG-2 and RG-3 Zones. Ordinance 22-17 establishes permitted densities for such residential development of 3.0 units per acre in the RG-2 Zone and 4.5 units per acre in the RG-3 Zone, as well as minimum lot size and setback requirements. In order to receive conditional use approval, the proposed developments must be serviced by a public sanitary sewer system and comply with the affordable housing set aside requirements of the Fair Housing Act. A traffic impact assessment must be submitted for all preliminary major subdivisions proposed under the conditional use provisions. Finally, the acquisition and redemption of Pinelands Development Credits is required for 30 percent of the units in all projects proposed under the conditional use provisions, with an exemption for those affordable units required for compliance with the Fair Housing Act. Any such affordable units may be constructed as attached dwellings, with a maximum of four dwelling units per building, whereas all market rate units must be single-family detached dwellings.

By adopting the above-described amendments, Ordinance 22-17 implements the recommendations of the Amended Housing Element and Fair Share Plan and, in so doing,

restores permitted residential densities in the RG-2 and RG-3 Zones to their originally certified intensities. Revisions have been made to the conditional use standards for sewerred residential development in both zones to ensure that affordable housing and Pinelands Development Credit requirements are satisfied. The residential zoning capacity of the Township's Regional Growth Area remains unchanged and is in compliance with the CMP.

Jackson Township's June 2017 Amended Housing Element and Fair Share Plan and Ordinance 22-17 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

N.J.A.C. 7:50-3.39(a)8 requires that municipal ordinances provide for sufficient residentially zoned property in the Pinelands Regional Growth Area to be eligible for an increase in density via Pinelands Development Credits as provided for in N.J.A.C. 7:50-5.28(a)3. Pursuant to N.J.A.C. 7:50-5.28(a), Jackson Township is required to provide an opportunity for the development of residential units at a base-density of 3.0 units per vacant upland acre, with a bonus-density of up to 4.5 units per vacant upland acre with the use of PDCs. This traditional approach requires that municipal zoning ordinances provide the *opportunity* for use of PDCs for 33% of the total number of residential units permitted in the Regional Growth Area.

As discussed in section 2, Ordinance 22-17 does not affect the residential zoning capacity of Jackson Township's Regional Growth Area. Instead, Ordinance 22-17 merely restores maximum

permitted densities in the Township's RG-2 and RG-3 Zones to their originally certified intensities. Maximum densities of 3.0 units per acre and 4.5 units per acre, respectively, will continue to be permitted in the RG-2 and RG-3 Zones. In order to obtain approval for a project at these densities, Ordinance 22-17 establishes a number of conditions that must be met. One of these conditions is the acquisition and redemption of PDCs for 30 percent of all units, regardless of project density. Units made available to low- and moderate-income households may be excluded from this PDC requirement, up to the 20% set-aside recommended in the Amended Housing Element and Fair Share Plan and required by the Fair Housing Act. Any affordable units above and beyond the required 20 percent will require acquisition and redemption of PDCs at the 30% rate specified in Ordinance 22-17. A similar requirement for redemption of Pinelands Development Credits is also imposed by Ordinance 22-17 on all developments of five or more units in the RG-2 and RG-3 Zones proposed at lower densities to be served by standard or alternate design septic systems.

While the overall PDC opportunity provided by Ordinance 22-17 is not as high a number as would be provided through the more traditional approach described above requiring 33%, it is important to remember that the traditional base-density/bonus-density approach typically used by Pinelands municipalities only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that PDCs be used in any particular development project. The need to use PDCs would be triggered only if a project is proposed at a higher density (in other words, above the permitted base density). Jackson's Regional Growth Area, where **zero** PDCs have been redeemed since 1981, is a prime example of the shortcomings of the traditional PDC approach. Ordinance 22-17 *guarantees* a PDC redemption rate of 30% for most residential development in the RG-2 and RG-3 Zones while recognizing Jackson's need to provide for a significant amount of affordable housing in its Pinelands Regional Growth Area. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance 22-17 are consistent with Comprehensive Management Plan standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Jackson Township's application for certification of Resolution 2017-15 and Ordinance 22-17 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments were accepted through January 10, 2018; however, none were received.

