



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




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

MEMORANDUM

To: Members of the Commission
 From: Nancy Wittenberg 
 Executive Director
 Date: January 31, 2018
 Subject: Summary of the February 9, 2018 Meeting Packet

Minutes

The January 12, 2018 Commission Meeting minutes are included in your packet.

Public Development Applications

The following public development applications are being recommended for approval with conditions:

1. **Application Number 1985-0909.017/Jackson Township Board of Education**, Jackson Township, Pinelands Village, Demolition of a structure (abandoned sewage treatment plant), 50 years old or older.
2. **Application Number 1986-1334.002/NJDEP Parks and Forestry**, Washington Township, Preservation Area District, Forestry on 13 acres within Wharton State Forest.
3. **Application Number 2017-0149.001/New Jersey Department of Transportation**, Borough of Berlin, Waterford Township & Winslow Township, Pinelands Village, Regional Growth Area & Rural Development Area. Guiderail and sidewalk improvements within the State Route 73 right-of-way.

Waiver of Strict Compliance

There are no Waiver of Strict Compliance applications on this month's agenda.

Letter of Interpretation

Three Pinelands Development Credit Letters of Interpretations (attached) were issued since the last Commission meeting allocating 2.75 PDCs to 162.4 acres.

Off-Road Vehicle Event Route Map Approval

There were no Off-Road Vehicle Event Route Map Approvals issued since the last Commission meeting.

Planning Matters

Master plan amendments and ordinances from three municipalities are being recommended for certification at this month's meeting.

Hamilton Township Ordinance 1858-2017 revises zoning boundaries, permitted uses and conditional uses within the Regional Growth Area in response to the recommendations made in the Township's Mays Landing Neighborhood Plan.

Jackson Township's June 2017 Amended Housing Element and Fair Share Plan outlines the mechanisms by which the Township intends to satisfy its affordable housing obligation. Ordinance 22-17 adopts standards for sewer residential development as a conditional use in the RG-2 and RG-3 Zones, both of which are located in the Regional Growth Area. These standards include an affordable housing set-aside, submission of a traffic impact assessment and the redemption of Pinelands Development Credits.

Manchester Township Ordinance 17-025 rezones lands within the Regional Growth Area, revises permitted uses in several Regional Growth Area and Pinelands Town zoning districts and incorporates requirements for the use of Pinelands Development Credits in townhouse and apartment developments in the PB-1 (Pinelands Business) and POR-LI (Pinelands Office, Research and Light Industrial) Zones, both of which are located in the Regional Growth Area.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on three master plan and ordinance amendments that we reviewed and found to raise no substantial issues with respect to CMP standards. These amendments were submitted by Berlin Borough, Lacey Township and Ocean Township.

Other Items

A list of pending Public Development and Waiver of Strict Compliance Applications for which public comment will be accepted at the February 9, 2018 Commission meeting.

Closed Session

The Commission may need to convene into closed session.

Please note that future meetings and office closure dates, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.



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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, February 9, 2018

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag

2. Adoption of Minutes

- January 12, 2018

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration *Where the Record is Closed*

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions Applications for Public Development (Application Numbers 1985-0909.01, Demolition of a structure (abandoned sewage treatment plant) in Jackson Township, 1986-1334.002, Forestry on 13 acres within Wharton State Forest & 2017-0149.001, Road improvements within the State Route 73 right-of-way)

B. Planning Matters

- Municipal Master Plans and Ordinances
 - 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
 - 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
 - Issuing an Order to Certify Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township
 - Other Resolutions
 - None
 - CMP Amendments
 - None
5. Public Comment on Public Development Applications and Waivers of Strict Compliance (see attached list) and Resolutions ***Where the Record is Not Closed*** (to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)
 6. Master Plans and Ordinances Not Requiring Commission Action
 - Berlin Borough Ordinance 2017-15
 - Lacey Township Ordinance 2017-18
 - Ocean Township Planning Board Resolution 2017-7
 7. General Public Comment (to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)
 8. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters (The Commission reserves the right to reconvene into public session to take action on closed session items.)
 9. Adjournment

Upcoming Meetings

Unless otherwise noted, all meetings/events are conducted at the offices of the Pinelands Commission in New Lisbon

Fri., February 23, 2018	Policy and Implementation Meeting (9:30 a.m.)
Tues., February 27, 2018	Personnel and Budget Committee Meeting (9:30 a.m.)
Fri., March 9, 2018	Pinelands Commission Meeting (9:30 a.m.)

Upcoming Office Closures

Monday, February 19, 2018 Presidents Day



Pinelands Commission and Committee meeting agendas are posted on the Commission's Web site and can be viewed at www.nj.gov/pinelands/. The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:PublicProgramsOffice@njpines.state.nj.us) at Info@njpines.state.nj.us or call (609) 894-7300

PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

January 12, 2018

Commissioners Present

Alan W. Avery Jr., Giuseppe Chila, Paul E. Galletta, Jane Jannarone, Ed Lloyd, Mark Lohbauer, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Candace Ashmun.

Commissioners Absent

Bob Barr, Ed McGlinchey and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:35 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners who participated in the meeting.)

The Commission and public in attendance pledged allegiance to the Flag.

Minutes

Chairman Earlen presented the minutes from the December 12, 2017 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The December 12, 2017 Commission meeting minutes were adopted by a vote of 10 to 0.

Remembering Brendan T. Byrne

Chairman Earlen said Governor Byrne was instrumental in the creation of this Commission and the protection of the Pinelands. He said we have a tribute video that we will view in his memory.

After the video, a few Commissioners took a moment to reflect on their experiences and memories of the late Governor Byrne.

Committee Chairs' Reports

Chairman Earlen said there were no Committee meetings in December. He said the next Policy and Implementation Committee meeting is scheduled for Friday, January 26, 2018.

Executive Director's Reports

Director Larry Liggett said the Commission along with the New Jersey Department of Environmental Protection and the New Jersey Conservation Foundation will be involved in a study with NASA to determine fire risks in the Pinelands using satellite data. He said a conference call is scheduled for next week.

Director Liggett also provided an update on the Long Term Economic Monitoring (LTEM) program:

- He reminded the Commission that the LTEM program is being re-examined. Staff will be issuing a report covering a 2-year period.
- The Commission contracted with Rutgers University to analyze the LTEM report, and provide recommendations on how the Commission might improve and modify the report.
- Staff will be meeting with Socrata, a company that specializes in creating websites and other open data services for government entities, about the potential for a new LTEM website.

Director Charles Horner updated the Commission on the following items:

- Woodland Township continues to evaluate the development potential of a 100 acre municipally-owned parcel located near the Route 72 and Route 70 circle. Staff has previously met with Woodland Township to discuss the parcel. The Township recently applied for and received a PDC Letter of Interpretation for the property. The LOI, allocating 2.5 PDCs, was included in the Commission packet.
- Staff held a pre-application conference with a developer that is interested in building an assisted-living facility on the south side of Route 72 in Stafford Township.

- Staff is currently assisting nine municipalities in an effort to resolve various land use violations.

Commissioner Lloyd asked if Woodland Township owns the 100 acre parcel.

Director Horner confirmed that the Township owns the lands. He noted that the Commission's rules allow a government agency to be eligible for a PDC allocation only if the parcel was acquired after the adoption of the Comprehensive Management Plan (CMP). He said Woodland purchased the parcel after the adoption of the CMP.

Commissioner Lloyd asked about the status of the stormwater basin the Commission approved to alleviate flooding along Route 72 in Stafford Township. He also asked about the stormwater impact of the assisted living facility.

Director Horner said the Commission approved a Waiver of Strict Compliance to address an on-going drainage related problem. He said Stafford Township has not yet built the stormwater facilities. He also said the applicant would need to address stormwater as part of the development application for the assisted living facility. He noted that the assisted living project is located closer to the Garden State Parkway.

Commissioner Avery said as Chairman of the Audit Committee he wanted to thank the two public members of the Committee who volunteer their time to provide valuable knowledge.

Paul Leakan updated the Commission on the following items:

- The 29th annual Pinelands Short Course will feature 41 presentations. Commissioners are invited to attend for free. Commissioner Prickett along with Commission staff members Marilyn Sobel and John Bunnell will be delivering presentations at the March 10th event. He said the artwork featured on the brochure is the winner from last year's poster contest.
- The state reviewer has requested that the drawings for the visitor center be revised to include fire rating test results. Hopefully once that is complete and resubmitted, the State will issue the permit needed to move forward on the visitor center.

Chief Planner Susan R. Grogan noted that there has been an uptick in PDC sales. She said that the majority of developers that are purchasing the PDCs are not familiar with the PDC process and have not had prior dealings with the PDC Bank. She noted that most of the projects are in Ocean County and that there has been no increase to the average sales price.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval of three public development applications in Pemberton Township.

Commissioner Pickett said he would be recusing himself from the vote. He left the meeting room.

Commissioner Lohabuer moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1991-1108.011, 1991-1108.012 & 2017-0204.001) (See Resolution # PC4-18-01). Commissioner Galletta seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0.

Commissioner Prickett returned to the meeting.

Chairman Earlen presented a resolution recommending the approval for the installation of 544 linear feet of sanitary sewer main in Medford Township.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2006-0039.003) (See Resolution # PC4-18-02). Commissioner Prickett seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0.

Public Comment on Public Development Applications and Items where the record is open
No one from the public spoke.

Ordinances Not Requiring Commission Action

Chairman Earlen asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Manchester Township Ordinance 17-024
- Winslow Township Ordinance O-2017-020

No members of the Commission had questions.

Other Resolutions

Chairman Earlen presented a resolution to accept the Fiscal Year 2016 Audit Report.

Commissioner Avery moved the adoption of a resolution To Accept the Fiscal Year 2016 Audit Report (See Resolution # PC4-18-03). Commissioner Jannarone seconded the motion.

