



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands




Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Chief Planner

Date: September 20, 2017

Subject: September 29, 2017 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on September 29, 2017. We have also enclosed the following items:

- The minutes of the Committee's June 30, 2017 meeting; and
- Draft resolutions and reports on the Galloway Township, Manchester Township and Maurice River Township amendments on the agenda

/CS15

cc: All Commissioners (agenda only)



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

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

September 29, 2017

9:30 a.m.

Agenda

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the June 30, 2017 CMP Policy & Implementation Committee meeting
4. **Executive Director's Reports**

Galloway Township Ordinances 1969-2017 and 1970-2017, revising permitted uses in and expanding the boundaries of the R5C Cluster Overlay within the Rural Development Area

Manchester Township's 2017 Housing Element & Fair Share Plan and Ordinance 17-008, Amending Chapter 245 by creating the new PAF-1 (Pinelands Affordable Housing) Zone within the Regional Growth Area

Maurice River Township Ordinance 662, Adopting a Redevelopment Plan for the Pinelands Business Overlay zoning district in the Rural Development Area

5. Briefing on the draft State Water Supply Plan
6. Public Comment on Agenda Items

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

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

MINUTES

MEMBERS IN ATTENDANCE: Sean Earlen (Chairman), Robert Barr, Ed Lloyd, Ed McGlinchey and Richard Prickett

MEMBERS ABSENT: Candace Ashmun and Paul E. Galletta

OTHER COMMISSIONER PRESENT: Mark Lohbauer

STAFF PRESENT: Executive Director Nancy Wittenberg, Stacey P. Roth, Susan R. Grogan, John Bunnell, Brad Lanute, Robyn A. Jeney, Paul D. Leakan and Betsy Piner. Also present was Nicholas Kant with the Governor’s Authorities Unit

1. Call to Order

Chairman Earlen called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:35 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the April 28, 2017 CMP Policy & Implementation Committee meeting

Commissioner Barr moved the adoption of the April 28, 2017 meeting minutes. Commissioner McGlinchey seconded the motion. The minutes were adopted with all Committee members present voting in the affirmative.

4. Executive Director’s Reports

Barnegat Township Ordinance 2017-12, amending Chapter 55 (Land Use) by adding condominium developments as a conditional use in the Neighborhood Commercial Zone

Mr. Leakan displayed on the SmartBoard the map from the meeting packet associated with the Executive Director's Report on Barnegat Township Ordinance 2017-12.

On the map, Ms. Grogan identified the C-N (Neighborhood Commercial) Zone within Barnegat Township's Regional Growth Area (RGA) as well as the Ocean Acres development directly to the south and the nearby Shoreline Sand and Gravel and Compass Point Redevelopment Area (for which the Redevelopment Plan was approved by the Commission at its May 12, 2017 meeting). Ms. Grogan said Barnegat Township Ordinance 2017-12 adds condominium development as a conditional use in that portion of the C-N Zone within the RGA. The ordinance requires that condominium development be located on property directly accessed by a county road, that the property is at least nine acres, that all units be age-restricted and limited to one- and two-bedroom units with a maximum density of 15 units per acre and that PDCs are mandatory for 25% of all units. There is no affordable housing requirement, which is unusual for a new RGA zone. Only a single property qualifies to meet the standards for this new conditional use.

Ms. Grogan said staff had worked closely with Barnegat Township in developing these standards, that no public comment had been received and that staff recommends approval of the ordinance.

In response to Commissioner Lohbauer's question regarding the impact of development on the flooding problems, Ms. Grogan said stormwater must be managed on site. She noted that to the south of Barnegat's Ocean Acres is the site where the Commission approved a basin to help deal with the flooding problem in the Stafford Township portion of Ocean Acres.

Commissioner Barr moved the recommendation to the Commission for the certification of Barnegat Township Ordinance 2017-12. Commissioner McGlinchey seconded the motion and all voted in favor.

Ocean County's Amendment to the Comprehensive Public Safety Tower Plan for Pinelands, revising the siting policy for proposed local communications facilities

Mr. Lanute made a presentation on Ocean County's amendment to the Comprehensive Public Safety Tower Plan for Pinelands (*Attachment B and on the Commission's web site at <http://www.nj.gov/pinelands/home/presentations/OIT%20Plan%20Amendment-%20P&I%20Meeting%206.30.pdf>*) and reminded the Committee that it had received an in-depth presentation on the public safety tower plan at its April 28, 2017 meeting. He presented a brief overview of the various comprehensive local communications facilities plans that the Commission has approved. He explained the siting policy that has been approved with each plan and that the search area of each siting policy is based on the radio frequency that the facility transmits and receives. He stated that the Comprehensive Public Safety Tower Plan for Pinelands represents county public safety facilities operating in the 700 MHz spectrum.

Mr. Lanute said Ocean County had determined that the approved site for a public safety tower in Jackson Township's Patriot's Park was unsuitable as the land is on the Recreational and Open

Space Inventory (ROSI), which permits only recreation or conservation on such properties. The County has identified another site, the public works garage some 2.5 miles away from the park, and determined this to be a more suitable location. However, this other site is outside the approved one-mile search area. The County found that the search area was overly restrictive because of the relationship between the frequencies for public safety radio communications and the propagation distance at these frequencies. He said the amendments propose an expansion of the approved search area from a one-mile search radius to a three-mile radius as well as the addition of greater flexibility in siting a facility on developed, publicly-owned land. Mr. Lanute said that public agencies differ from private companies in that the counties generally want to site on existing publicly-owned developed sites rather than purchasing raw land for development of towers. He said that no new facilities are proposed under this amendment.

In response to questions from Commissioners Lloyd and Barr as to why the amended search area was not increased to five miles, such as for the first approved Plan in 1998, Mr. Lanute said staff felt that was too large an area because the signal propagation engineering is now more advanced and there is a broader understanding of the relationship between the service frequency and the search area. He said siting facilities on developed publicly-owned sites would provide flexibility to the counties that would not be available to the commercial providers. Furthermore, under the hierarchy of preferred management areas, public towers can be located on a site within the Management Area, or one less constrained, for which they were approved.

Ms. Grogan said it was unfortunate that staff had not recognized that the Patriot's Park site was on the ROSI when the Tower Plan was originally approved. She said it is difficult for staff to do a detailed site analysis at the comprehensive plan stage. She said staff believes these amendments are a significant improvement to the Public Safety Tower Plan.

In response to Commissioner Prickett's statement that Ocean County could buy additional land to accommodate its new tower, Ms. Grogan said that was true, but the Commission is trying to promote the use of developed publicly-owned land.

Commissioner McGlinchey moved the recommendation to the Commission for the approval of Ocean County's amendment to the Comprehensive Public Safety Tower Plan for Pinelands. Commissioner Lloyd seconded the motion and all voted in favor.

5. Off-road vehicle activities in Wharton State Forest: consideration of a resolution providing guidance to the New Jersey Department of Environmental Protection

Ms. Wittenberg said the Commission has been discussing vehicle damage in the Wharton State Forest (Wharton) for two years. She said it had spent a considerable amount of time on this issue including a March 15, 2015 site visit with some Commissioners, various stakeholder meetings with the New Jersey Department of Environmental Protection (NJDEP) as well as multiple Commission and P&I Committee meetings. She said that staff had sent disturbed sites data to the NJDEP and had met with them regarding park protection. She said the "1997" USGS map of Wharton State Forest provided today (*on display in the meeting room*) was cobbled together from hand-drawn maps of various years because there is no one map dated 1997 that includes all

of Wharton. Ms. Wittenberg said that based on the draft resolutions prepared by Commissioner Lloyd, this is the map that can be used as a baseline for roads that exist in Wharton. She said Wharton is massive and there is a broad definition as to what is a road.

Commissioner Lohbauer said he had strong feelings about protecting Wharton. He thanked the staff and Executive Director for their efforts on this project. He said he hoped the P&I Committee would see fit to recommend that the Commission address this issue. He says the draft resolution included in the packet would allow the Commission to use its narrow authority to help enforce the protection of Wharton. He said although he was not a voting member of the Committee, he suggested that the title of the resolution be changed from “identifying to “designating” as follows (~~Identifying~~ Designating Roads within Wharton State Forest that are Appropriate for Recreational Use by Motor Vehicles).

Commissioner Prickett said NJDEP currently uses the hand-drawn USGS maps to identify roads in Wharton, so this map must not be alien to them.

Ms. Wittenberg responded that NJDEP concurs that there is no single 1997 map that covers all of Wharton.

In response to Chairman Earlen’s question if NJDEP had seen this composite map, Ms. Wittenberg said staff has seen the map but not the resolution.

Commissioner Barr observed that this map is just for the sake of the public and asked if Ms. Wittenberg anticipated receiving more feedback from NJDEP.

Ms. Wittenberg responded that the relationship with NJDEP staff was very good and there had been a lot of back-and-forth on various issues of common interest. She said she did not know how NJDEP would feel about the resolution but she thought staff could meet with the NJDEP Commissioner to discuss it.

Commissioner Prickett said he believed the language of the draft resolution reflects all the Committee’s discussion and he didn’t feel it contained any surprises.

Commissioner McGlinchey displayed his personal collection of USGS maps and said that there was no question that using USGS base maps was the correct thing to do as they are the most detailed. However, he said he still had a problem with designating every trail, road, firebreak etc. that appears on those base maps as appropriate for motor vehicles. He said he knew there were some instances that those roads dead-end right into sensitive areas and target the heart of the forest. He said he believed the Commission could designate sensitive areas, not so much roads, and said he didn’t believe in giving *carte blanche* access to all the roads on the map. He said he was against the damage but didn’t believe designating every jeep trail on this map would help resolve the problem. He said the Commission needs to focus on all the forests, not just on Wharton due to its notoriety. He said he had mixed emotions as to how to proceed.