CONCLUSION

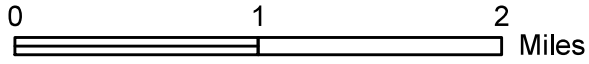
Based on the Findings of Fact cited above, the Executive Director has concluded that Resolution 2017-15 and Ordinance 22-17 comply with the Comprehensive Management Plan's standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Resolution 2017-15 and Ordinance 22-17 of Jackson Township.

SRG/CJA
Attachment

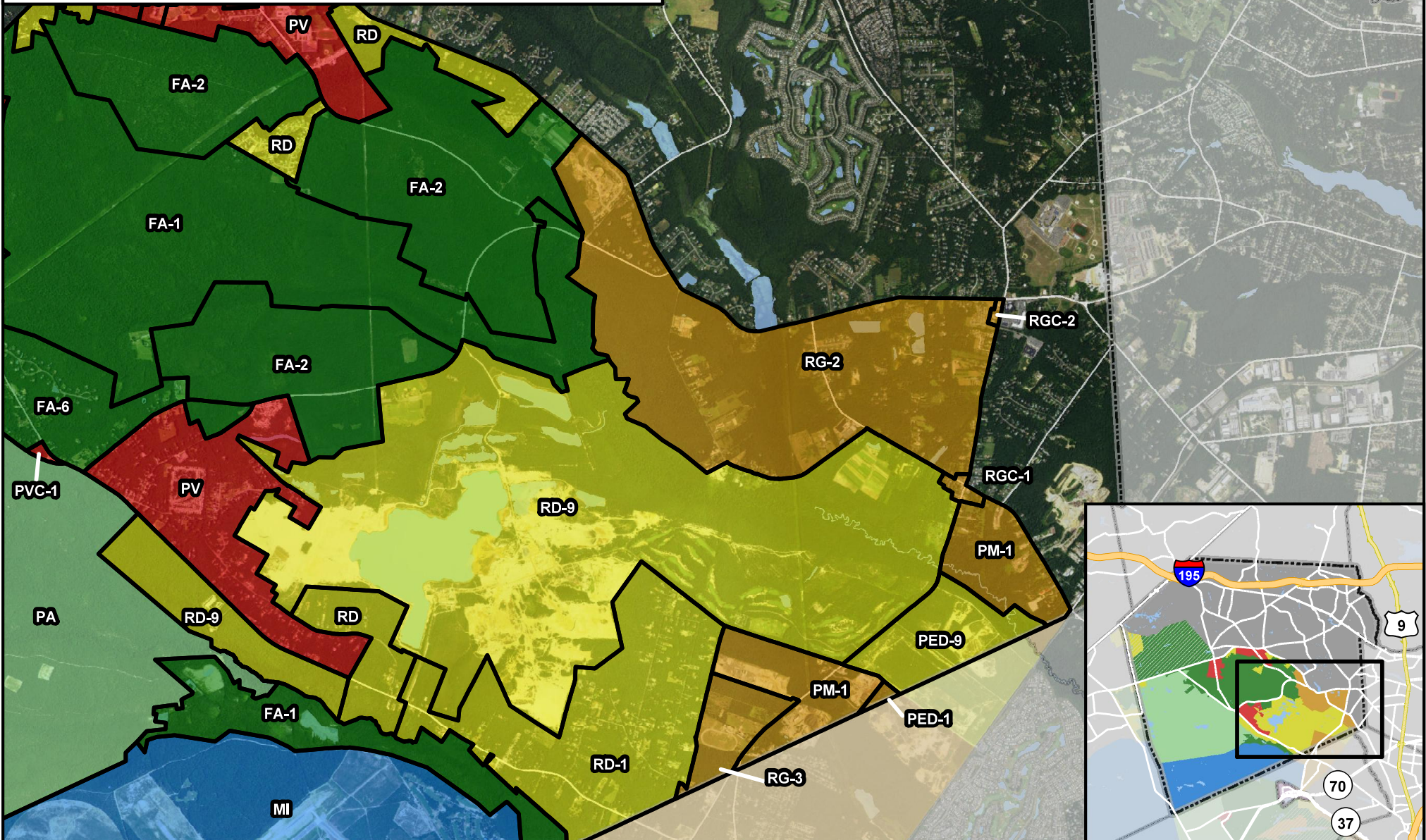
Jackson Township Regional Growth Area

Pinelands Management Areas

- Preservation Area
- Forest Area
- Rural Development Area
- Regional Growth Area
- Pinelands Village
- Federal or Military Facility
- Zone Boundary



Executive Director's Report
Jackson Twp. Ord. 22-17
Exhibit 1
1/26/2018





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Issuing an Order to Certify Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township

Commissioner _____ **moves and Commissioner** _____ **seconds the motion that:**

WHEREAS, on July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Manchester Township; and

WHEREAS, Resolution #PC4-83-59 of the Pinelands Commission specified that any amendment to the Township’s certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-59 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on November 13, 2017, the Manchester Township Committee adopted Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township by revising permitted uses and zoning district boundaries within the Pinelands Area; and

WHEREAS, on November 14, 2017, the Pinelands Commission received a certified copy of Ordinance 17-025; and

WHEREAS, by letter dated December 6, 2017, the Executive Director notified Manchester Township that Ordinance 17-025 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony concerning Manchester Township’s application for certification of Ordinance 17-025 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 17-025 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 17-025 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Ordinance 17-025 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 17-025 and has reviewed the Executive Director’s report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Manchester Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Jannarone					Quinn				
Avery					Lloyd					Rohan Green				
Barr					Lohbauer					Earlen				
Chila					McGlinchey									
Galletta					Prickett									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
 (609) 894-7300
 www.nj.gov/pinelands



Philip D. Murphy
 Governor
 Sheila Y. Oliver
 Lt. Governor

General Information: Info@njpines.state.nj.us
 Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen
 Chairman
 Nancy Wittenberg
 Executive Director

**REPORT ON MANCHESTER TOWNSHIP ORDINANCE 17-025, AMENDING CHAPTER 245
 (LAND USE AND DEVELOPMENT) OF THE CODE OF MANCHESTER TOWNSHIP**

January 26, 2018

Township of Manchester
 1 Colonial Drive
 Manchester, NJ 08759

FINDINGS OF FACT

I. Background

Manchester Township is located in northwestern Ocean County, in the northern portion of the Pinelands Area. Pinelands Area municipalities adjacent to Manchester Township include, in Ocean County, the Borough of Lakehurst and the Townships of Berkeley, Jackson, Lacey, Plumsted, and Toms River as well as, in Burlington County, the Townships of Pemberton and Woodland.

On July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Manchester Township.

On November 13, 2017, the Manchester Township Committee adopted Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township. The ordinance revises the zoning districts that permit Garden Apartments and Townhouse Developments and includes provisions for the use of Pinelands Development Credits for the development of such uses in the Pinelands Regional Growth Area. The ordinance also rezones four lots in the Pinelands Regional Growth Area from the PRC-1 (Pinelands Retirement Community) zoning district to the POR-LI (Pinelands Office, Research and Light Industrial) zoning district.

The Pinelands Commission received a certified copy of Ordinance 17-025 on November 14, 2017. By letter dated December 6, 2017, the Executive Director notified the Township that Ordinance 17-025 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, introduced on October 23, 2017 and adopted on November 13, 2017

The above-mentioned ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan (CMP). The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Land Use Ordinance Relating to Development Standards**

Garden Apartments and Townhouse Developments

Ordinance 17-025 revises the zoning districts within the Pinelands Area wherein Garden Apartments and Townhouse Developments are permitted as a conditional use. Garden Apartments will be permitted as a conditional use in the PB-1 (Pinelands Business) district, located in the Pinelands Regional Growth Area, as well in the WTB-1, WTHD, WTO-P and WTRC districts, all of which are located in the Pinelands Town of Whiting. Townhouse Developments will be permitted as a conditional use in these same districts, as well as in the POR-LI district, which is located within the Pinelands Regional Growth Area.