Commissioner Avery said that because of the timing of the FY 2016 Audit, the Commission was unable to adequately correct the findings from the FY 2015 Audit, causing the findings to be noted once again. He said that new accounting software has been purchased to improve the Commission's financial records. He said the Commission's accountant from Bowman and Company is now reviewing bank reconciliations, and a server has been purchased to test the Commission's disaster recovery plan. He said the goal is to have no findings in the next audit.

ED Wittenberg provided an update on the status of Edmunds accounting software. She said financial data has been shared, data testing will occur and dual systems will need to be used until Edmunds goes live at the end of February.

ED Wittenberg said that staff is reviewing a management letter from the State Auditors.

The Commission adopted the resolution by a vote of 10 to 0.

Presentation: Progress Report on the Pinelands Electric Transmission ROW Vegetation Management Plan Pilot Program

Director Horner said that in 2009, the Commission approved a Pilot Program to establish a program to manage the vegetation in certain utility ROW's in the Pinelands Area.

Jean Montgomerie displayed a timeline of the ROW Pilot Program beginning in 2009 and ending in 2019. She explained that a "span" is an area between two transmission towers. She said the goal is to keep the span looking like a mini Pinelands ecosystem without interfering with electric distribution. She reviewed the three items that the ROW Progress Report must address: the type and extent of vegetation management activities undertaken, significant problems or issues and the need for amendments to the ROW Plan.

Patrick Burritt of the Science Office explained the methods and results of the vegetation study plots. He said the Science Office conducts monitoring to determine if the prescription areas have remained stable and sustainable early successional habitats that are characteristic of the Pinelands. (See attached presentation slides for further details)

Staff answered some questions from the Commissioners.

Commissioner Prickett asked if any threatened and endangered species were identified in the plot surveys and if the early successional species are more likely to change or maintain their population.

Mr. Burritt said that he has observed orchids and a red headed woodpecker in the spans. He said because the spans are continually mowed there is limited opportunity for shrubs and trees to grow, allowing early successional habitat to flourish.

Commissioner Lohbauer asked if ORV damage can be seen in the utility spans.

Director Horner said ORV damage is a common problem in utility ROWs.

There was a brief discussion regarding the tree height requirements within a utility ROW. ED Wittenberg said she believes the height limits stem from the Board of Public Utilities regulations.

Director Horner added that the purpose of the ROW pilot program was to create a canopy with a low shrub layer throughout the utility ROWs. He added that staff would provide additional information about tree height requirements at a later date.

Commissioner Prickett said that eventually he would like to see the progress report include an assessment of ORV damage in utility ROWs.

Link to the ROW Progress Report 2013-2015:

<http://www.nj.gov/pinelands/infor/online/Electric%20Transmission%20ROW.pdf>

General Public Comment

Rich Bizub with the Pinelands Preservation Alliance said that Jason Howell is a professional videographer and he created the tribute video on Governor Brendan T. Byrne.

Ryan Rebozo with the Pinelands Preservation Alliance said he enjoyed the ROW Progress Report presentation. He said if the Commission is not already practicing timing restrictions on mowing herbaceous vegetation, it should be considered.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Chila seconded the motion. The Commission agreed to adjourn at 11:00 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: January 19, 2018



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 01

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1991-1108.011, 1991-1108.012 & 2017-0204.001)

Commissioner Lohbauer moves and Commissioner Galletta seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Reports and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

1991-1108.011

Applicant:	Pemberton Township Board of Education
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	December 19, 2017
Proposed Development:	Construction of a 43 space parking lot at the Isaiah Haines School;

1991-1108.012

Applicant:	Pemberton Township Board of Education
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	December 22, 2017
Proposed Development:	Placement of two temporary classroom buildings at the Isaiah Haines School; and

2017-0204.001

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	December 19, 2017
Proposed Development:	Demolition of a single family dwelling, 50 years old or older.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-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 and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1991-1108.011, 1991-1108.012 & 2017-0204.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

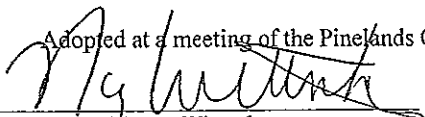
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun	<input checked="" type="checkbox"/>			Jannarone	<input checked="" type="checkbox"/>			Quinn	<input checked="" type="checkbox"/>		
Avery	<input checked="" type="checkbox"/>			Lloyd	<input checked="" type="checkbox"/>			Rohan Green			<input checked="" type="checkbox"/>
Barr			<input checked="" type="checkbox"/>	Lohbauer	<input checked="" type="checkbox"/>			Earlen	<input checked="" type="checkbox"/>		
Chila	<input checked="" type="checkbox"/>			McGlinchey			<input checked="" type="checkbox"/>				
Galletta	<input checked="" type="checkbox"/>			Prickett			<input checked="" type="checkbox"/>				

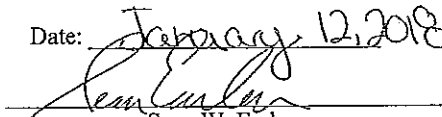
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:

January 12, 2018


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

December 19, 2017

Patricia Austin, Business Administrator
Pemberton Township Board of Education
One Egbert Street
Pemberton, NJ 08068

Re: Application # 1991-1108.011
Block 773, Lot 3
Block 941, Lot 2
Pemberton Township

Dear Ms. Austin:

The Commission staff has completed its review of this application for construction of a 43 space parking lot at the Isaiah Haines School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 12, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Pemberton Township Planning Board (via email)
- Pemberton Township Construction Code Official (via email)
- Pemberton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Dante Guzzi, P.E.





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 Chairman

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 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2017

Patricia Austin, Business Administrator
 Pemberton Township Board of Education
 One Egbert Street
 Pemberton, NJ 08068

Application No.: 1991-1108.011
 Block 773, Lot 3
 Block 941, Lot 2
 Pemberton Township

This application proposes construction of a 43 space parking lot at the Isaiah Haines School on the above referenced 40.99 acre parcel in Pemberton Township. The Joseph T. Stackhouse School, Isaiah Haines School and the Harker-Wylie School are located on the parcel.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within an existing maintained grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater

management standards. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on September 8, 2017. Newspaper public notice was completed on September 12, 2017. The application was designated as complete on the Commission's website on November 17, 2017. The Commission's public comment period closed on December 12, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by Dante Guzzi Engineering Associates, L.L.C., all sheets date June 6, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on January 8, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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December 22, 2017

Patricia Austin, Business Administrator
Pemberton Township Board of Education
One Egbert Street
Pemberton, NJ 08068

Re: Application # 1991-1108.012
Block 773, Lots 3, 4, 10.01 & 10.02
Block 941, Lot 2
Pemberton Township

Dear Ms. Austin:

The Commission staff has completed its review of this application for placement of two temporary classroom buildings at the Isaiah Haines School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 12, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

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PUBLIC DEVELOPMENT APPLICATION REPORT

December 22, 2017

Patricia Austin, Business Administrator
 Pemberton Township Board of Education
 One Egbert Street
 Pemberton, NJ 08068

Application No.: 1991-1108.012
 Block 773, Lots 3, 4, 10.01 & 10.02
 Block 941, Lot 2
 Pemberton Township

This application proposes placement of two temporary classroom buildings at the Isaiah Haines School located on the above referenced 43.32 acre parcel in Pemberton Township. The Joseph T. Stackhouse School, Isaiah Haines School and the Harker-Wylie School are located on the parcel. The parcel is serviced by public sanitary sewer.

The Board of Education is proposing the demolition of the Crichton and Alexander Denbo Elementary Schools and the construction of a new elementary school on Block 849, Lot 2 in the Township. The applicant has indicated that the proposed two temporary classroom buildings will be utilized to handle an increase in the number of students attending the Isaiah Haines School during the construction of the new elementary school.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28)

The proposed development is located in a Pinelands Regional Growth Area. The proposed classroom buildings are a permitted use in a Pinelands Regional Growth Area.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within an existing maintained lawn area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

In 2013, the applicant removed 3,912 square feet of impervious coverage from the parcel. The impervious coverage was comprised of a 1,056 square foot temporary classroom trailer, a second 1,056 square foot temporary classroom trailer and a 1,800 square foot building accessory to the existing schools. The current application proposes to add 7,475 square feet of impervious surface to the parcel comprised of two new classroom buildings and walkways. The proposed development will result in a net increase in impervious surface of 3,563 square feet.

The applicant has indicated that the two proposed classroom buildings and walkways will be removed by September 30, 2020. Based upon the relatively small net overall increase in impervious surfaces from the proposed development and the temporary placement of the classroom buildings, the applicant did not proposed stormwater management facilities.

The staff is recommending that any approval of the proposed development be conditioned on the applicant submitting a stormwater management plan for the proposed development if the classroom buildings proposed in this application remain on the parcel beyond September 30, 2020.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on September 8, 2017. Newspaper public notice was completed on September 12, 2017. The application was designated as complete on the Commission's website on November 16, 2017. The Commission's public comment period closed on December 12, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of three sheets, prepared by Dante Guzzi Engineering Associates, L.L.C., all sheets dated June 30, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. The temporary classroom buildings shall be removed from the parcel by September 30, 2020. If the temporary classroom buildings need to remain on the parcel after September 30, 2020, the applicant shall submit a stormwater management plan consistent with the

stormwater requirements of the CMP by March 31, 2020.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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



Chris Christie
Governor

Kim Guadagno
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

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on January 9, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

December 19, 2017

David Benedetti, P.P.
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 2017-0204.001
Block 553, Lot 1
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 12, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)





State of New Jersey

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2017

David Benedetti, P.P.
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 2017-0204.001
Block 553, Lot 1
Pemberton Township

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 0.22 acre parcel in Pemberton Township. The Township owns the parcel.

STANDARDS

The Commission staff has reviewed the proposed demolition for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The parcel is located in a Pinelands Regional Growth Area. The CMP permits the demolition of structures, including single family dwellings, in the Pinelands Area.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on November 2, 2017. The Commission’s public comment period closed on December 12, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.
3. Reconstruction of a single family dwelling, within five years of its demolition, does not require an application to the Pinelands Commission.

CONCLUSION

As the proposed demolition conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed demolition subject to the above conditions.