Commissioner Lloyd said this is not perfect and he agreed that more should be done than just Wharton but not all the State forests could be addressed at once. He said this is a first step to help enforcement.

Commissioner McGlinchey said this map shows narrow trails that will indicate incorrectly that they are permissible for vehicular traffic.

Commissioner Lloyd said that Commissioner McGlinchey was looking for perfection to which Commissioner McGlinchey responded that he was looking for *areas* to designate, rather than roads.

Commissioner Lohbauer said he agreed that the Commission is trying to protect areas by allowing access only on designated roads. He said he believed the designated roads go *to* the sensitive areas, not *through* the sensitive areas. He said there is a problem if roads are not designated because law enforcement cannot defend its position against violators in court. He said there will be future modifications and roads might be opened or closed. He said staff has tried for years to overcome the objections of the public.

Commissioner McGlinchey said he agreed with the efforts but didn't believe it was appropriate to say everything on the map was an acceptable vehicle road. He said he did not believe the Commission should be designating any roads.

Commissioner Lloyd moved the recommendation to the Commission for the approval of a resolution providing guidance to the NJDEP regarding off-road vehicle activities in Wharton State Forest with the provision that the word "Identifying" be replaced with "Designating" in the title of the resolution. Commissioner Prickett seconded the motion.

Chairman Earlen said until he heard from NJDEP and the various interested parties regarding this resolution, he supported advancing the resolution to the full Commission for discussion but, was not yet convinced that this was the correct approach.

Ms. Wittenberg said she would seek a response from NJDEP before the next meeting.

The vote occurred with all voting in favor of advancing the resolution to the full Commission.

6. Pinelands Conservation Fund: 2017 Land Acquisition Round

Ms. Jeney said she would update the Committee on the 2017 round of Pinelands Conservation Fund projects and that a closed session would be required as most of these projects are not yet under contract. She made a presentation (*Attachment B to these minutes and posted on the Commission's web site at:*

<http://www.nj.gov/pinelands/home/presentations/2017%2006%2030%20P&I%20meeting%20Project%20Recs.pdf>)

Ms. Jeney said that eight applications for funding had been submitted for the 2017 round, five in Ocean County and three in Burlington County. She reviewed the evaluation criteria that staff

applied when making its recommendations to the Committee noting that the threat from off-road vehicles (ORVs) and planned stewardship by the acquiring entity was a prominent new feature of this round. She said following the Committee's approval, a December 1, 2017 deadline would be imposed for securing complete appraisals, certification of market value, obtaining a signed contract with the landowner and executing the grant agreement with the Commission. She said one of the projects to be presented today was a contingency project (outside the pre-designated acquisition target areas) that required grant approval by the full Commission.

Ms. Roth read a resolution stating the Committee would meet in closed session to discuss land acquisition matters.

At 10:35 a.m., Commissioner Prickett moved that the Committee meet in closed session to consider allocation requests and staff recommendations. Commissioner Lloyd seconded the motion and all voted in favor.

The Committee then decided that it would hear public comment on agenda items prior to entering into closed session.

7. Public Comment on Agenda Items

Ms. Paula Yudkowitz, a resident of Oaklyn, NJ, said she had attended many of these meetings discussing damage from ORVs and she felt Chairman Earlen appeared not to have any interest in stopping the damage. She said every weekend hundreds of vehicles continue to damage the forest and asked how many impassioned pleas from the public were necessary to protect the area. She asked what the members of the public could do to secure the forest from this damage.

Dr. Emile DeVito, with New Jersey Conservation Foundation (NJCF), thanked the Committee for advancing the Wharton resolution to the full Commission. He said that designating roads for use by vehicles is the easiest way to designate areas that should be avoided. He said he agreed with Commissioner McGlinchey that some of the road sections on the proposed map run into sensitive areas and will need to be closed. Dr. DeVito also expressed concern with the routes that NJDEP has approved for Enduro events through sensitive areas that, over the last ten years, have led to documented destruction of pine snakes/nests and other habitat damage.

Ms. Harriett Rola, a resident of Haddon Township, NJ, said she was a Pinelands advocate and hoped the Commission would move swiftly to resolve the issues of ORV damage to the crown jewel of New Jersey's natural environment. She suggested that many of the roads through the forest be closed and restored to preclude public access.

Commissioner Prickett clarified that the Committee had just voted unanimously to move the resolution regarding road designation in Wharton State Forest for the consideration of the full Commission.

Mr. Joe Morrison, a resident of Waterford Township asked who owns the roads within Wharton State Forest, noting that West Mill Road, a gravel road intersecting Route 206 in Hammonton is

one of many roads whose jurisdiction was unclear. He said he felt the Commission needed that information.

Ms. Wittenberg said the roads have multiple owners, e.g. a county, a municipality or the State.

Commissioner Lloyd said he felt the issue was not one of ownership but of jurisdiction.

Mr. Jason Howell, with the Pinelands Preservation Alliance, said he felt if a map were created, it would provide the public with a great access opportunity. He said it is important to get more people out into the woods.

Ms. Wittenberg said she hoped the public could understand that sometimes taking action is not a matter of what the Commission wants to do but what it can do legally. If one reads the CMP, the language never says the Commission can designate “roads”; rather it can designate “areas.” She said she doesn’t want the public to think the Commission is avoiding a difficult issue; it is a matter of wanting a defensible document.

At 10:50 a.m., the Committee met in closed session.

Pinelands Conservation Fund: 2017 Land Acquisition Round (continued discussion)

At 11:20 a.m., the Committee reconvened in open session.

Ms. Jeney summarized the action that had taken place in closed session (*See Attachment B*), noting that the Committee reviewed 8 projects and approved three allocations with a deadline of December 1, 2017 to meet certain requirements. She said a fourth project, requiring full Commission authorization, was recommended for advancement for the Commission’s consideration at its July 14, 2017 meeting. Ms. Jeney said if all projects are completed, the entire allocation of \$500,000 for the 2017 Round will have been expended.

In response to Commissioner Prickett’s request for an update on the Pinelands Summer Short Course, Mr. Leakan said efforts were ongoing to boost enrollment for the July 27, 2017 event. He reminded the Commissioners that they are welcome to attend at no charge.

In response to Commissioner Prickett’s question for an update on the trees that had been cut at Harrisville Lake, Ms. Wittenberg said that she had spoken with NJDEP representatives and the tree cutting was associated with a dam safety project. NJDEP was to have notified the Commission in advance of such activities but had failed to do so. She said she should know more by the July Commission meeting.


In response to the statement by Commissioner Prickett that the Commission needed enforcement powers which he believed it once had, Ms. Grogan said, in the past, the Commission had sufficient staff to *identify* violators, but has never had enforcement powers.

Commissioner Lohbauer complimented Commissioner Prickett on the success of the June 24-25, 2017 Whitesbog Blueberry Festival.

Commissioner Prickett noted that the event has been a success for 34 years thanks to the thousands of hours of volunteer efforts.

There being no other items of interest, the meeting adjourned at 11:30 a.m. (moved by Commissioner Barr and seconded by Commissioner McGlinchey).

Certified as true and correct:




Betsy Finer,
Principal Planning Assistant

Date: August 9, 2017

Ocean County's Amendment to the Public Safety Tower Plan

Policy & Implementation Committee
June 30, 2017

Local Communications Facilities (LCF)

Height Limits:
RGA & Pinelands Towns = No limit
Everywhere else = 35 foot limit

Local Communications Facilities Regulations
RGA and Pinelands Town – N/A
Everywhere else – LCF up to 200 feet tall, provided that:

- Demonstrate need
- Colocation on existing suitable structures
- Design towers to accommodate other providers
- Siting standards for new towers
- Comprehensive planning
 - Applications for individual applications after plan

Summary of Comprehensive Plans

Plan	Certified	Participants
Cellular Plan	9/11/1998	Bell Atlantic Mobile; Comcast/Cellular One; Nextel
PCS Plan	1/14/2000	Sprint; Omnipoint
AT&T Plan	12/12/2003	AT&T
T-Mobile Plan	11/10/2011	T-Mobile
Sprint Plan	11/8/2013	Sprint
Public Safety Tower Plan	5/11/2012	Pinelands Counties

Public Safety Tower Plan

Commission Certified: May 11, 2012

Participants: Seven Pinelands Area counties

Purpose: Comprehensive plan for County facilities necessary to provide critical public safety communications coverage within the Pinelands Area.

Proposed Facilities: 49 total

- Phase 1 & 2 : 22 (1 built; 1 approved)
- Phase 3 : 27 (0 built; 0 approved)

Siting Policy & Search Area

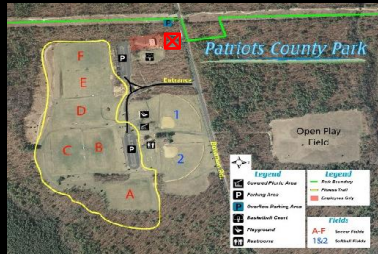
- Each LCF Plan has an approved siting policy
 - Acknowledges uncertainty of long-range plans
 - Provides final siting flexibility with constraints
 - Bounded by the search area radius
 - Hierarchy of preferred management areas

LCF Plan	Service Frequency (in MHz)	Search Area Extent (in miles)	Hierarchy
Cellular Plan	800	5	Outside the Pinelands
PCS Plan	1850-1900	0.5	RGA/PT
AT&T Plan	1850-1900	0.5	RDA, APA, Select Villages
T-Mobile Plan	1850-1900	1	RDA, APA, Select Villages
Sprint Plan	1850-1900	1	RDA, APA, Select Villages
Public Safety Tower Plan	700	1	PAD, FA, SAPA, Select Villages

Ocean County Proposed Tower

Originally Proposed Site: Patriots Park

- Rural Development Area
- ROSI List



Ocean County Proposed Tower

Newly Proposed Site: County Roads Garage

- Pinelands Village
- Meets coverage needs; less disturbance and visual impacts

2.5 miles
from
Patriots
Park




Proposed Amendment

1. It expands the extent of the search area for the final siting of a proposed facility from a 1-mile radius to a 3-mile radius.
2. It provides greater flexibility when siting a facility on developed, publically-owned land.