Under the existing provisions within the Township's code, Garden Apartments and Townhouse Developments require a minimum lot size of 10 acres and are permitted to have a maximum gross density of six units per acre for Garden Apartments and eight units per acre for Townhouse Developments.

The CMP provides that any use not otherwise limited pursuant to Subchapter 6 of the CMP may be permitted in a Pinelands Town and Regional Growth Area¹. With respect to Pinelands Towns there are additional provisions that must be met related to the availability of public service infrastructure and the compatibility of the use with the existing character of the Pinelands Town. Garden Apartments and Townhouse Developments are not uses specifically limited by Subchapter 6 of the CMP. Furthermore, the Pinelands Town of Whiting has existing public service infrastructure and existing uses and structures compatible with the densities permitted for Garden Apartments and Townhouse Developments. With respect to Pinelands Regional Growth Areas, there are additional provisions that must be met related to residential density and the use of Pinelands Development Credits. The residential density component is discussed in this section below after taking into consideration the proposed rezoning of four lots. The ordinance does

¹ N.J.A.C. 7:50-5.27(a) and 7:50-5.28(a), respectively

contain provisions for the use of Pinelands Development Credits for the development of Garden Apartments and Townhouse Developments in the PB-1 district and POR-LI district (see Section 8 below)

Zoning Boundary Changes

Ordinance 17-025 rezones four lots, totaling approximately 129 acres, in the Pinelands Regional Growth Area from the PRC-1 district to the POR-LI district (see Exhibit 1). This rezoning effectively eliminates the PRC-1 zone located on Ridgeway Boulevard, on the boundary of the Pinelands Area. This contiguous tract of land, referred to as the Pulte Homes Site, was previously included in the PRC-1 district and zoned for residential development based on a 2007 builders' remedy settlement agreement. The planned residential development allowed by that settlement agreement and the Township's previously certified ordinances is no longer being pursued. In addition, one of the lots has been purchased by Ocean County, and an application for public development has been approved by the Commission for development of a County Roads Department Garage (Application 1982-2731.007). The remaining three lots are privately held. One lot is vacant and the other two lots are developed and classified as industrial. It is noted that the four lots subject to the rezoning were previously zoned POR-LI prior to the adoption of the ordinance implementing the 2007 builders' remedy settlement agreement. In effect, the Township is returning the lots to their prior zoning district designation to reflect updated affordable housing plans and recent County acquisition.

The existing PRC-1 district currently permits single family houses, home occupations, agriculture and a variety of institutional uses such as churches and cemeteries. Also permitted are planned retirement communities, retirement community multi-family housing, senior citizen light care and continuing care for the elderly. Rather than specifying a permitted residential density, the Township's ordinance specifies a maximum number of market-rate units that may be developed on the Pulte Homes Site in accordance with the 2007 builders' remedy settlement agreement. A maximum of 400 market-rate units and 20 affordable units are permitted on the Pulte Homes site, with the use of Pinelands Development Credits required for thirty percent of the market rate units.

The POR-LI district is an existing zoning district within Manchester's Pinelands Regional Growth Area. The currently certified POR-LI district regulations allow for a variety of non-residential uses. Based on the amendments made by Ordinance 17-025, Townhouse Developments will now be permitted in the zone.

Staff performed an analysis to assess the change in residential zoning capacity in the Regional Growth Area due to the elimination of the PRC-1 zoning district and the addition of Townhouse Developments as a conditional use in the PB-1 and POR-LI districts. This analysis took into consideration developable lands (i.e., lands that are privately owned, non-wetland lands with a depth to seasonal high water table of greater than 1.5 feet) excluding lots that were less than ten acres. The ten acre lot size was selected based on the minimum lot size requirement established in Manchester's certified land use ordinances for Townhouse Developments. The total number of potential residential units was then discounted by 50% in recognition of the fact that the PB-1 and POR-LI districts are primarily nonresidential zones, in which a new conditional residential use is being permitted. The analysis shows that Manchester's Regional Growth Area residential zoning capacity decreases by 132 units as a result of Ordinance 17-025 (see Table 1). Such a result is to be expected, given Ocean County's acquisition of vacant, residentially zoned land in the Regional Growth Area and the effective expiration of an old builders remedy agreement.