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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on January 8, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 02

TITLE: Approving With Conditions an Application for Public Development (Application Number 2006-0039.003)

Commissioner Lohbauer moves and Commissioner Prickett seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

2006-0039.003

Applicant: Medford Township
Municipality: Medford Township
Management Area: Pinelands Regional Growth Area
Date of Report: December 19, 2017
Proposed Development: Installation of 544 linear feet of sanitary sewer main within the Old Marlton Pike right-of-way.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-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 and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 2006-0039.003 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission
Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: January 12, 2018
Sean W. Earlen
Sean W. Earlen
Chairman



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Chris Christie
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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

December 19, 2017

Christopher Noll, Township Engineer
Medford Township
17 North Main Street
Medford, NJ 08055

Re: Application # 2006-0039.003
Old Marlton Pike
Medford Township

Dear Mr. Noll:

The Commission staff has completed its review of this application for installation of 544 linear feet of sanitary sewer main within the Old Marlton Pike right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 12, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Medford Township Planning Board (via email)
Medford Township Construction Code Official (via email)
Medford Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Dante Guzzi, PE





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Chris Christie
 Governor

Kim Guadagno
 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

PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2017

Christopher Noll, Township Engineer
 Medford Township
 17 North Main Street
 Medford, NJ 08055

Application No.: 2006-0039.003
 Old Marlton Pike
 Medford Township

This application proposes the installation of 544 linear feet of sanitary sewer main within the Old Marlton Pike right-of-way in Medford Township.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28)

The proposed development is located in a Pinelands Regional Growth Area. The proposed sanitary sewer main is a permitted land use in a Pinelands Regional Growth Area.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located entirely below existing pavement. All soil disturbance is limited to that which is necessary to accommodate the proposed development.

PUBLIC COMMENT

The CMP defines the proposed sanitary sewer main as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 31, 2017. The Commission’s public comment period closed on December 12, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Dante Guzzi Engineering Associates and dated August 17, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on January 8, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 03

TITLE: To Accept the Fiscal Year 2016 Audit Report

Commissioner Avery moves and Commissioner Jannarone seconds the motion that:

WHEREAS, the audit of the Pinelands Commission Fiscal Year 2016 Financial Statements, Notes to the Financial Statements and Schedules of Federal and State Assistance was performed by the Office of the State Auditor; and

WHEREAS, the Fiscal Year 2016 Audit Report contains two findings for the Commission to address. This includes strengthening the internal controls by ensuring the Bank Account Reconciliations are prepared and reviewed by the independent accounting firm and the testing of the Disaster Recovery Plan; and

WHEREAS, to address the internal controls finding, the Pinelands Commission staff and the independent accounting firm have revised the bank reconciliation. To address the testing of the Disaster Recovery Plan, the Commission needs to purchase additional computer hardware. Funds were included in the FY 18 Budget; 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 the Pinelands Commission hereby accepts the Audit Report for Fiscal Year 2016 and directs that it be included as a publication available through the Pinelands Commission's website.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	<input checked="" type="checkbox"/>				Jannarone	<input checked="" type="checkbox"/>				Quinn	<input checked="" type="checkbox"/>			
Avery	<input checked="" type="checkbox"/>				Lloyd	<input checked="" type="checkbox"/>				Rohan Green			<input checked="" type="checkbox"/>	
Barr			<input checked="" type="checkbox"/>		Lohbauer	<input checked="" type="checkbox"/>				Earlen	<input checked="" type="checkbox"/>			
Chila	<input checked="" type="checkbox"/>				McGlinchey			<input checked="" type="checkbox"/>						
Galletta	<input checked="" type="checkbox"/>				Prickett	<input checked="" type="checkbox"/>								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

 Nancy Wittenberg
 Executive Director

Date: January 12, 2018

 Sean W. Earlen
 Chairman

New Jersey Pinelands Electric Transmission Right-of-Way Maintenance Plan

Pilot Program Progress Report 2013-2015

*Jean Montgomerie
Environmental Specialist
Regulatory Programs Office*



NEW JERSEY PINELANDS
ELECTRIC-TRANSMISSION RIGHT-OF-WAY
VEGETATION-MANAGEMENT PLAN

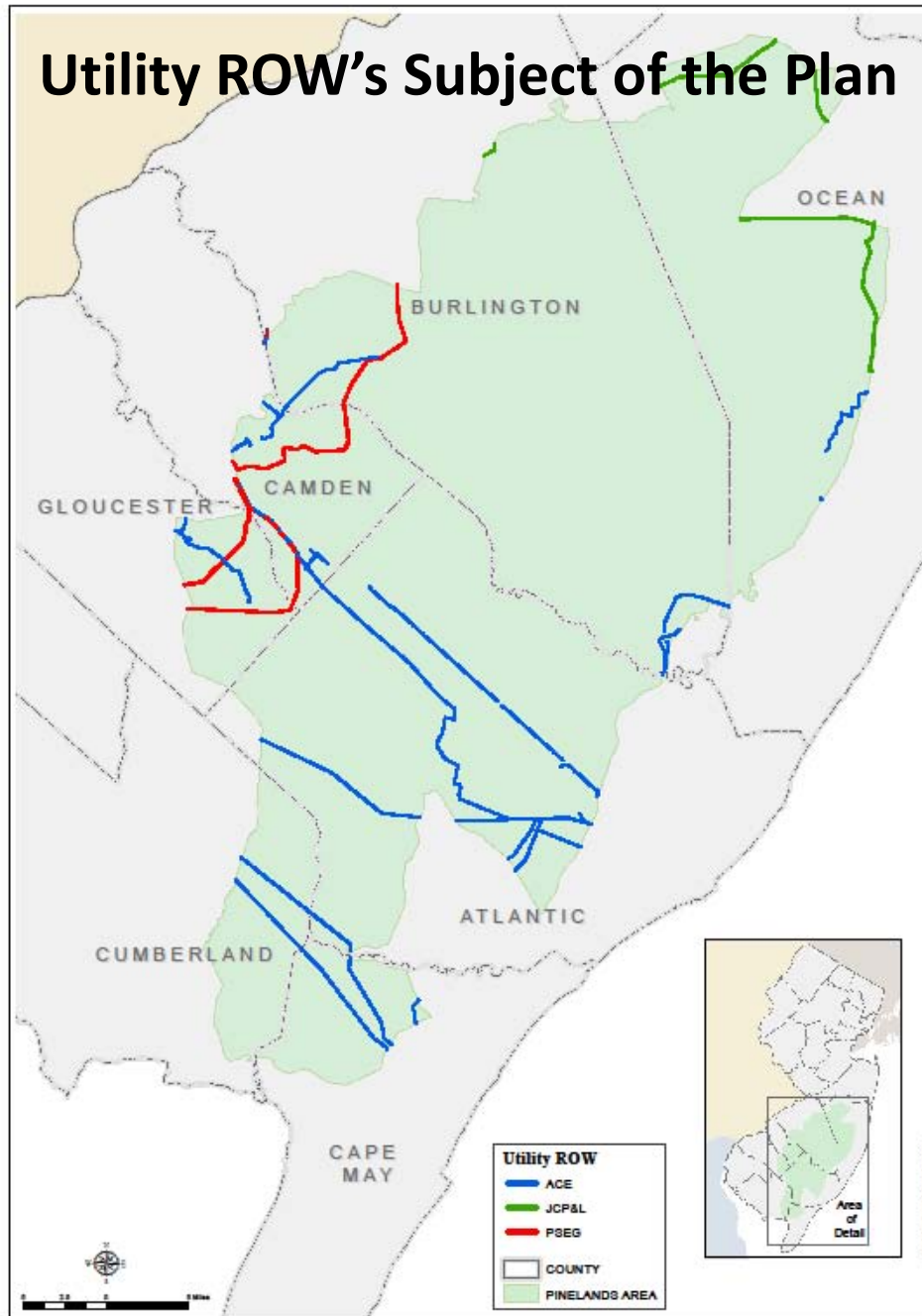
- Approval: 2009 Commission approves New Jersey Pinelands Electric Transmission Right-of-Way Vegetation Management Plan (ROW Plan)
- Purpose:
 - Maintain early successional habitats*
 - Preserve wetland integrity*
 - Maintain utility transmission line safety*
- Extent: Manage 233 miles of high voltage ROW in the Pinelands Area.



ROW Pilot Plan Timeline

- **2009: ROW plan approved as a ten year Pilot Program in the CMP.**
- **2010: Companies begin annual reporting on which spans were managed.**
- **2014: Staff provided first progress report on years 2010-2012 to Commission.**
- **2017: Staff providing second progress report on years 2013-2015 to Commission.**
- **2019: Commission Executive Director must review Pilot Program and determine whether or not the Program has been successful and may be incorporated into CMP.**