Proposed Amendment

- The amendment does not include any additional proposed facilities.
- Applies only to facilities proposed in the Public Safety Tower Plan.
- Applies to all of the proposed Phase 1 and 2 facilities within the Public Safety Tower Plan.

PCF 2017 Round of Applications

- **April 4 2017:** Commission announced grant availability to eligible entities
- **May 31 2017:** 2017 PCF grant applications due
- Staff reviewed and evaluated applications
 - Using authorized evaluation criteria
 - Including site visits
- **June 30 2017:** Staff presents projects recommended for PCF allocations to P&I Committee for approval





Photo by Paul Leskoni, NJPC



Submitted Applications

8 applications submitted:

- OCNLT, Ocean County – 5
- NJCF, Burlington County – 1
- Rancocas Conservancy, Burlington County – 1
- TPL, Burlington County – 1







Photo by Paul Leskoni, NJPC




Evaluation Criteria

- Project size
- Contiguity with other permanently protected lands
- Habitat quality
- Protection of headwaters
- ORV damage threat & planned stewardship
- Project feasibility

Photos by Paul Leskoni, NJPC



Today's Recommendations

Following the Committee's approval to allocate funds, a **December 1, 2017** deadline will be imposed to:

- Complete appraisals
- Obtain certification of fair market value
- Sign contract with landowner; and
- Execute grant agreement.

Deadline extensions are permissible, with the Committee's approval.



Photo by Paul Leskoni, NJPC




Today's Recommendations

If the Committee agrees, one project requires grant approval by the full Pinelands Commission, due to its location outside of a pre-designated target area.




Photo by Paul Leskoni, NJPC



PCF Closed Session

Pine barren gentian (*Gentiana autumnalis*) remains closed on a cloudy day.
Photo by Robyn A. Jancy, NJPC


Closed session is necessary to afford confidentiality to proposed projects while landowners and potential buyers negotiate a contract.



PCF Open Session

Pine barren gentian (*Gentiana autumnalis*) opens in the sunlight.
Photo by Robyn A. Jancy, NJPC

Closed session was necessary to afford confidentiality to proposed projects while landowners and potential buyers negotiate a contract.



Summary of Closed Session

- 8 projects were reviewed
- **3 allocations** approved:
 - ♣ 1 in Burlington County
 - ♣ 2 in Ocean County
- **Deadline of December 1, 2017** to:
 - ♣ Complete appraisals
 - ♣ Obtain certification of fair market value
 - ♣ Sign contract with landowner
 - ♣ Execute grant agreement
- **1 project** recommended to full Commission for grant allocation

Photo by Paul Leskian, NJPC



2017 PCF Available Funds

Initial funds available: **\$500,000**

Allocation Area	Allocated	Paid	Acres
Forked River Mtns	\$ 54,363	--	44
Ocean Co. Forest	\$209,970	--	100
Sooy Place Road	\$169,000	--	457
Contingency	\$ 66,667	--	200
Total	\$500,000	\$--	801



Photos by Paul Leskian, NJPC





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Issuing an Order to Certify Ordinances 1969-2017 and 1970-2017, Amending the Zoning Map and Chapter 233 (Land Management) of the Code of Galloway Township

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of the Township of Galloway; and

WHEREAS, Resolution #PC4-87-19 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 #PC4-87-19 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 August 15, 2017, Galloway Township adopted Ordinance 1969-1969, amending Chapter 233 (Land Management) of the Township's Code by revising permitted uses in the R5C Cluster Overlay District; and

WHEREAS, on August 15, 2017, Galloway Township also adopted Ordinance 1970-2017, amending the Township's Zoning Map by expanding the R5C Overlay District to include portions of three additional parcels; and

WHEREAS, the Pinelands Commission received certified copies of Ordinances 1969-2017 and 1970-2017 on August 17, 2017; and

WHEREAS, by letter dated August 18, 2017, the Executive Director notified the Township that Ordinances 1969-2017 and 1970-2017 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinances 1969-2017 and 1970-2017 was duly advertised, noticed and held on September 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 Ordinances 1969-2017 and 1970-2017 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 Ordinances 1969-2017 and 1970-2017 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 Ordinances 1969-2017 and 1970-2017 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinances 1969-2017 and 1970-2017 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 Ordinances 1969-2017 and 1970-2017, amending the Zoning Map and Chapter 233 (Land Management) of the Code of Galloway Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Galloway 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					Galletta					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Brown					Lohbauer					Earlen				
Chila					McGlinchey									

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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 THE PINELANDS COMMISSION
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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

**REPORT ON GALLOWAY TOWNSHIP ORDINANCES 1969-2017 AND 1970-2017,
 AMENDING THE ZONING MAP OF GALLOWAY TOWNSHIP AND CHAPTER 233 (LAND
 MANAGEMENT) OF THE CODE OF GALLOWAY TOWNSHIP**

September 29, 2017

Galloway Township
 300 E. Jimmie Leeds Road
 Galloway, NJ 08205

FINDINGS OF FACT

I. **Background**

The Township of Galloway is located in the southeastern portion of the Pinelands Area, in Atlantic County. Pinelands municipalities that abut Galloway Township include Port Republic City and Egg Harbor City, and the Townships of Hamilton, Egg Harbor, and Mullica in Atlantic County, as well as Washington and Bass River Townships in Burlington County.

On March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Galloway Township.

On August 15, 2017, Galloway Township adopted Ordinance 1969-2017, amending Chapter 233 (Land Management) of the Township’s Code by revising permitted uses in the R5C Cluster Overlay District. On that same date, the Township also adopted Ordinance 1970-2017, amending the Township’s Zoning Map by expanding the R5C Cluster Overlay District to include portions of three additional parcels. The Pinelands Commission received certified, adopted copies of Ordinances 1969-2017 and 1970-2017 on August 17, 2017.

By letter dated August 18, 2017, the Executive Director notified the Township that Ordinances 1969-2017 and 1970-2017 would require formal review and approval by the Pinelands Commission.

II. **Master Plans and Land Use Ordinances**

The following ordinances have been submitted to the Pinelands Commission for certification:

- * Ordinance 1969-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, introduced on July 11, 2017 and adopted on August 15, 2017; and

- * Ordinance 1970-2017, amending the Zoning Map of Galloway Township, introduced on July 11, 2017 and adopted on August 15, 2017.

These ordinances 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 Master Plans and Land Use Ordinances Relating to Development Standards

Ordinance 1969-2015 amends Chapter 233 (Land Management) of the Code of Galloway Township by expanding the list of permitted uses in the R5C (Cluster Overlay) District. Specifically, Ordinance 1969-2017 adds public recreational facilities as a permitted use, subject to a number of conditions. Ordinance 1970-2017 amends the Township's Zoning Map by expanding the boundaries of the R5C District to include two lots (Block 647, Lots 1 and 7) and a portion of a third lot (Block 473, Lot 13) (see Exhibit #1). All three lots are municipally-owned and front on Duerer Street. Block 647, Lot 1 consists of preserved open space and is listed on the Township's Recreation and Open Space Inventory. Block 647, Lot 7 and Block 473, Lot 13 contain existing municipal recreation facilities. In total, Ordinance 1970-2017 adds 50 acres to the R5C Zone.

The R5C District is a unique zoning district located in the Pinelands Rural Development Area. It was established in 1987 when the Commission originally certified Galloway Township's master plan and land use ordinances. At that time, a Great Blue Heron rookery existed in the Township's Rural Development Area. This prompted the Township and the Commission to craft special ordinance provisions that would allow for development in appropriate areas while at the same time providing an opportunity for protection of the rookery and surrounding forested lands. The result was the R5C District (see Exhibit #2), within which a density transfer program was established. This density transfer program allowed nonresidential development (community commercial, offices and schools) in that portion of the R5C District outside the rookery. To achieve the permitted intensity of nonresidential development (900 square feet per acre), forested lands within and around the rookery had to be permanently preserved. Although normally not permitted in a Rural Development Area, sewer service was permitted throughout the R5C District as a means of further encouraging nonresidential development and, as a result, protection of the rookery.

In 2006, Galloway Township adopted Ordinance 1653-2006 to clarify permitted uses and the provisions of the density transfer program in the R5C District. Ordinance 1653-2006, certified by the Commission on September 8, 2006, delineated the boundaries of the Protected Rookery Area (see Exhibit #3). Essentially, the Protected Rookery Area includes all forested lands in the R5C

District between Genoa Avenue, Duerer Street, Zurich Avenue, Pomona Road and Jimmie Leeds Road. Ordinance 1653-2006 also specified that residential development in the R5C District must be clustered and located on existing roads. Although residential development is permitted in the Protected Rookery Area, nonresidential uses must be located outside the Protected Rookery Area.