Table 1. Summary of RGA Residential Capacity Enabled by Ordinance 17-025

Current RGA Residential Capacity	Proposed RGA Residential Capacity
PRC-1 District (129 acres): 420 units ¹ POR-LI District (26 acres): 0 units ² PB-1 District (20 acres): 0 units ²	----- POR-LI District (52 acres): 208 units ³ PB-1 District (20 acres): 80 units ³
Total Units: 420	Total Units: 288 units
Net change in Residential Unit Potential: -132 units	

1. Current residential capacity for the PRC-1 Zone is based on Ordinance 07-018, which established the zone. It specifies the number of units permitted in the zoning district rather than establishing a density. The number of units permitted was based on a 2007 builders remedy settlement agreement.

2. Prior to Ordinance 17-025, the POR-LI and PB-1 districts did not permit residential uses.

3. Proposed residential capacity is based on the theoretical build-out of those developable lands on lots 10 acres or larger as Townhouse Developments at a maximum permitted density of 8 units per acre. The total units are then discounted by 50% in recognition of the fact that these are primarily nonresidential zones, in which a new conditional residential use is being permitted.

Miscellaneous Revisions to Development Regulations

Ordinance 17-025 repeals the zoning district regulations for a number of districts that are no longer delineated on the Township's official zoning map. They include the PRC, PRC/RCL, PMP, WTR-10AF and WTR-14AF districts. These districts had been eliminated from the official zoning map via previously certified ordinance amendments.

The ordinance revises the zoning district regulations for a number of districts so that the permitted uses for each district would be solely controlled by Appendix 6, Schedule F (Pinelands Area Residential Zoning Districts – Permitted and Conditional Uses). Previously, these zoning districts permitted uses based on both Schedule F and those uses permitted in other enumerated zoning districts outside of the Pinelands Area. These revisions mitigated the potential conflicts that have arisen from time to time when the Township has sought changes to those affiliated non-Pinelands Area districts. The following zoning districts were updated: PR-40, PR-A, PR-15, BVR-40, WTRA, WTR-40, and WTRC.

The ordinance revises schedules B, C, F, and G, reflecting revisions to maximum building height standards, the elimination of legacy districts, and changes to the land use classification codes related to the permitted and conditional use tables. Land use categories within schedules F (Pinelands Area Residential Zoning Districts – Permitted and Conditional Uses) and G (Pinelands Area Nonresidential Zoning Districts – Permitted and Conditional Uses) have been revised from the SIC (Standard Industry Classification) codes to the NAICS (North American Industry Classification System) codes. These changes did not impact the underlying land uses that are permitted in a given zone, simply the affiliated codes associated with a given land use.

The revised Schedule B (Pinelands Area Zoning Districts Schedule) eliminates those legacy zoning districts noted above. It also adds a line in the schedule for the existing PR-40 zone, which is located in the Pinelands Regional Growth Area, and includes standards based on the previously affiliated R-40 zone outside of the Pinelands Area. It also increases the rear-yard setback in the PR-15 from 15 feet to 26 feet and increases the maximum building height in the POR-LI and PB-1 districts from 35 feet to 40 feet. It is noted that the POR-LI and PB-1 districts are located in the Pinelands Regional Growth Area, where the CMP does not impose a maximum height limitation.

The revised Schedule C (Beckerville Village and Whiting Town Zoning District Schedule) includes increases to the maximum building heights permitted in the WTR-40, WTHD, WTB-1, and WTO-P zoning districts from 35 feet to 40 feet. It is noted that these districts are located in the Pinelands Town of Whiting, which does not have any limitations on maximum structure height pursuant to the CMP.