Utility ROW's Subject of the Plan

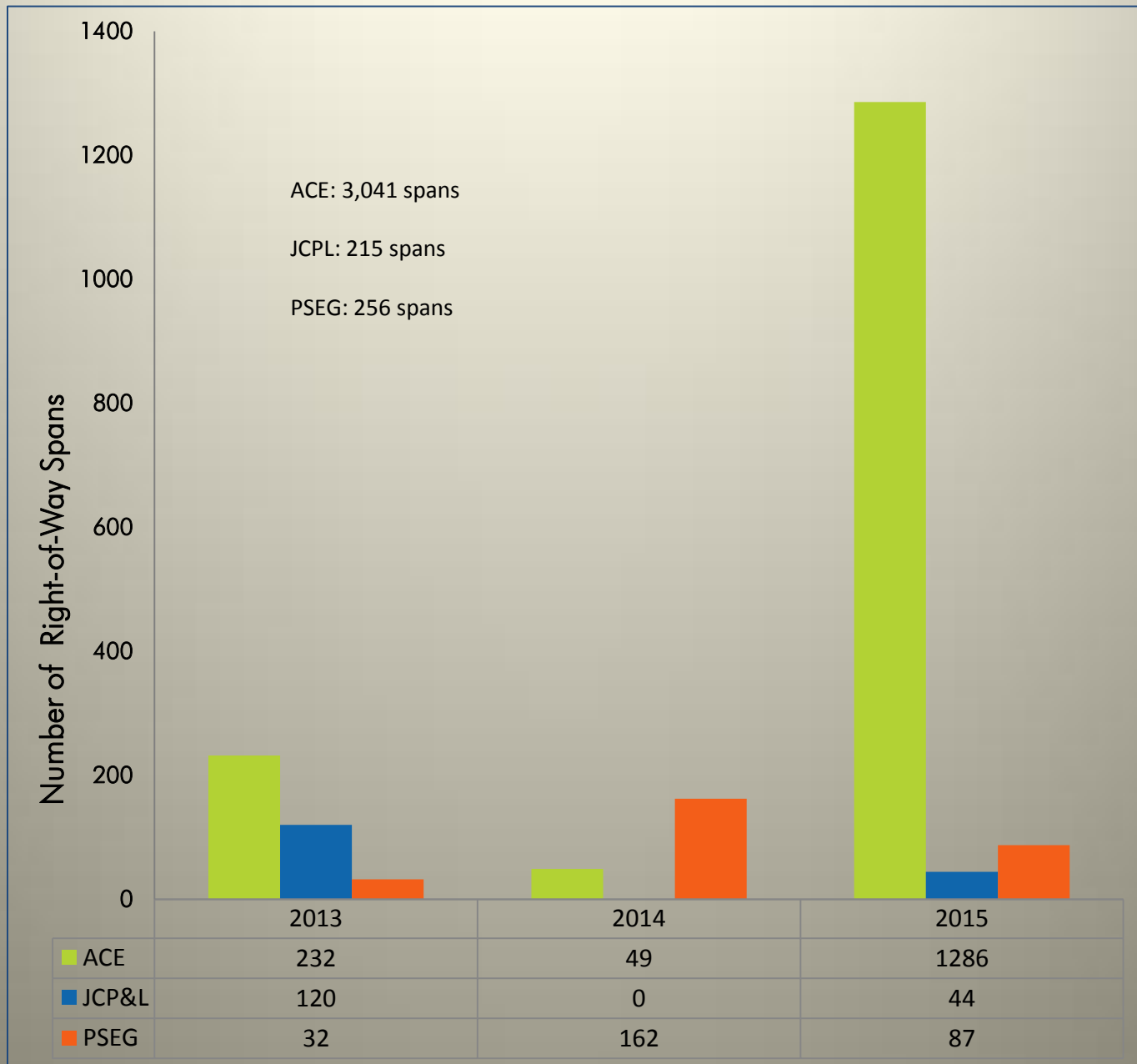


The ROW Progress Report must address:

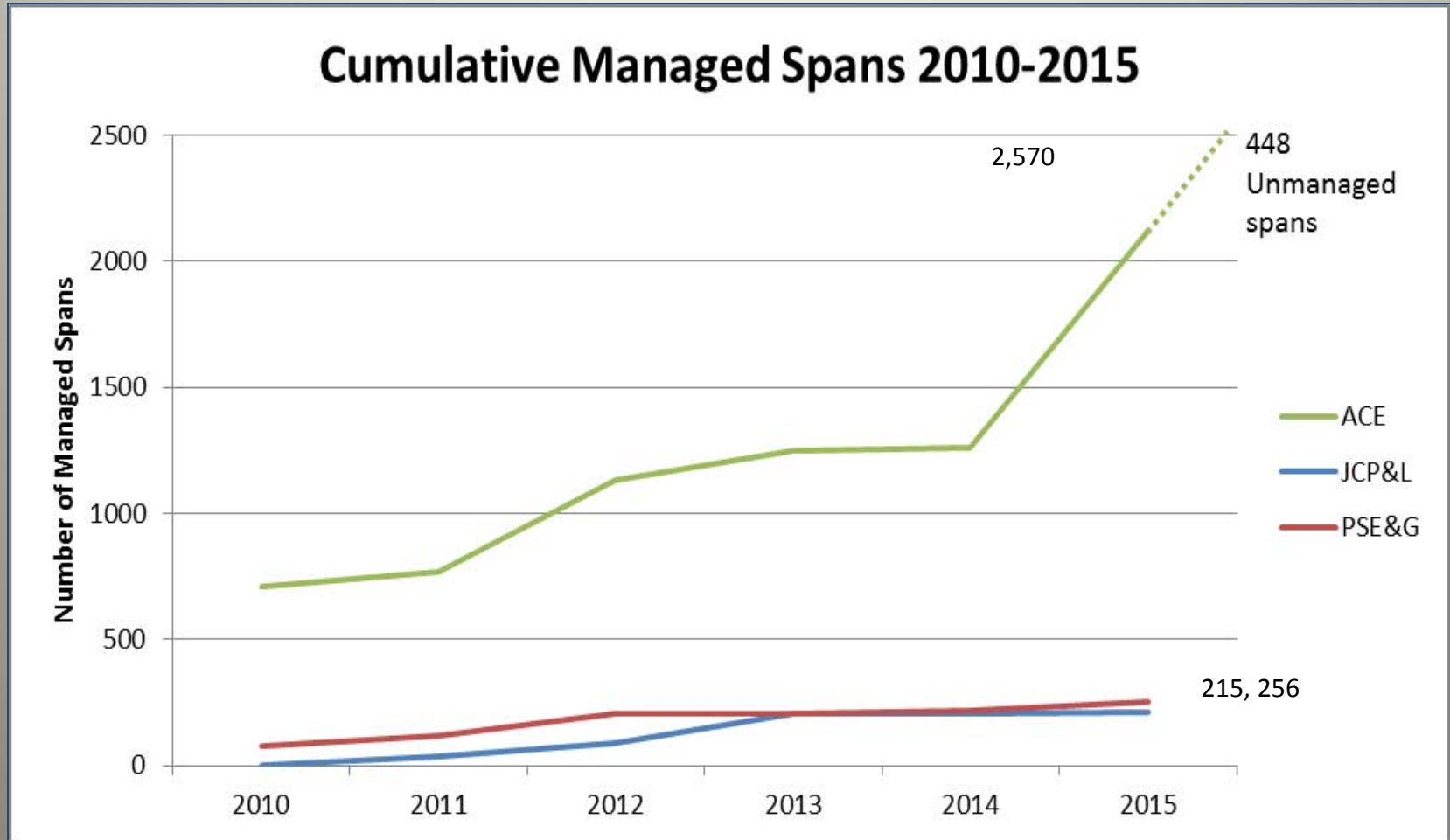
The background of the slide is a photograph of a landscape. In the foreground, there are dense, brown, leafless bushes and trees. In the middle ground, there are several utility towers and power lines stretching across the scene. The background shows a line of evergreen trees under a cloudy, overcast sky.

- 1. Type and extent of vegetation management activities undertaken**
- 2. Significant problems or issues**
- 3. The need for amendments to the ROW Plan**

1. Type and Extent of Vegetation Management



SPAN MANAGEMENT OVER THE PAST SIX YEARS BY UTILITY COMPANY



2. Significant Problems or Issues Encountered



Problem: Utility companies must use vehicles in wetland spans.

Solution: Restrict use to access road only and limit the use to dry season if possible.

Problem: Access road “Routine Maintenance”
what does that mean?



Solution: Define what is NOT routine maintenance...

Problem: Why weren't all the Pinelands spans managed by 2015 if Utilities manage all lines once every four years?



Discovery: Farmed spans and marsh spans exist in some areas of the Pinelands. These do not need to be cut or trimmed by the Utilities, ever, as they have low or herbaceous vegetation and no trees.

Problem: Vegetation management is being reported differently among the 3 Utilities.

“MOW”



Solution: Create unified reporting terms to be used by all three Utilities

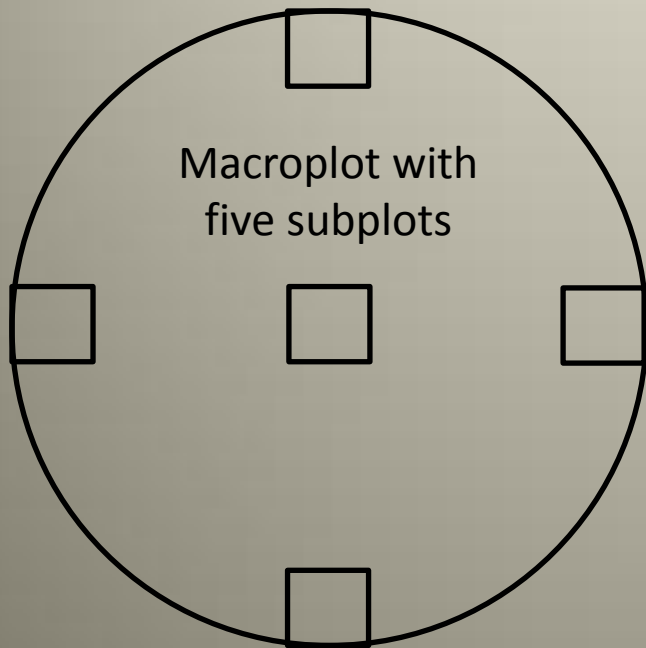
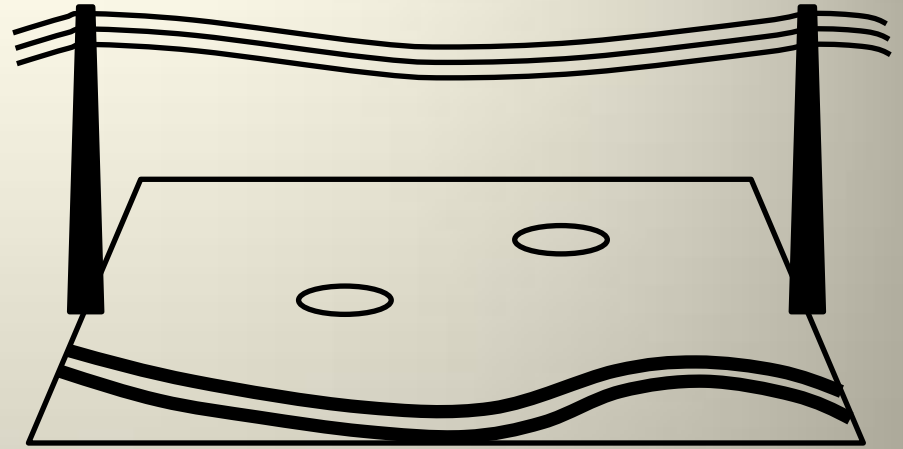
INTERIM REPORT ON VEGETATION MONITORING

Commission Right-of-way Rule

Criterion #2 in N.J.A.C. 7:50-10.35

Determine “whether the vegetation-management prescriptions have resulted in relatively stable and sustainable early successional habitats that are characteristic of the Pinelands and which provide habitat for native-Pinelands plants and animals, including threatened and endangered species.”