The R5C Zone originally contained approximately 300 acres, 125 of which were in the Protected Rookery Area. Zoning changes since 1987 have reduced the size of the zone to a total of approximately 230 acres, although the amount of land in the Protected Rookery Area has remained the same. Land preservation efforts within the Protected Rookery Area have been successful. Most notably, 39 acres were permanently protected by Galloway Township in 2005 to facilitate development of a new school along Jimmie Leeds Road east of the Protected Rookery Area. That same year, another 29 acres were purchased and preserved by the Township with funding assistance from the Commission's CMCMUA Land Acquisition Program. As of 2017, nearly 70 percent of the Protected Rookery Area has been preserved, as displayed on Exhibit #3. Approximately 40 acres remain to be protected.

The amendments adopted by Ordinances 1969-2017 and 1970-2017 are designed to expand the permitted uses and boundary of the R5C District in order to recognize existing intensive public recreational facilities on Duerer Street and provide an opportunity for the construction of new bathroom facilities to be served by sanitary sewer.¹ Such development will be permitted only on Block 647, Lot 7 and that portion of Block 473, Lot 13 added to the R5C District. The third lot, Block 647, Lot 1, is already preserved and has been added to the Protected Rookery Area. Based on Ordinance 1969-2017, public recreational facilities will now be a permitted use in the R5C District, outside the Protected Rookery Area. If sewer service is proposed to serve such recreational facilities, lands within the Protected Rookery Area must be permanently protected. One acre in the Protected Rookery Area must be preserved for every acre of land devoted to existing or proposed recreational use, including associated parking. As example, if the recreational facilities on Block 647, Lot 7 and Block 473, Lot 13, occupy 25 acres, then 25 acres of land in the Protected Rookery Area would need to be preserved when and if construction of a sewer line to serve the recreational facilities is proposed. Finally, Ordinance 1969-2017 permits a maximum of 900 square feet per acre for recreational buildings, a requirement that may be met on-site or through the protection of noncontiguous lands in the Protected Rookery Area.

Expansion of the permitted uses and boundary of the R5C District will achieve the Township's goals, while at the same time ensuring that additional lands in the Protected Rookery Area are preserved. The likelihood of such preservation occurring was significantly reduced as a result of zoning changes over time, which removed relatively large tracts of vacant land from that portion of the R5C District where nonresidential development was permitted. Ordinances 1969-2017 and 1970-2017 restore the balance and provide a continued opportunity for the density transfer program to operate as originally intended. The ordinances do, as described above, allow sewer service to be extended to serve development in the Rural Development Area, something which the Comprehensive Management Plan normally permits only to correct a documented public health problem. This does not automatically render the Township's ordinances inconsistent with the Comprehensive Management Plan. Pinelands municipalities have the ability to refine the various standards and provisions of the Comprehensive Management Plan and tailor them to

¹ Wetlands on and around the lots containing the recreational facilities render the siting of a new septic system infeasible because the required 300 foot buffer cannot be maintained.

local conditions, provided Comprehensive Management Plan goals and objectives continue to be achieved. In this case, Galloway Township has chosen to expand on a previously certified, creative zoning ordinance that allows sewer nonresidential development in a small area, balanced by the permanent protection of sensitive lands in another location. The permitted nonresidential development is limited in intensity to that which could normally occur in the Rural Development Area using a septic system. The lands to be protected are wooded and the site of a (former) Great Blue Heron rookery. The R5C District and its expansion represent an appropriate exercise of municipal flexibility, one that meets the objectives of the Comprehensive Management Plan.

Ordinances 1969-2017 and 1970-2017 are consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

It should be noted that by expanding the R5C District, Ordinance 1970-2017 expands the area in Galloway Township in which sewer service is permitted. This will necessitate the submission of an Atlantic County Water Quality Management Plan amendment to the Department of Environmental Protection for review and approval.

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

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Galloway Township Ordinances 1969-2017 and 1970-2017, amending Chapter 233 (Land Management) of the Township's Code and adopting a revised Zoning Map, 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

Galloway Township Ordinances 1969-2017 and 1970-2017, amending Chapter 233 (Land Management) of the Township's Code and adopting a revised Zoning Map, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The zoning changes adopted by Ordinance 1970-2017 do not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Galloway Township's application for certification of Ordinances 1969-2017 and 1970-20175 was duly advertised, noticed and held on September 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 the testimony was received:

Mayor Don Purdy thanked the Commission for its time and consideration. He stated that the Township would be submitting written comments.

Vincent Polistina, Galloway Township Engineer, stated that the two ordinances will be good for Galloway Township.

There being no further testimony, the hearing was concluded at 9:50 a.m.

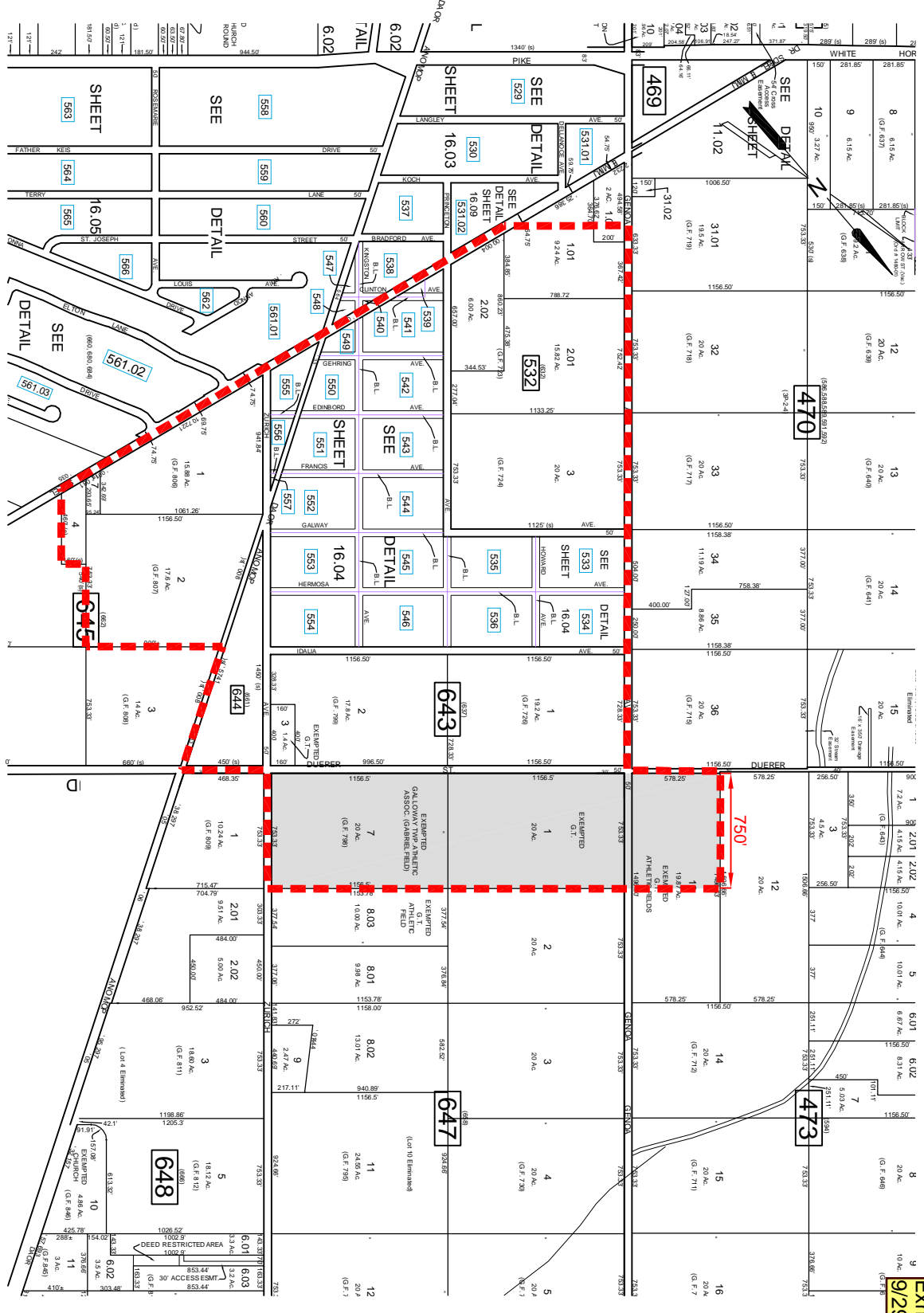
Written comments on Ordinances 1969-2017 and 1970-2017 were accepted through September 13, 2017 and were received from the following individuals:

Undated written comments from Mayor Don Purdy (Exhibit #4)

CONCLUSION

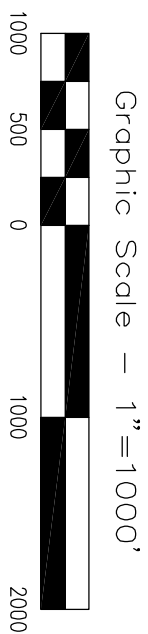
Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinances 1969-2017 and 1970-2017 comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinances 1969-2017 and 1970-2017 of Galloway Township.