The Revised Schedule F (Pinelands Area Zoning Districts – Permitted and Conditional Uses) contains new entries for the existing PED-1 and PED-9 zoning districts consistent with previously certified ordinance regulations.

The development intensities, permitted uses and zoning changes adopted by Ordinance 17-025 are consistent with the development standards as set forth in the Comprehensive Management Plan. Therefore, this standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

N.J.A.C. 7:50-3.39(a)8 requires that municipal ordinances provide for sufficient residentially zoned property in the Pinelands Regional Growth Area to be eligible for an increase in density via Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3. Pursuant to N.J.A.C. 7:50-5.28(a), Manchester Township's Regional Growth Area is required to provide an opportunity for the development of residential units at a base-density of 3.5 units per acre, with a bonus-density of up to 5.25 units per acre with the use of PDCs. This traditional approach requires that municipalities provide the *opportunity* for use of PDCs for 33% of the total number of residential units permitted in their Regional Growth Areas.

Ordinance 17-025 has implications for the accommodation of PDCs due to: (1) the addition of Garden Apartments and Townhouse Developments as a conditional use within two Regional Growth Area nonresidential zones; and (2) the rezoning of four lots from a residential zone (PRC-1) to a nonresidential zone (POR-LI) in the Regional Growth Area. Prior to Ordinance 17-025, the POR-LI and PB-1 districts did not permit residential uses, and therefore, only required PDC use when a variance permitting residential units was approved by the Township.

The Township's previously certified zoning plan for the Pulte Homes site required the acquisition and redemption of PDCs for 30% of the market rate units developed on the site. In order to remain in compliance with N.J.A.C. 7:50-5.28(a)3, Ordinance 17-025 incorporates the same 30% PDC requirement for Garden Apartments and Townhouse Developments if developed in the POR-LI and PB-1 zoning districts. Units made affordable to low- and moderate-income households are excluded from the PDC requirement for up to 20% of the total units in the development. It is important to note that affordable units beyond the 20% threshold will be required to redeem PDCs at the 30% rate.

The PDC requirements adopted by Ordinance 17-025 result in an opportunity for the use of 87 rights (21.75 Pinelands Development Credits)². While the overall PDC opportunity provided by the ordinance is not as high a number as would be provided through the more traditional approach described above requiring 33%, it is important to consider that the traditional base-density/bonus-density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 17-025 *guarantees* a PDC redemption rate of 30% for apartment or townhouse development in the POR-LI and PB-1 districts. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance 17-025 are consistent with Comprehensive Management Plan standards. This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

² PDC opportunities were calculated by applying the 30% PDC requirement to the maximum residential build-out of vacant lands in the PB-1 and POR-LI zoning districts – 288 units (see table 1 above). This calculation also assumes that there would be no affordable housing units associated with these developments, which appears likely because Manchester's ordinances do not impose any affordable housing set aside requirements for Garden Apartments or Townhouse Developments in the PB-1 or POR-LI districts.

10. General Conformance Requirements

Ordinance 17-025 is consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 17-025 is consistent with standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Ordinance 17-025 does impact zoning districts that are contiguous with the Manchester municipal boundary. In particular, portions of the POR-LI and WTRC districts are located on the border with Jackson Township and Berkeley Township, respectively. Although the ordinance permits greater residential density via Garden Apartments and Townhouse Developments, neither of these zones that are contiguous with the municipal boundary contain sufficient vacant developable lands to enable such development.

Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Manchester Township's application for certification of Ordinance 17-025 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 17-025 were accepted through January 10, 2018. However, no written comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 17-025 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Manchester Township Ordinance 17-025.






SRG/DBL/CMT

Attachment

Existing Conditions of Lots to be Rezoned

Executive Director's Report
Manchester Twp. Ord. 17-025
Exhibit 1
1/26/2018

Pinelands Management Areas

-  Regional Growth Area
-  Rezoned Lots
-  Federal or Military Facility
-  Existing Lots
-  Zoning Districts