VEGETATION STUDY PLOTS



VEGETATION STUDY PLOTS

Vegetation Type	Management Prescription	# of Spans	# Plots/Span	Total # of Plots
Wetland Cedar	Manual tree removal	4	2	8
Wetland Shrub	Manual tree removal	4	2	8
Upland Herb	Mow trees, shrubs and herbs	4	2	8
Upland Shrub	Mow trees, shrubs and herbs	4	2	8
Upland Scrub	Mow trees, shrubs and herbs	4	2	8
Upland Tree	Mow trees, shrubs and herbs	4	2	8
		24		48



Wetland Cedar



Wetland Shrub



Upland Herb



Upland Shrub



Upland Scrub



Upland Tree

VEGETATION SURVEYS

Surveyed vegetation in 24 ROW spans (2011-2018)

Surveyed vegetation in the adjacent forest (2012)

ROW vs Adjacent Forest Comparison

1. Woody plant communities
2. Dominant shrub cover
3. Number of woody species

ROW VS ADJACENT FOREST

1. Woody plant communities

61 woody species in all plots

77% native, 16% nonnative, 7% unclassified

ROW Plots = 16 tree species, 39 shrub species

Forest Plots = 16 tree species, 31 shrub species

Native and nonnative species were found in ROW and Forest Plots
No differences for any of the six woody plant communities

2. Dominant shrub cover

Difference in Upland Scrub type

Scrub oak > ROW Plots

black huckleberry and dangleberry > Forest Plots

3. Number of Woody Species

No differences

ROW VS ADJACENT FOREST

Conclusion

No major differences in:

1. Woody plant communities
2. Dominant shrub cover
3. Number of woody species

3. Need for Amendments to the ROW Plan

Two Minor Adjustments to Plan Allowed with Executive Director's Approval



WETLAND SPAN

Prescription: "Cut trees manually. Do not mow."

Adjustment: "OK to mow on either side of bermed access road with boom mower."

Minor Adjustments to Plan Allowed with Executive Director's Approval:



Prescription: "Cut trees manually July-Oct."

Adjustment: "Cut trees October through March 1; OK to top trees."

3. Possible Amendments/Clarifications Needed to the ROW Plan



1. Utility annual reports need to include ROW location changes or additions

Possible Amendments/Clarifications Needed to the ROW Plan

2. A Definitions Section in the ROW Plan

- Annual reporting terms to be used
- Access road “maintenance” limitations
- “Hand cut. Do not mow” prescription clarification
- “Mistletoe Plan” prescription clarification

SPECIAL THANKS TO:

Marilyn Sobel NJPC Science Office

Mark DeLorenzo NJPC Land Use & Technology Office

NJDEP Land Use Regulation Division

**Pilot Program Progress Report
2013-2015**

*Jean Montgomerie
Environmental Specialist
Regulatory Programs Office*



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1985-0909.017, 1986-1334.002 & 2017-0149.001)

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

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Reports and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

1985-0909.017

Applicant: **Jackson Township Board of Education**
Municipality: Jackson Township
Management Area: Pinelands Village
Date of Report: January 19, 2018
Proposed Development: Demolition of a structure (abandoned sewage treatment plant), 50 years old or older;

1986-1334.002

Applicant: **NJ DEP Parks and Forestry**
Municipality: Washington Township
Management Area: Pinelands Preservation Area District
Date of Report: January 19, 2018
Proposed Development: Forestry on 13 acres within Wharton State Forest; and

2017-0149.001

Applicant: **New Jersey Department of Transportation**
Municipality: Borough of Berlin
Waterford Township
Winslow Township
Management Area: Pinelands Village
Pinelands Regional Growth Area
Pinelands Rural Development Area
Date of Report: January 19, 2018
Proposed Development: Guiderail and sidewalk improvements within the State Route 73 right-of-way.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-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 and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1985-0909.017, 1986-1334.002 & 2017-0149.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*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

January 19, 2018

Michelle Richardson, Business Administrator
Jackson Township Board of Education
151 Don Connor Boulevard
Jackson, NJ 08527

Re: Application # 1985-0909.017
Block 16601, Lot 10
Jackson Township

Dear Ms. Richardson:

The Commission staff has completed its review of this application for demolition of an abandoned sewage treatment plant, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Jackson Township Planning Board (via email)
Jackson Township Construction Code Official (via email)
Jackson Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
William Edwards (via email)





Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

Michelle Richardson, Business Administrator
Jackson Township Board of Education
151 Don Connor Boulevard
Jackson, NJ 08527

Application No.: 1985-0909.017
Block 16601, Lot 10
Jackson Township

This application proposes demolition of an abandoned sewage treatment plant, 50 years old or older, located on the above referenced 125.88 acre parcel in Jackson Township.

A proposed 80 linear foot temporary access way from Don Connor Boulevard will be cleared of vegetation to facilitate access to the proposed demolition area. After demolition, it is proposed to revegetate all disturbed areas.

STANDARDS

The Commission staff has reviewed the proposed demolition for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.27)

The parcel is located in the Pinelands Village of Vanhiseville. The CMP permits the demolition of structures in the Pinelands Area.

Wetland Transition Area Standard (N.J.A.C. 7:50-6.14)

There are wetlands located within 300 feet of the structures proposed for demolition. The proposed clearing and demolition activities will be located no closer to wetlands than the existing structures.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed demolition will be located within an oak/pine forested area. The proposed demolition will disturb approximately 4,792 square feet of forested land. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed demolition.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize the disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require notice for minor public development applications. The application was designated as complete on the Commission’s website on December 22, 2017. The Commission’s public comment period closed on January 12, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed demolition shall adhere to the plan, consisting of two sheets, prepared by Edwards Engineering Group, Inc. and both sheets dated September 19, 2017 and revised to December 15, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed demolition conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed demolition subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission's offices no later than 5:00 p.m. on February 6, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

January 19, 2018

John Sacco
NJ DEP Parks and Forestry
501 East State Street
P.O. Box 420, Mail Code 501-04
Trenton, NJ 08625

Re: Application # 1986-1334.002
Wharton State Forest
Block 19, Lot 6
Washington Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry on 13 acres within Wharton State Forest. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Washington Township Planning Board (via email)
- Washington Township Construction Code Official (via email)
- Secretary, Burlington County Planning Board (via email)





Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

John Sacco
NJ DEP Parks and Forestry
501 East State Street
P.O. Box 420, Mail Code 501-04
Trenton, NJ 08625

Application No.: 1986-1334.002
Wharton State Forest
Block 19, Lot 6
Washington Township

This application proposes forestry within Wharton State Forest on a 13 acre portion of the above referenced 468 acre parcel.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22(a)3)

The 13 acres subject to forestry are located within the Pinelands Preservation Area District. Forestry is permitted in all Pinelands Management Areas.

Forestry (N.J.A.C. 7:50-6.41)

This application proposes forest thinning in uplands. The purpose of the proposed forest thinning is to encourage the development of a native Shortleaf pine stand and to reduce the risk of wildfire and southern pine beetle attack. The proposed forest thinning will allow for natural regeneration. The proposed forest thinning will maintain a Pine dominated forest, a Pinelands native forest type.

There are approximately 1,383 trees per acre in the 13 acres subject of the proposed forest thinning. After the proposed thinning, the forest will have from 134 to 201 trees per acre. The canopy cover will be reduced from approximately 75% to a variable percent canopy cover ranging from between 41% and 48%.

The applicant proposes to undertake post-harvest site preparation, as necessary. Proposed site preparation techniques are prescribed burning and the spot spraying of herbicides to control invasive species. The CMP (N.J.A.C. 7:50-6.46(a)9ii.) allows application of herbicide in association with forestry provided that, among other conditions, control of competitive plant species is clearly necessary and control by other non-chemical means is not practical. The applicant has represented that hand cutting or mechanical removal of competitive species is not feasible. As required by the CMP (N.J.A.C. 7:50-6.46(a)9ii.(4)), this recommended approval is specifically conditioned upon all herbicides used being expressly labeled for forestry use and mixed in a manner that is consistent with relevant State and Federal requirements.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed forestry. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests. Any trees containing potential T&E avian species cavities or nests will be marked and left standing. To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize only low ground pressure equipment for any forestry undertaken between November 1 and April 30.

The concerned T&E plant is a wetland associated species. To avoid potential irreversible adverse impact on the survival of any local populations of T&E plant species, no forestry is proposed within 100 feet of wetlands.

The proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

No disturbance will occur greater than six inches below the ground surface. The Commission staff determined that, since the proposed forestry will result in minimal ground disturbance, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced 13 acres subject of forestry was completed on October 19, 2017. Newspaper public notice was completed on October 25, 2017. The application was designated as complete on the Commission's website on December 19, 2017. The Commission's public comment period closed on January 12, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed forestry activity shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands," prepared by the New Jersey Forest Service, dated November 15, 2017. The 13 acres subject of the proposed forestry is depicted on an untitled exhibit identified as a portion of a USGS Quad: Jenkins and dated December 14, 2017.
2. Prior to any forestry, the applicant shall obtain any other necessary permits and approvals.
3. Any herbicides that are applied for site preparation shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E avian species, prior to any forestry, the applicant shall complete a visual survey of the above referenced 13 acre forestry area for potential avian T&E species cavities or nests. Any trees containing potential avian T&E species cavities or nests shall be marked and left standing.
5. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any forestry undertaken between November 1 and April 30.
6. To avoid potential irreversible adverse impact on the survival of any local populations of T&E plant species, no forestry shall occur within 100 feet of wetlands.
7. This forestry approval is valid for a period of ten years from the February 9, 2018 date of Commission approval.