SRG/CGA
Attachments



PROPOSED R5C ZONING BOUNDARY

ADDITIONAL AREA TO BE INCLUDED
 IN PROPOSED R5C ZONE



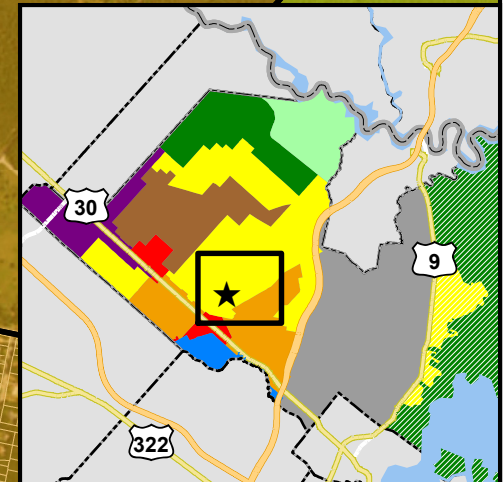
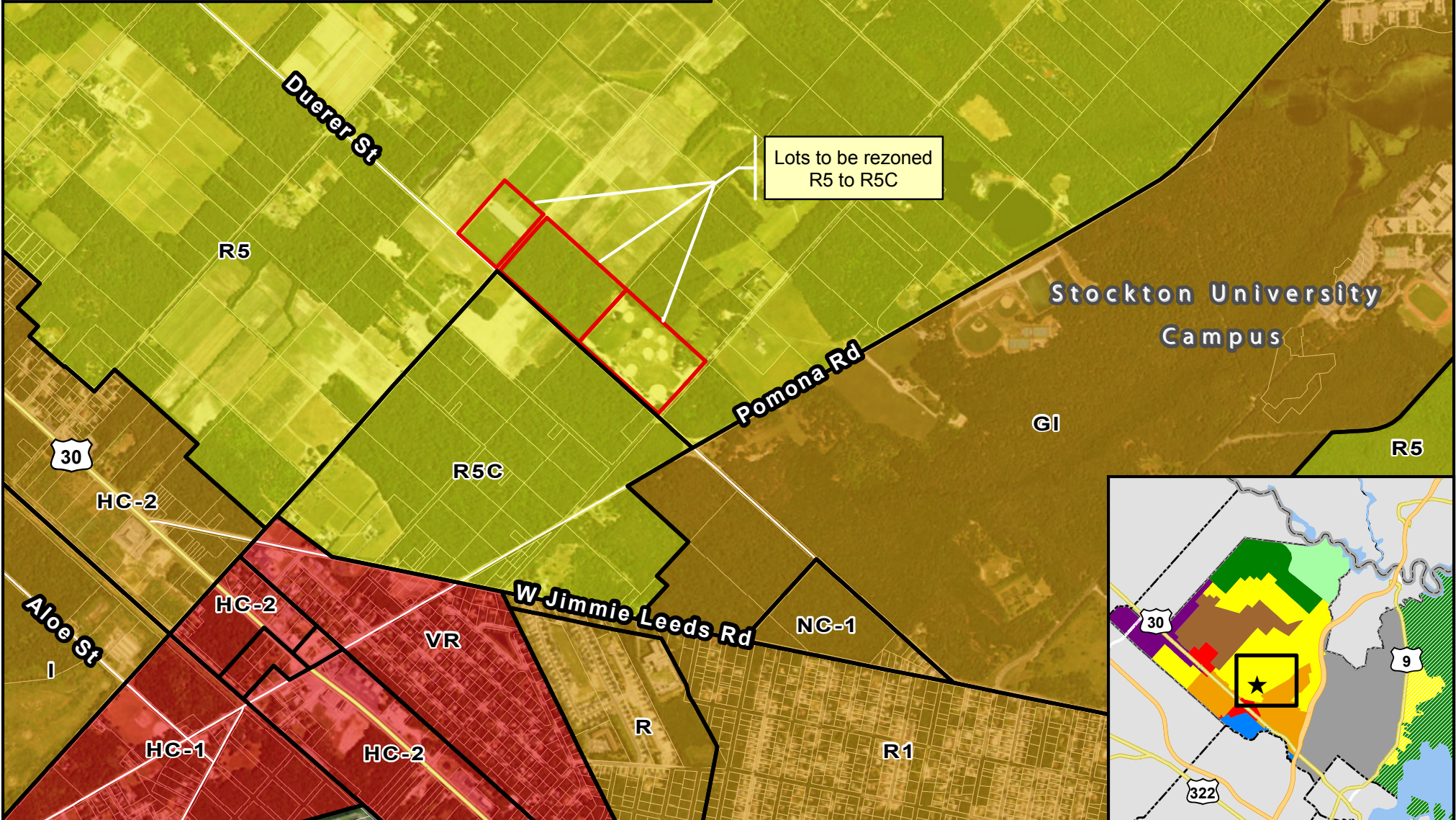
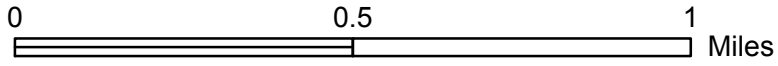
Township of Galloway Atlantic County, New Jersey		Polistina Associates, LLC Engineers & Planners		Date 7-1	
Proposed R5C Zoning Change		6684 Washington Avenue Egg Harbor Township, NJ 08234 Phone: (609) 646-2950 Fax: (609) 646-2949 Cert of Auth No 24GA28091200		Designed VJP	Drawn JLH
Job No. 5700.70	Sheet 1	Checked VJP	Approved VJP	7-1	Total 1

Existing Conditions of Lots to be Rezoned

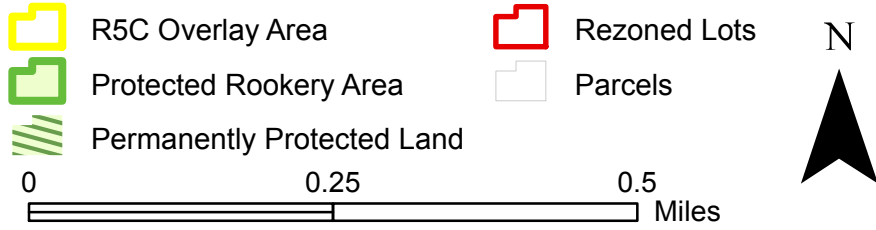
Executive Director's Report
Galloway Ordinance 1970-2017
Exhibit 2
9/29/2017

- Pinelands Management Areas**
- Rural Development Area
 - Pinelands Village
 - Regional Growth Area

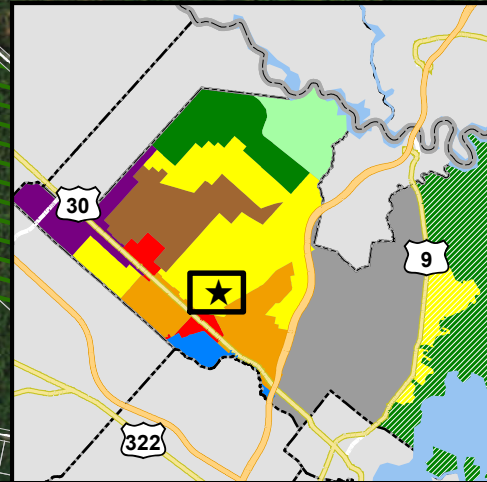
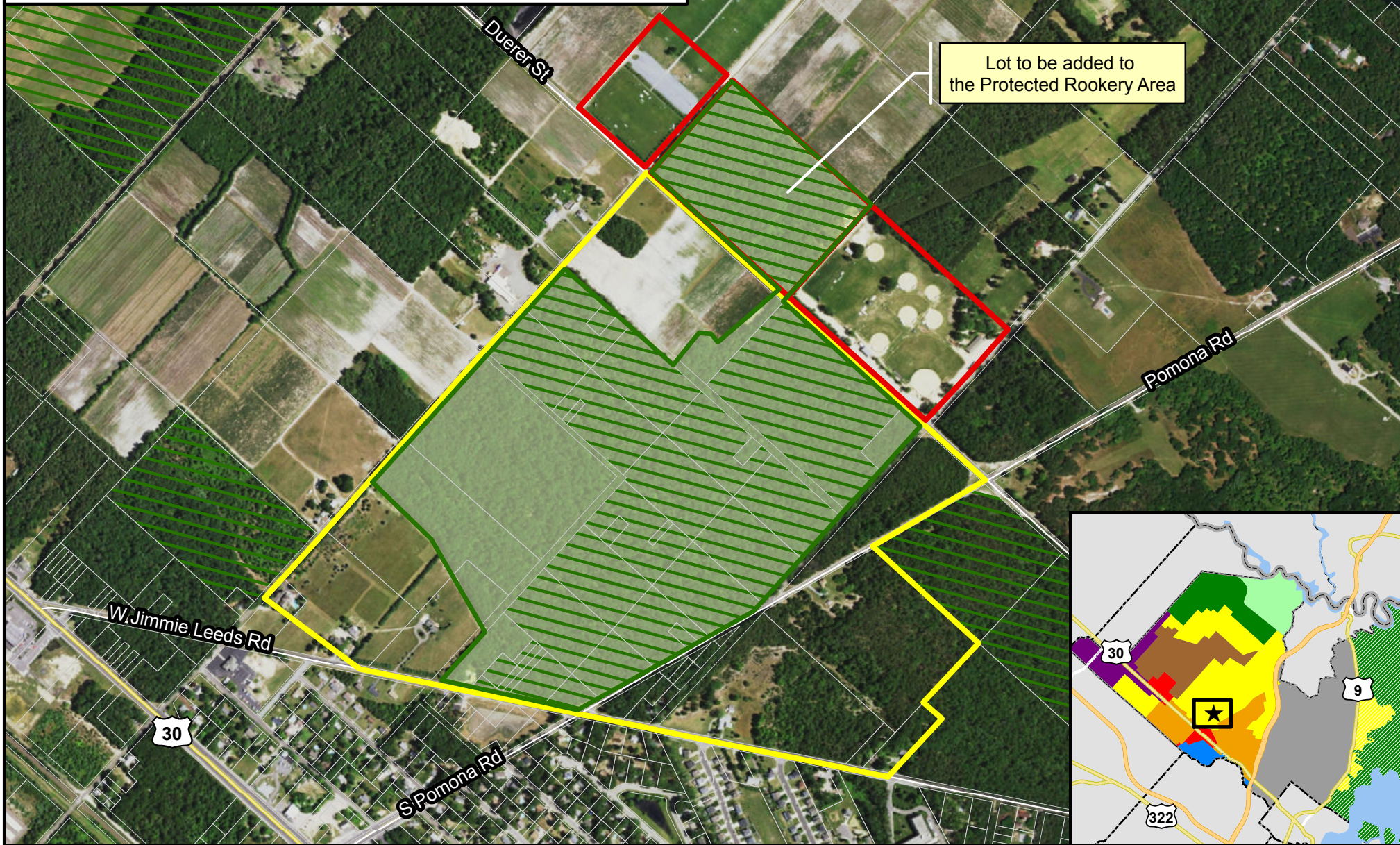
- Rezoned Lots
- Parcels
- Existing Zoning



R5C Overlay Area - Protected Rookery Area



Executive Director's Report
Galloway Ordinance 1970-2017
Exhibit 3
9/29/2017





**TOWNSHIP OF GALLOWAY
DON PURDY, MAYOR**

300 E. JIMMIE LEEDS ROAD GALLOWAY, NJ 08205
(609) 652-3700 EXT. 260 FAX: (609) 652-5259

I would like to first thank the Pinelands Commission and staff for their assistance in helping to resolve a public health issue that the Township has been working on for many years.