CONCLUSION

As the proposed forestry conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed forestry subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5 PM on February 6, 2018 and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Philip D. Murphy
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Sheila Y. Oliver
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

January 19, 2018

Brenna Fairfax
 New Jersey Department of Transportation
 1035 Parkway Avenue
 Trenton, NJ 08625


Re: Application # 2017-0149.001
 State Route 73
 Borough of Berlin, Waterford Township & Winslow Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for road improvements within the State Route 73 right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

 Charles M. Horner, P.P.
 Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Borough of Berlin Planning Board (via email)
- Borough of Berlin Construction Code Official (via email)
- Secretary, Waterford Township Planning Board (via email)
- Waterford Township Construction Code Official (via email)
- Waterford Township Environmental Commission (via email)
- Secretary, Winslow Township Planning Board (via email)



Winslow Township Construction Code Official (via email)
Winslow Township Environmental Commission (via email)
Secretary, Camden County Planning Board (via email)



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

Brenna Fairfax
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Application No.: 2017-0149.001
State Route 73
Borough of Berlin, Waterford Township & Winslow Township

This application proposes road improvements within the State Route 73 right-of-way in the Borough of Berlin, Waterford Township and Winslow Township.

The application proposes the installation of additional guiderail to meet current safety standards along a seven mile section of State Route 73 between Braddock Avenue in Winslow Township and the New Jersey Transit Bridge in the Borough of Berlin. In addition, the application proposes to install concrete sidewalks at five intersections within that same seven mile section of State Route 73.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.27(a), 5.26(b)10 & 5.28(a))

The proposed road improvements are located in the Pinelands Village of Blue Anchor, a Pinelands Rural Development Area and a Pinelands Regional Growth Area. The proposed road improvements are permitted uses in these Pinelands management areas.

Wetlands Standards (N.J.A.C. 7:50-6.13)

There are wetlands located within 300 feet of the proposed road improvements. The proposed road improvements will be located in the required buffer to wetlands.

The CMP permits roads (linear improvements) and accessory improvements to roads, such as guiderails and sidewalks, in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the

proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the proposed road improvements are necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within existing developed areas and grassed shoulders. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

PUBLIC COMMENT

The CMP defines the proposed road improvements as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on December 6, 2017. The Commission’s public comment period closed on January 12, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 17 sheets, prepared by the New Jersey Department of Transportation, all sheets dated November 9, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on February 6, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

Pending Public Development and Waiver of Strict Compliance Applications
accepting public comment at the February 9, 2018 Commission Meeting

Public Development Applications

Application No. 1983-5837.062 – South Jersey Transportation Authority/ONYX Renewable Partners

Received on: November 29, 2016

Project: Ground mounted solar array at the Atlantic City International Airport

Municipality: Egg Harbor Township

Block 101, Lot 9

Application No. 2008-0301.001 – Ocean County Office of the Engineer

Received on: November 19, 2008

Project: Realignment of the intersection of Beckerville Road and Route 70

Municipality: Manchester Township

Block 124, Lot 1; Block 125, Lot 1

Waiver of Strict Compliance Applications

Application No. 2001-0477.001 – Pjatikin

Received on: September 21, 2001

Project: Single family dwelling

Municipality: Waterford Township

Block 3803, Lot 3



State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #1976

(Renewal)

January 24, 2018

George and Catherine Hanuschik
c/o Karen Buvel
927 Honey Locust Place
Smyrna, DE 19977

Joseph and Julia V. Panzitta
28 York Road
Pennington, NJ 08534

Paul G. and Shirley Vagnozzi
c/o Gary Vagnozzi
17 Arvida Road
Pennington, NJ 08534

Angelo M. and Cecelia Vagnozzi
46 Brewster Road
Pennington, NJ 08534

Re: Application # 1984-1015.004
Block 5301, Lots 37 & 40
Baptist Road
Woodland Township

FINDINGS OF FACT

The applicants own the above referenced 16.3 acre parcel in Woodland Township. This acreage is based on a recorded deed. The parcel is located partially in the Pinelands Preservation Area District (5.61 acres) and partially in a Pinelands Special Agricultural Production Area (10.69 acres). Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits which are allocated to this parcel.

On April 24, 2008, the Commission issued LOI #1976 allocating 0 PDCs to the parcel. That LOI expired on April 24, 2010. The applicant is requesting a new LOI for the parcel. This renewal of LOI #1976 replaces the now expired April 24, 2008 LOI #1976.



With respect to the 5.61 acre portion of the overall 16.3 acre parcel located in the Pinelands Preservation Area District, 0.05 acres are uplands and 5.56 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). With respect to the 10.69 acres of the overall 16.3 acre parcel located in a Pinelands Special Agricultural Production Area, the entire 10.69 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a).

The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel. The parcel is forested. Based upon a Commission staff site inspection, there are the remains of two abandoned buildings on the parcel. The parcel is effectively vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP). The applicants wish to reserve the right to develop one single family dwelling on the parcel.

The parcel has not been in common ownership with any contiguous land on or after February 7, 1979. The applicants owned the parcel prior to February 7, 1979. The parcel has been in continuous ownership of the applicants since February 7, 1979.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in the Pinelands Preservation Area District, Pinelands Special Agricultural Production Areas, and Pinelands Agricultural Production Areas, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Pinelands Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which Pinelands Development Credits are allocated in the Pinelands Preservation Area District (N.J.A.C. 7:50-5.43(b)1). One Pinelands Development Credit is allocated for every 39 acres of uplands, except for certain uplands which have been approved for resource extraction operations. There are 0.2 Pinelands Development Credits allocated for every 39 acres of wetlands.

The CMP also establishes the ratio by which Pinelands Development Credits (PDCs) are allocated in a Pinelands Special Agricultural Production Area (N.J.A.C. 7:50 5.43(b)2). Two (2) PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP. Two (2) PDCs are allocated for every 39 acres of active berry agricultural bogs and fields, and wetlands in active field agricultural use currently and as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 0.05 acres of the overall 16.3 acre parcel located in the Pinelands Preservation Area District which are uplands, the applicants would be entitled to 0 PDCs. For the 5.61 acres of the overall 16.3 acre parcel located in the Pinelands Preservation Area District which are wetlands, the applicants would be entitled to 0.03 PDCs.

For the 10.69 acres of wetlands of the overall 16.3 acre parcel located in a Pinelands Special Agricultural Production Area, the applicants would be entitled to 0.06 PDCs.

Based upon these allocations, the overall 16.3 acre parcel would be entitled to 0.09 PDC's.

However, the CMP (N.J.A.C. 7:50-5.43(b)6) provides that the owners of any parcel of land containing at least 0.1 acres in the Pinelands Preservation Area District and a Pinelands Special Agricultural

Production Area are entitled to 0.25 PDCs provided that the parcel is vacant, the parcel has not been in common ownership with any contiguous land on or after February 7, 1979 and the parcel has been in continuous ownership of the owner of the parcel or her immediate family as of February 7, 1979. The applicants meet the requirements of N.J.A.C. 7:50-5.43(b)6).

Not considering the reserved right to construct one future dwelling on the parcel, the parcel would be allocated 0.25 PDCs. However, N.J.A.C. 7:50-5.43(b)3iii requires that the PDC allocation for the parcel be reduced by 0.25 PDCs for each reserved right to construct a future dwelling on the parcel.

Based upon this reduction, there are 0 PDCs allocated to the 16.3 parcel comprised of Block 5301, Lots 37 and 40.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

Sincerely,



Charles M. Horner, P.P.
Director of Regulatory Programs

- c: Secretary, Woodland Township Planning Board (via email)
Woodland Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Susan R. Grogan, Executive Director, PDC Bank (via email)
Marcus Panzitta (via email)



State of New Jersey
 THE PINELANDS COMMISSION
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 www.nj.gov/pinelands



Chris Christie
 Governor
 Kim Guadagno
 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

LETTER OF INTERPRETATION #2163

January 8, 2018

Sarah & Christopher Bryczkowski (via email)
 22 Claire Drive
 Bridgewater, NJ 08807

Re: Application # 2017-0144.001
 Block 4750, Lot 2
 JC Road
 Lacey Township

FINDINGS OF FACT

The applicant owns the above referenced 62.4 acre parcel in Lacey Township. This acreage is based on the municipal tax map. The parcel is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

The parcel consists of 25.24 acres of uplands and 37.16 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel. The parcel is vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in the Pinelands Preservation Area District, Pinelands Special Agricultural Production Areas, and Pinelands Agricultural Production Areas, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Pinelands Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which Pinelands Development Credits are allocated in the Pinelands Preservation Area District (N.J.A.C. 7:50-5.43(b)1). One Pinelands Development Credit is allocated for every 39 acres of uplands, except for certain uplands which have been approved for resource extraction operations. There are 0.2 Pinelands Development Credits allocated for every 39 acres of wetlands.



For the 25.24 acres of uplands, the applicant would be entitled to 0.65 PDCs. For the 37.16 acres of wetlands, the applicant would be entitled to 0.19 PDCs. There would be 0.84 PDCs allocated to this parcel.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.75 PDCs allocated to 62.4 acre Block 4750, Lot 2.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Lacey Township Planning Board (via email)
 Lacey Township Construction Code Official (via email)
 Lacey Township Environmental Commission (via email)
 Secretary, Ocean County Planning Board (via email)
 Susan R. Grogan, Executive Director, PDC Bank (via email)



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Chris Christie
 Governor
 Kim Guadagno
 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

LETTER OF INTERPRETATION #2164

January 9, 2018

Christopher Halgas (via email)
 508 Westfield Rd
 Moorestown, NJ 08057

Re: Application # 1987-0511.004
 Block 2507, Lots 38 - 54
 Sooy Place Road
 Woodland Township

FINDINGS OF FACT

The applicant owns the above referenced 83.7 acre parcel in Woodland Township. This acreage is based on the municipal tax map. The parcel is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

On December 13, 1988, the Commission issued LOI #399 allocating 6.75 PDCs to 302.66 acre Block 2506, Lots 25-28; Block 2507, Lots 22.01 and 38-58; Block 2508, Lots 2-20 and Block 2509, Lots 32-36 and 38. LOI #399 expired on December 13, 1990. On August 1, 2008, the Commission issued Amended LOI # 399. Amended LOI #399 excluded Block 2507, Lots 22.01 and 38-58 which were included in original LOI #399. Amended LOI #399 expired on August 1, 2010. The current application requests an LOI as to the number of PDCs which are allocated to only Block 2507, Lots 38 - 54.

The above referenced parcel consists of 72.38 acres of uplands and 11.32 acres of wetlands as defined by N.J.A. C. 7:50-6.5(a). The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel. The parcel is vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in the Pinelands Preservation Area District, Pinelands Special Agricultural Production Areas and Pinelands Agricultural Production Areas,



a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Pinelands Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which Pinelands Development Credits are allocated in the Pinelands Preservation Area District (N.J.A.C. 7:50-5.43(b)1). One Pinelands Development Credit is allocated for every 39 acres of uplands, except for certain uplands which have been approved for resource extraction operations. There are 0.2 Pinelands Development Credits allocated for every 39 acres of wetlands.

For the 72.38 acres of uplands, the applicant would be entitled to 1.86 PDCs. For the 11.32 acres of wetlands, the applicant would be entitled to 0.06 PDCs. There would be 1.92 PDCs allocated to this parcel.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 2.0 PDCs allocated to 83.7 acre Block 2507 Lots 38 - 54.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Woodland Township Planning Board (via email)
- Woodland Township Construction Code Official (via email)
- Secretary, Burlington County Planning Board (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)



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				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*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
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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.

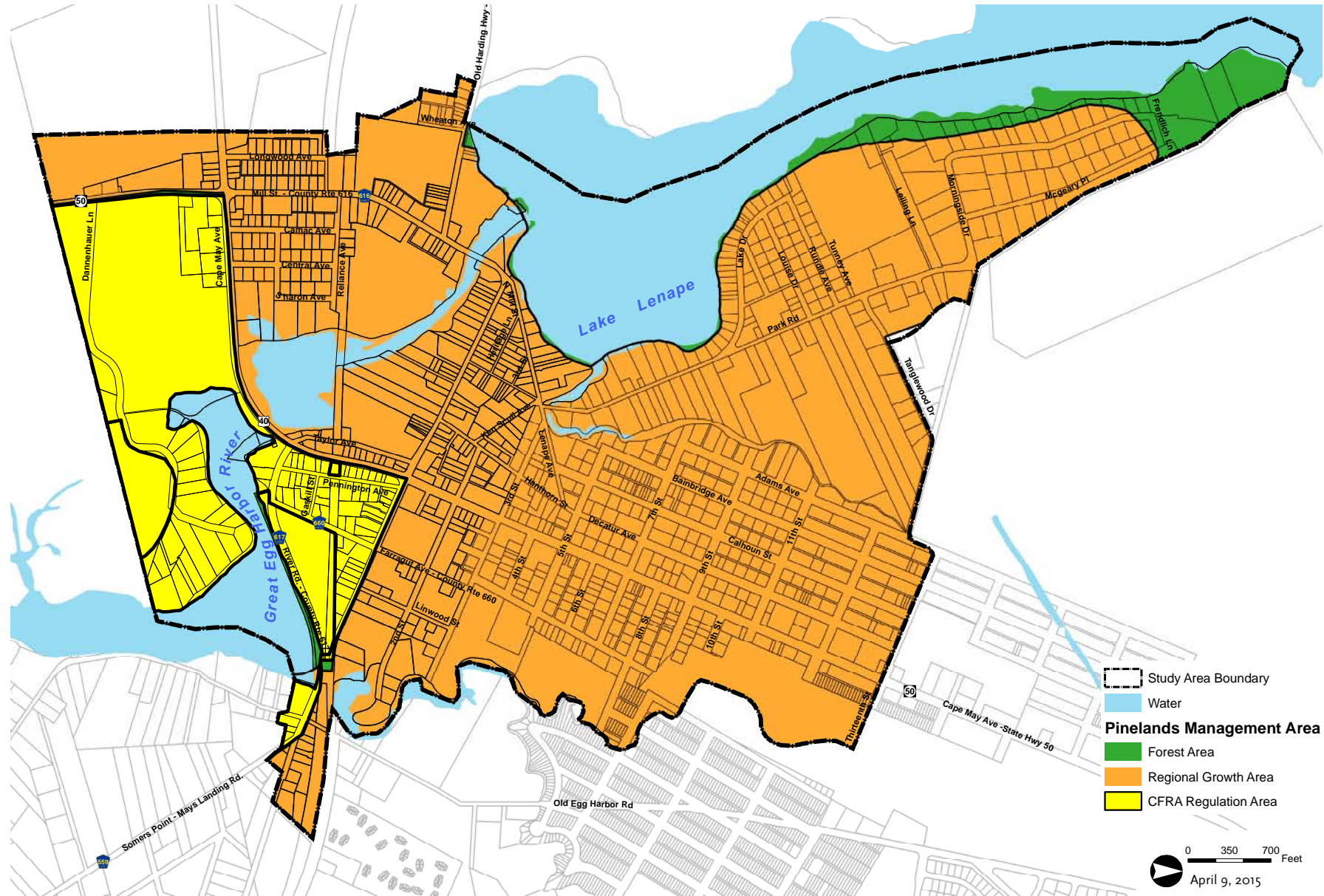
Written comments on the Mays Landing Neighborhood Plan and Ordinance 1858-2017 were accepted through December 13, 2017. However, no written comment was received.

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.

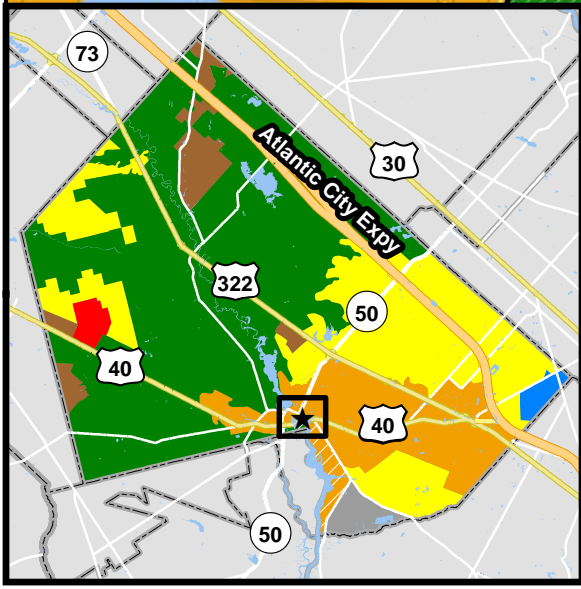
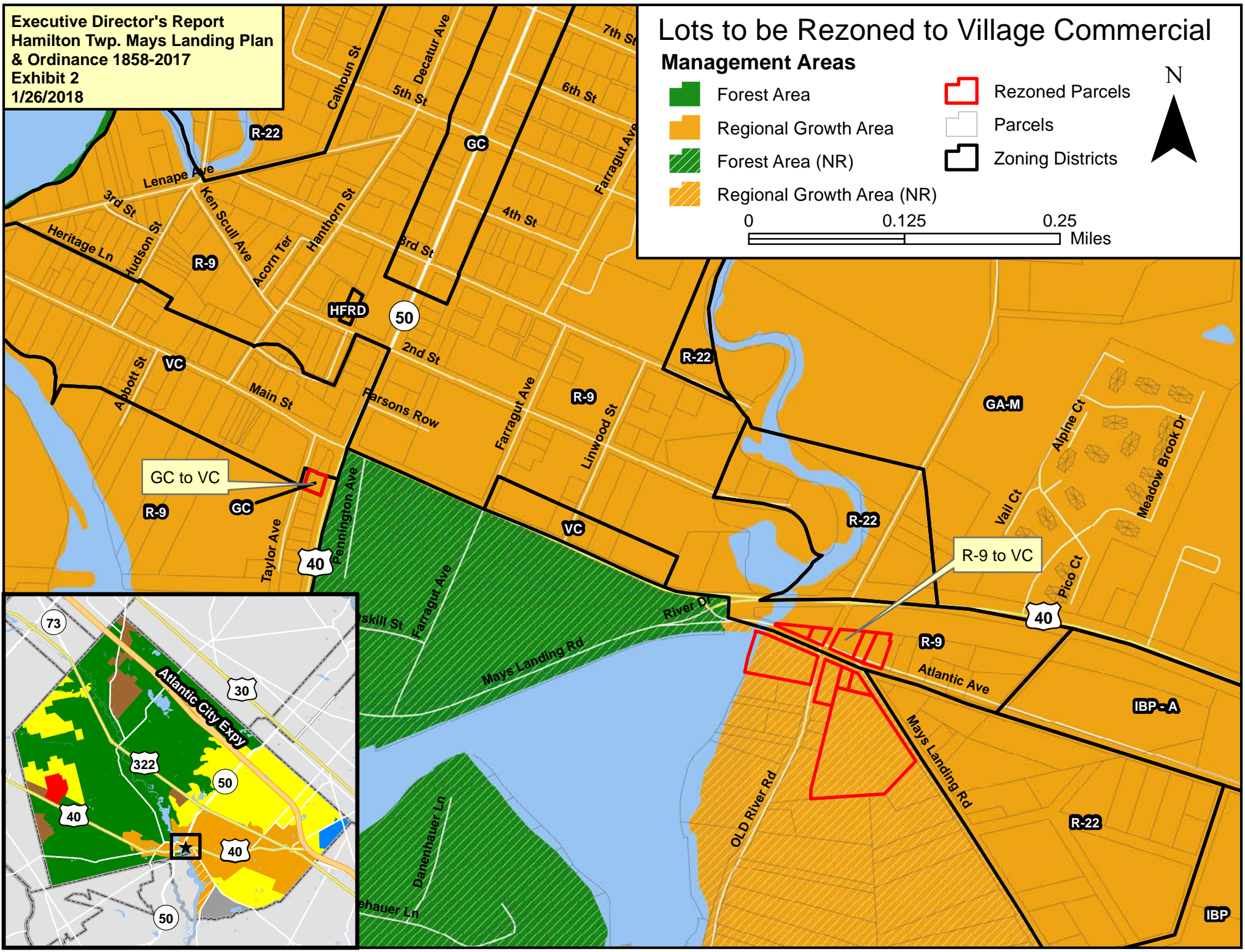
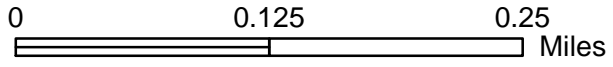
SRG/DBL/CHA
Attachments