As the Commission is aware, the residential growth in Galloway has resulted in the need for recreation fields and amenities for children to use. As there was an existing recreation complex known as Gabriel Memorial Fields on Duerer Street at the intersection with Zurich Avenue (which we believe was built in the late 1960's), the Township expanded the recreational amenities on Duerer Street with the construction of Tartaglio Park at the intersection with Genoa Avenue just to the west of the Gabriel Fields.

Bathroom facilities at these complexes have been a problem since inception. The Township has attempted to install septic fields at Gabriel Fields and has relied on portable facilities at Tartaglio Park with limited success given the nature of the flows from the facilities. The significant use when recreational activities are happening and the lack of use when the fields are not in use has always presented a challenge for the Township and any bathroom facilities we have attempted to use. We have experienced failures in the septic system at Gabriel Fields and have never had adequate facilities at Tartaglio Park given the significant use of these complexes.

The Township believes that getting public sewer to the recreational areas will solve many of the problems with failed septic systems, the logistics of trying to have temporary facilities at these areas and security for children that utilize these areas. The Township intends to construct secure bathroom facilities at both of these locations if public sewer is permitted.

We recognize that these recreational complexes are in a Rural Development Area where public sewer is not generally permitted. We believe that the significant environmental benefits from the elimination of septic systems / portable bathroom facilities, continued protection of the Blue Heron Rookery on Genoa Avenue and allowing for secure facilities for kids (many of whom live in the Township's Regional Growth Area) outweigh any possible drawbacks. These changes will be limited to just the existing recreation facilities indicated.

We look forward to the Commission considering the changes which would allow for recreation facilities as a permitted use in the R5C Zone and allow their connection to public sewer. We thank the Commission staff for their assistance working with the Township on a solution as we believe public sewer is the answer. All of the sports organizations, parents, coaches and most importantly kids have been clamoring for the Township to figure out how we can provide better facilities at these parks for years. We are hopeful that this will move us closer to resolving the number one priority the sports organizations in the Township have been asking for.

Don Purdy, Mayor



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Issuing an Order to Certify the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008, 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 August 8, 2017, the Manchester Township Planning Board adopted by resolution the Manchester Township 2017 Housing Element & Fair Share Plan; and

WHEREAS, the Pinelands Commission received a certified copy of the Manchester Township Planning Board resolution adopting the 2017 Housing Element & Fair Share Plan on August 11, 2017; and

WHEREAS, on July 10, 2017, Manchester Township adopted Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township by establishing a Pinelands Affordable Housing (PAF-1) zone within the Pinelands Regional Growth Area to implement one of the recommendations made by the 2017 Housing Element & Fair Share Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 17-008 on July 11, 2017; and

WHEREAS, by letter dated August 15, 2017, the Executive Director notified the Township that the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 was duly advertised, noticed and held on September 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 the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 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 the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, 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 the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 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 Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, are in conformance with the Pinelands Comprehensive Management Plan. This determination of conformance applies only to Ordinance 17-008 and the recommendations made in Manchester’s 2017 Housing Element & Fair Share Plan that affect the portion of Manchester Township located in the Pinelands Area.
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.

BE IT FURTHER RESOLVED that

3. This Order applies only to Ordinance 17-008 and the recommendations made in Manchester’s 2017 Housing Element & Fair Share Plan that affect that portion of Manchester Township located in the Pinelands Area. Recommendations made in the 2017 Housing Element & Fair Share that involve land use and development in that portion of the municipality located in the Pinelands National Reserve but outside the state-designated Pinelands Area will only be reviewed by the Pinelands Commission if Manchester Township requests such review pursuant to N.J.A.C. 7:50-3.39(b).

Record of Commission Votes

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

* 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



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

REPORT ON THE MANCHESTER TOWNSHIP 2017 HOUSING ELEMENT & FAIR SHARE PLAN AND ORDINANCE 17-008, AMENDING CHAPTER 245 (LAND USE AND DEVELOPMENT) OF THE CODE OF MANCHESTER TOWNSHIP

September 29, 2017

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 that abut 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 August 8, 2017, the Manchester Township Planning Board adopted the 2017 Housing Element & Fair Share Plan. The Pinelands Commission received an adopted copy of the 2017 Housing Element & Fair Share Plan, together with a copy of the Planning Board's resolution of adoption, on August 11, 2017.

On July 10, 2017, Manchester Township adopted Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township. The ordinance establishes the PAF-1 zone along with its regulations regarding permitted uses, bulk standards and Pinelands Development Credit requirements. The ordinance rezones four lots in the Pinelands Regional Growth Area from the existing Pinelands Retirement Community (PRC-1) zone (see Exhibit 1). Three lots are to be rezoned to the PAF-1 zone (the MDG tract) and one lot is to be rezoned to the existing Pinelands Single-Family Residential (PR-40) zone. The Pinelands Commission received an adopted copy of Ordinance 17-008 on July 11, 2017.

By letter dated August 15, 2017, the Executive Director notified the Township that the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following amendments have been submitted to the Pinelands Commission for certification:

- * Manchester Township 2017 Housing Element & Fair Share Plan, adopted August 8, 2017; and
- * Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, adopted on July 10, 2017

These amendments 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 Master Plans and Land Use Ordinances Relating to Development Standards**

Manchester Township's 2017 Housing Element & 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 Township's Fair Share Plan reflects the terms of the Settlement Agreement between Manchester Township and the Fair Share Housing Center, executed on February 7, 2017. The agreement stipulates that Manchester Township has a rehabilitation obligation of 99 units, a prior round obligation of 370 units, and a third round prospective need of 340 units.

The Fair Share Plan also includes an accounting of the mechanisms that will fulfill the Township's affordable housing obligation for the cumulative period 1987-2025. A number of sites are identified for inclusionary and other future affordable housing development. The majority of these sites are located in the Pinelands National Reserve, outside the state-designated Pinelands Area. As such, they have not been reviewed and are not the subject of this report. Such a review would occur only if Manchester Township were to request Commission review and certification of its master plan and land use ordinances as they apply to lands outside the Pinelands Area, in accordance with N.J.A.C. 7:50-3.39(b). Manchester Township has not yet elected to take advantage of this optional process.

Within the Pinelands Area, the 2017 Fair Share Plan recommends the rezoning of one site in the Regional Growth Area from the Pinelands Retirement Community (PRC-1) zone to a new Pinelands Affordable Housing (PAF-1) Zone. This recommendation reflects the terms of a new

settlement agreement between Manchester Township and the Manchester Development Group, executed February 17, 2017, which will assist the Township in addressing its affordable housing obligation.

Ordinance 17-008 implements the recommendations of the Fair Share Plan in the Pinelands Area by establishing the PAF-1 zone along with its regulations regarding permitted uses, bulk standards and Pinelands Development Credit requirements. The ordinance rezones four lots in the Pinelands Regional Growth Area from the existing Pinelands Retirement Community (PRC-1) zone. Three lots are to be rezoned to the PAF-1 zone (the MDG tract) and one lot is to be rezoned to the existing Pinelands Single-Family Residential (PR-40) zone (see Table 1; and Exhibit 1).

The lots subject to rezoning are currently undeveloped, contiguous and situated on the northern side of Ridgeway Road (County-Route 571) between Ridgeway Boulevard and Quarry Road (see Exhibit 1). The lots have a combined area of approximately 95 acres, abut existing residential development, and are located entirely within the Pinelands Regional Growth Area and within the existing PRC-1 zone.

Table 1. Summary of Lots to be Rezoned by Ordinance 17-008

PRC-1 to PAF-1	PRC-1 to PR-40
Area: 89 acres	Area: 6 acres
Existing Lots: 3	Existing Lots: 1
Lots included: Block 62: Lots 15, 16, 33	Lots included: Block 62: Lot 14

Pinelands Retirement Community (PRC-1) Zone

The PRC-1 zone 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 zone specifies a maximum number of market-rate units which may be developed on the MDG tract. A maximum of 300 market rate units and 15 affordable units is permitted on the MDG tract in accordance with a 2007 builder's remedy settlement agreement. Pinelands Development Credits must be acquired and redeemed for thirty percent of the market rate residential units in the PRC-1 zone.

Pinelands Affordable Housing (PAF-1) Zone

The new PAF-1 zone will be composed of the MDG tract's three lots totaling 89 acres. The purpose of the PAF-1 zone is to provide multi-family housing for low- and moderate-income households in accordance with the 2017 Settlement Agreement between the Manchester Development Group and Manchester Township. The entire 89 acre tract is required to be developed as a planned multi-family residential development. The maximum number of units is limited to 404 multi-family residential units with a maximum of sixty percent of the units consisting of apartments and the remaining balance of units consisting of townhomes. Twenty percent of the project's total units are required to be set aside for occupancy by low- and moderate-income households. Permitted uses include multi-family residential units, including

garden apartments as well as attached single family residential units (i.e., townhomes). Various bulk and landscaping standards are also included.

Pinelands Single Family Residential (PR-40) Zone

A single six acre lot will be rezoned from the PRC-1 zone to the PR-40 zone. The lot would be permitted to have single-family dwelling units on one acre lots. While Pinelands Development Credits can be used in the PR-40 zone for to achieve a density bonus, Manchester requires a subdivision of at least 25 units in order to be eligible to use Pinelands Development Credits for bonus density. The six acre lot does not have enough area to be eligible for such a density bonus. Therefore, the single lot has a potential for up to six residential units.

Table 2. Summary of Residential Capacity Enabled by Ordinance 17-008

Current Residential Capacity	Proposed Residential Capacity
PRC-1 Zone (95 acres): 315 units¹	PAF-1 Zone (89 acres): 404 units² PR-40 Zone (6 acres): 6 units³
Total Units: 315	Total Units: 410

1. This residential capacity value is based on Ordinance 07-018 establishing the PRC-1 zone. It specifies the number of units permitted in the zone rather than establishing a density. The number of units permitted was established based on a Builders' Remedy Settlement Agreement.

2. This residential capacity value is based on a 2017 Settlement Agreement between the Manchester Development Group, LLC and Manchester Township. It specifies the number of units permitted in the zone rather than establishing a density.

3. The residential capacity value is based on the minimum lot size of 1 acre as established for the PR-40 Zone.

As a result of the rezoning enabled by Ordinance 17-008, Manchester's Regional Growth Area residential zoning capacity has increased by 95 units (see Table 2).

The development intensities, permitted uses and zoning changes adopted by Ordinance 17-008 are otherwise consistent with the standards for Pinelands Regional Growth Areas 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 17-008 does not change the total area of residentially-zoned land in Manchester Township's Pinelands Regional Growth Area. However, as discussed in Section 1 above, the rezoning enabled by the ordinance does increase residential zoning capacity. The Township's prior zoning plan provided an opportunity for development of 315 units on the MDG tract, including 300 market rate units and 15 affordable units (a 5% set-aside). Based on the zoning changes adopted by Ordinance 17-008, a total of 404 units will now be permitted on the MDG tract, including 323 market rate units and 81 affordable units (a 20% set-aside).

The prior zoning plan for the MDG tract 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 17-008 incorporates the same 30% PDC requirement within the new PAF-1 Zone. Units made affordable to low- and moderate-income households are excluded from the PDC requirement, up to the 20% set-aside required in the ordinance. It is important to note that affordable units beyond the required 20% will require that PDCs be acquired and redeemed at the 30% rate. As noted above, while PDCs are permitted to be used for a density bonus in the PR-40 Zone, the Township requires at project to have at least 25 lots within the subdivision in order to apply PDCs. Therefore, the one lot rezoned to the PR-40 Zone is not large enough to accommodate a 25-lot subdivision and no PDC use is anticipated.

The PDC requirements adopted by Ordinance 17-008 will result in an opportunity for the use of 97 rights (24.25 Pinelands Development Credits). 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 remember 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 17-008 *guarantees* a PDC redemption rate of 30% for much of the potential development within the rezoned area while recognizing Manchester's need to increase density and provide for affordable housing. Furthermore, under the currently certified zoning plan, the development of a 100% affordable housing project would not require the purchase of any PDCs. The provisions included in Ordinance 17-008 that limit the percentage of affordable units exempt from PDC requirements prevent such an outcome in the new PAF-1 Zone. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance 17-008 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

The Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 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

The Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 are consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

No special issues exist relative to the Federal Act; however, it should be noted that the Township's 2017 Housing Element & Fair Share Plan do recommend land use and development changes in that portion of the municipality located in the Pinelands National Reserve, outside the state-designated Pinelands Area. The Township has not requested that the Commission review and certify its master plan and land use ordinances applicable to that portion of the municipality; therefore, the Executive Director's review and recommendations concerning the 2017 Housing Element & Fair Share Plan are limited to only those provisions affecting the Pinelands Area.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The lands rezoned by Ordinance 17-008 are not contiguous with or adjacent to any other municipalities. Therefore, this standard is not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Manchester Township's application for certification of the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 was duly advertised, noticed and held on September 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 no testimony was received.

Written comments on the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 were accepted through September 13, 2017; however, none were received.


CONCLUSION


Based on the Findings of Fact cited above, the Executive Director has concluded that the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 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 the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008.

SRG/DBL/CMT
Attachments

Existing Conditions of Lots to be Rezoned

Pinelands Management Areas

 Regional Growth Area

 Rezoned Lots

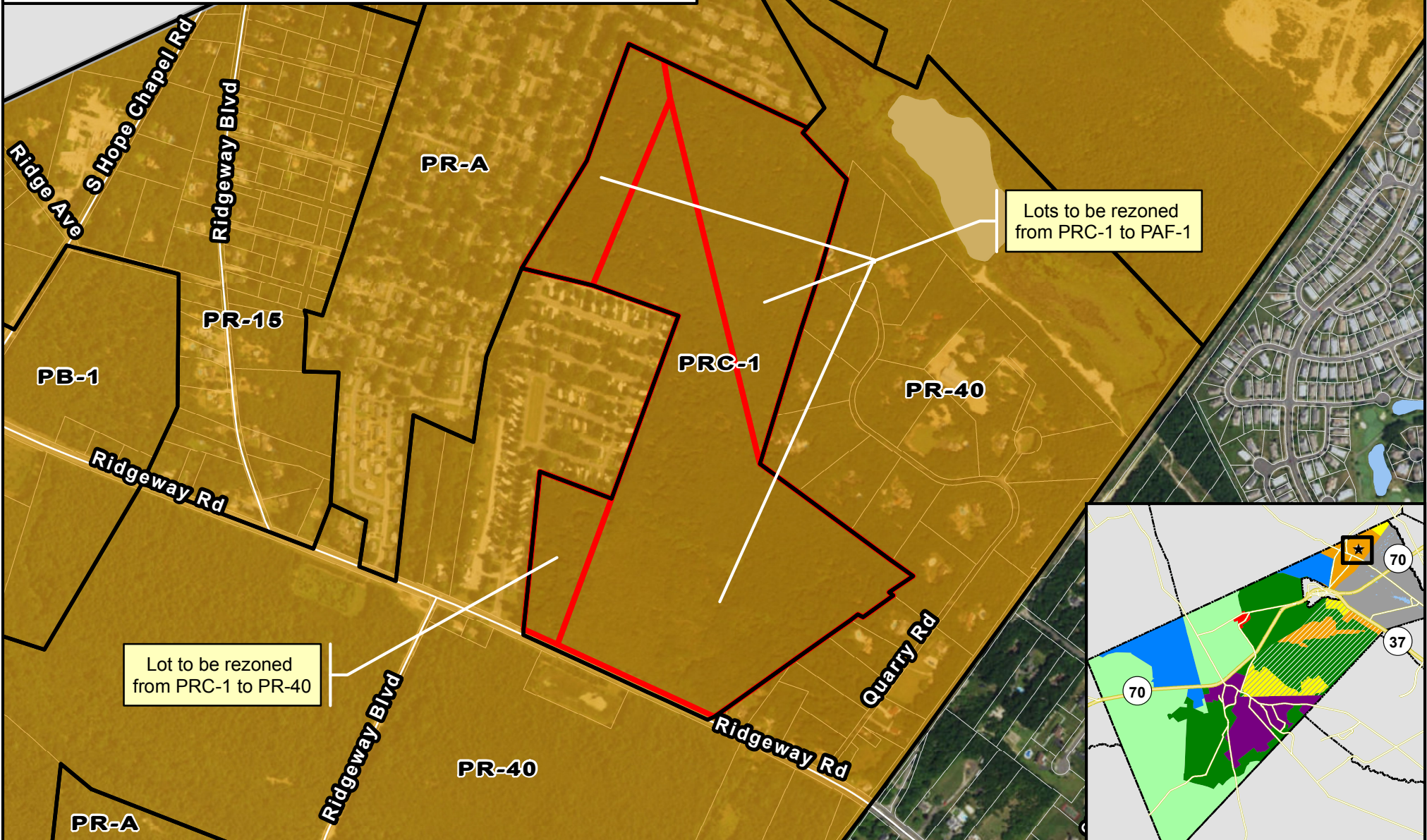
 Parcels

 Existing Zoning

N



0 0.25 0.5 Miles





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Issuing an Order to Certify Ordinance 662 of Maurice River Township

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on December 3, 1982, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Maurice River Township; and

WHEREAS, Resolution #PC4-82-93 of the Pinelands Commission specified that any amendment to Maurice River 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 #PC4-82-93 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 July 20, 2017, Maurice River Township adopted Ordinance 662, approving a Redevelopment Plan and establishing a new PB-O (Pinelands Business Overlay) zoning district for one parcel within the Pinelands Rural Development Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 662 on July 21, 2017 and a copy of the adopted Redevelopment Plan on July 23, 2017; and

WHEREAS, by letter dated August 3, 2017, the Executive Director notified the Township that Ordinance 662 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 662 was duly advertised, noticed and held on September 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 Ordinance 662 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 662 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 662 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 662 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 662 of Maurice River Township is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Maurice River 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					Galletta					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Brown					Lohbauer					Earlen				
Chila					McGlinchey									

* 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



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

**REPORT ON MAURICE RIVER TOWNSHIP ORDINANCE 662, ADOPTING THE
 PINELANDS BUSINESS OVERLAY REDEVELOPMENT PLAN**

September 29, 2017

Maurice River Township
 P.O. Box 218
 Leesburg, NJ 08327

FINDINGS OF FACT

I. Background

The Township of Maurice River is located in eastern Cumberland County, in the southern portion of the Pinelands Area. Pinelands municipalities that abut Maurice River Township include the City of Vineland in Cumberland County, the Townships of Buena Vista and Weymouth and the City of Estell Manor in Atlantic County and the Townships of Dennis and Upper in Cape May County.