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				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*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
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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

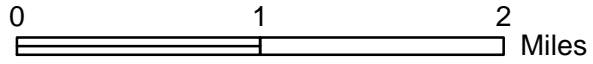
Based on the Findings of Fact cited above, the Executive Director has concluded that Resolution 2017-15 and Ordinance 22-17 comply with the Comprehensive Management Plan's standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends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

SRG/CJA
Attachment

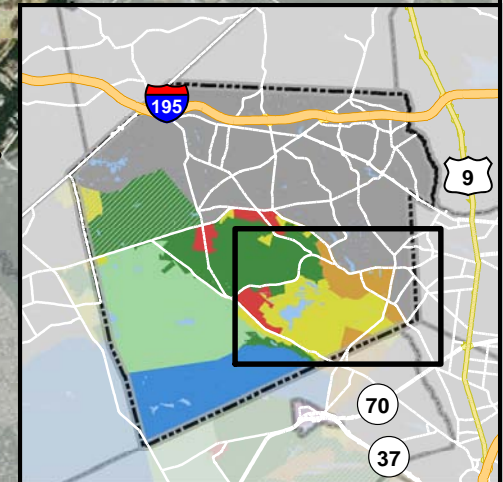
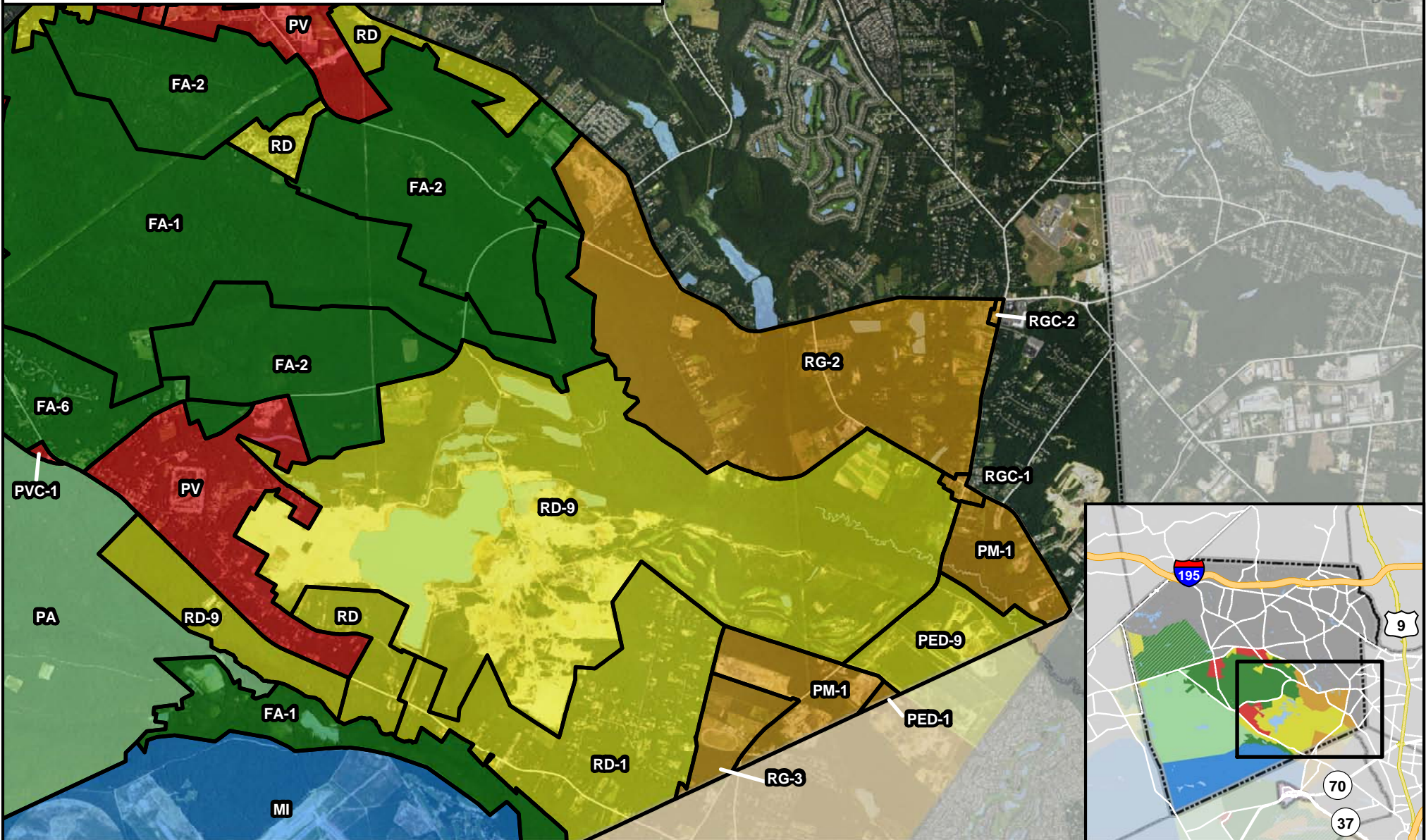
Jackson Township Regional Growth Area

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				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*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	POR-LI District (52 acres): 208 units ³
PB-1 District (20 acres): 0 units ²	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 69 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 the inclusionary housing requirements of the Fair Housing Act, which require a 20% set-aside for low- and moderate-income households, will be applied.

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

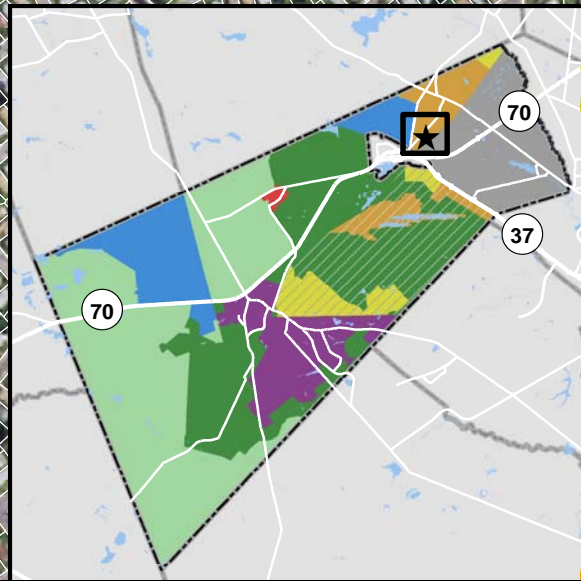
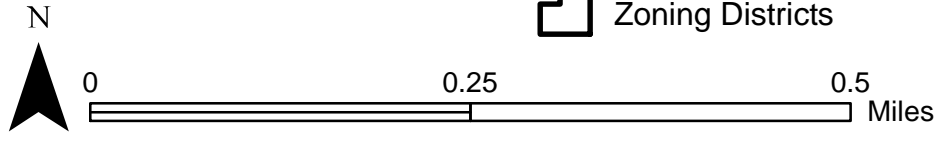
Attachment

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





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THE PINELANDS COMMISSION
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: January 31, 2018

Subject: No Substantial Issue Findings

During the past month, we reviewed three master plan and ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These amendments were:

Berlin Borough Ordinance 2017-15 - implements the Borough's previously certified 2017 Land Use Element by amending Chapter 335 (Zoning and Land Use) of the Borough's Code. Ordinance 2017-15 revises definitions and standards for sidewalks, free-standing signs and places of worship. The ordinance also reduces the minimum residential front yard setback in the PR-1 (Residential) Zone. Within the PC-2 and PC-3 (Commercial) Zones, Sidewalk Cafes are now a conditional use while Microbreweries and Nano-breweries, Distilleries, and Performing Arts Centers are now permitted uses. All zoning districts within the Pinelands Area that are affected by Ordinance 2017-15 are located in the Regional Growth Area.

Lacey Township Ordinance 2017-18 - amends Chapter 335 (Zoning) of the Township's Code by revising permitted and conditional uses in a number of zoning districts, including the VR (Village Residential) Zone in the Pinelands Area. Specifically, Ordinance 2017-18 eliminates churches, schools, nursery schools, daycare centers and private, non-profit recreational and community-oriented buildings as permitted uses in the VR Zone.

Ocean Township Planning Board Resolution No. 2017-7 - adopts minor revisions to the previously approved Housing Element and Fair Share Plan. In particular, the Fair Share Plan's affordable housing site F, Accessory Apartments, has been removed, and the expected affordable housing credits associated with affordable housing site D, Ocean Commons, have been increased from 12 credits to 60 credits. Sites D and F are both located east of the Garden State Parkway in that portion of the Pinelands National Reserve outside the state-designated Pinelands Area. Importantly, Site F and that portion of Site D proposed for residential development are located in a Regional Growth Area based on the Commission's 2007 certification of the Township's zoning plan for the Pinelands National Reserve.