On December 3, 1982, the Pinelands Commission fully certified the Master Plan and Development Regulations Ordinance of Maurice River Township.

On July 20, 2017, Maurice River Township adopted Ordinance 662, approving a redevelopment plan for a property in the Pinelands Rural Development Area. The Pinelands Commission received a certified, adopted copy of Ordinance 662 on July 21, 2017 and a copy of the adopted Redevelopment Plan on July 23, 2017.

By letter dated August 3, 2017, the Executive Director notified the Township that Ordinance 662 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 662, adopting a redevelopment plan for the Pinelands Business Overlay Redevelopment Area in Maurice River Township, introduced on June 7, 2017 and adopted on July 20, 2017.

This 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. 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

Ordinance 662 adopts a Redevelopment Plan and establishes a new Pinelands Business Overlay (PB-O) zoning district for one property within Maurice River Township. The new PB-O zoning district encompasses one lot (Block 257, Lot 1) of approximately four acres in size. The primary purpose of the Redevelopment Plan is to encourage revitalization and redevelopment of the property, which was once the site of a boat repair and storage yard. As depicted on the map attached as Exhibit #1, the new PB-O District is located in the Township's PB (Pinelands Business) Zone, within the Pinelands Rural Development Area. It is triangular in shape and bordered by roads on all sides, with State Route 347 to the northeast, State Route 47 to the southwest and County Route 670 to the southeast. The Redevelopment Plan seeks to promote redevelopment of the property in a way that is consistent with existing nonresidential uses in the vicinity, takes advantage of the property's frontage and access to two state highways, creates job opportunities for Township residents and attracts new retail uses to serve the community and summer shore traffic.

Permitted uses in the PB-O District are limited to retail stores, personal service establishments, offices and restaurants, including drive-thru facilities. Other standards include a minimum lot size requirement of 3.95 acres, maximum impervious coverage of 50 percent, maximum building height of 35 feet and various parking, signage, landscaping and design requirements. These permitted uses and development standards are all consistent with those established by the Comprehensive Management Plan (N.J.A.C. 7:50-5.26) for Pinelands Rural Development Areas.

In terms of wastewater treatment, the Redevelopment Plan adopted by Ordinance 662 permits new development in the PB-O zoning district to be served by either a conventional septic system or an advanced treatment system. No matter the type of system used, the Redevelopment Plan requires that Comprehensive Management Plan water quality standards be met. Because the one property included in the PB-O zoning district is entirely surrounded by state and county highways, there are no contiguous lands that could be used for septic dilution purposes. This significantly limits the potential for any meaningful amount of commercial development on the site if a conventional septic system is used. Allowing an advanced treatment system to service the site will provide an opportunity for a modest amount of new commercial development while at the same time ensuring that Pinelands water quality standards (two parts per million nitrate/nitrogen at the property boundary) are satisfied.

It should be noted that the Comprehensive Management Plan (N.J.A.C. 7:50-6.84(a)5iii) generally limits the use of advanced treatment systems for nonresidential development to

Regional Growth Areas, Pinelands Villages and Pinelands Towns. The new PB-O zoning district is located in a Pinelands Rural Development Area, where the Comprehensive Management Plan permits the use of advanced treatment systems only for residential uses. However, Pinelands municipalities do have the ability to refine the various standards and provisions of the Comprehensive Management Plan and tailor them to local conditions, provided Comprehensive Management Plan goals and objectives continue to be achieved. In this case, the Comprehensive Management Plan seeks to control the intensity of nonresidential development in the Rural Development Area by limiting available wastewater service options to conventional septic systems, which can require significant amounts of land for septic dilution purposes.

To address this Comprehensive Management Plan objective, Maurice River Township's Redevelopment Plan requires that, if an advanced treatment system is proposed in the PB-O zoning district, vacant noncontiguous lands elsewhere in the Township's Rural Development Area will need to be acquired and permanently protected from future development. The amount of land that must be protected will be determined based on the projected wastewater flow from a proposed commercial use and how much land would be required to dilute that wastewater down to the two parts per million standard using a conventional septic system. After subtracting the acreage of the property to be developed (Block 257, Lot 1), the property owner or applicant will then need to permanently protect (i.e., deed restrict) the remaining balance of land at an off-site location elsewhere in the Township's Rural Development Area.

Requiring the permanent protection of noncontiguous lands is akin to the Pinelands density transfer program, which the Comprehensive Management Plan authorizes for residential development on undersized lots in the Rural Development Area. Under the density transfer program, if a new home is proposed on a one acre lot in a zoning district that normally requires five acres for every home, an applicant would be required to permanently protect four noncontiguous acres elsewhere in the municipality's Rural Development Area. This allows the overall residential density permitted in that Rural Development Area to remain unchanged, despite that fact that a smaller than normal piece of property is being developed. Here, the same concept is being applied, but for commercial, rather than residential, development.

Maurice River Township has chosen to recognize the unique circumstances of a single, small property within a Rural Development Area commercial zone. The Redevelopment Plan ensures that all Comprehensive Management Plan environmental standards will be met on-site, and the overall permitted intensity of development in the management area will not be increased. Therefore, this is an appropriate exercise of municipal flexibility and one that is consistent with the objectives of the Comprehensive Management Plan.

Ordinance 662 complies with the land use and development standards of the Comprehensive Management Plan. 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

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Maurice River Township Ordinance 662, adopting a redevelopment plan for the Pinelands Business Overlay District, is 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

Maurice River Township Ordinance 662, adopting a redevelopment plan for the Pinelands Business Overlay District, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The redevelopment plan adopted by Ordinance 662 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Maurice River Township's application for certification of Ordinance 662 was duly advertised, noticed and held on September 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 the following testimony was received:

Maurice River Township Councilman Ken Whildin stated that the redevelopment plan addresses an "odd" situation created in the mid-1990s when traffic patterns were changed. A triangular lot, bordered on all three sides by roads, was the result. Mr. Whildon noted that a boat storage and repair business was previously operated on the property but was abandoned some time ago. The lot is located across the street from an existing gas station and WaWa. Mr. Whildin stated that the Township is trying to accommodate the development of a new Dunkin Donuts on the lot, to capture shore traffic and provide the municipality with a new economic ratable. The Township is large geographically (94 square miles) but very small in terms of population (3,500). Mr. Whildin stated that a new Dunkin Donuts would be a boon for the Township, one they've been waiting many years for.

Mayor Patricia Gross stated that the property in question was purchased by an investor three years ago. The property is located in an existing business corridor and is one of the only sites available in the municipality for new commercial development. She stated that the Township has been stagnant for many years; there have been no new businesses. She noted that the existing WaWa is one of the busiest in the county. She stated that the new Dunkin Donuts will be an asset to the Township economically by providing additional taxes and employment opportunities. In addition, the owner will be a good steward of the site. Development of the property is very important to the Township; the hope is that new commercial business at this site will encourage other new businesses to open in the existing, empty storefronts outside the Pinelands Area.

Mr. Ashwin Chaudhary introduced himself as the owner of the property included in the redevelopment plan and a successful Dunkin Donuts franchisee. He stated that this particular store would hire 15-20 employees. He stated that right now, Maurice River residents must travel to the Dunkin Donuts in Vineland for employment. Mr. Chaudhary stated that 70% of Dunkin Donuts business is now drive-thru, which should be factored in to the Commission's water quality (septic dilution) calculations. He noted that this new store will rely on well water, not city water or sewer. Their water consumption will be low. There will be no cooking (frying, grease) at the store; all of the cooking is now done at a central bakery, rather than in the individual Dunkin Donuts stores. He stated that normally, Dunkin Donuts provides three years for a franchisee to obtain approvals and construct a new store. He has been working longer than that on the current site; however, the company feels this is a great location and the Township has been very welcoming. Therefore, the development is still being pursued but the company is pushing to have it completed. He noted the long lines at WaWa at certain times of day, particularly when shift changes occur at the nearby prison. Mr. Chaudhary concluded by

emphasizing plans for community involvement at the new store, including blood drives, fundraisers and sponsorship of local teams and events.

There being no further testimony, the hearing was concluded at 9:50 a.m.

Written comments on Ordinance 662 were accepted through September 13, 2017; however, none were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 662 complies with Comprehensive Management Plan 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 Ordinance 662 of Maurice River Township.

SRG/CMR
Attachment

Existing Conditions of Lot to be Rezoned

Executive Director's Report
Maurice River Ordinance 662
Exhibit 1
9/29/2017

Pinelands Management Areas

- Rural Development Area
- Rural Development Area (PNR)
- Forest Area (PNR)

Legend:

- Rezoned Lot
- Parcels
- Existing Zoning

0 0.125 0.25 Miles

