



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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



RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Chief Planner

Date: May 22, 2019

Subject: May 31, 2019 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on May 31, 2019. We have also enclosed the following:

- The minutes from the Committee's March 29, 2019 meeting;
- A written request from the Rancocas Conservancy for advancement of funds allocated to a Pinelands Conservation Fund acquisition project prior to its closing date; and
- Draft resolutions and reports on the Dennis Township and Pemberton Township ordinances 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

May 31, 2019

9:30 a.m.

Agenda

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the March 29, 2019 CMP Policy & Implementation Committee meeting
4. Pinelands Conservation Fund Land Acquisition Program

Consideration of a request from the Rancocas Conservancy for advancement of funding prior to closing
5. Executive Director Reports

Dennis Township Ordinance 2019-01, Amending Chapter 185 (Zoning) of the Township's Code by revising the boundaries of Belleplain and Dennisville Villages

Pemberton Township Ordinances 12-2019 and 13-2019, Adopting the Rowan College at Burlington County Redevelopment Plan and the Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plan
6. Presentation on a research proposal
7. Discussion of CMP amendments for coordinated permitting and public development applications
8. Review of CMP Forest and Rural Development Area clustering regulations
9. Public Comment

OCMP POLICY & IMPLEMENTATION COMMITTEE MEETING

**Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
March 29, 2019- 9:30 a.m.**

MINUTES

MEMBERS IN ATTENDANCE: Chairman Sean Earlen, Robert Barr, Jordan Howell, Ed Lloyd and Richard Prickett

MEMBER ABSENT: Candace Ashmun

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

STAFF PRESENT: Nancy Wittenberg, Stacey Roth, Larry L. Liggett, Susan R. Grogan, Charles Horner, Ernest Deman, Brad Lanute, Paul Leakan, John Bunnell, Joel Mott and Betsy Piner. Also in attendance was Craig Ambrose with the Governor's Authorities Unit.

1. Call to Order

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

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the February 22 CMP Policy & Implementation Committee Meeting

Commissioner Prickett moved the adoption of the February 22, 2019 meeting minutes. Commissioner Lloyd seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

4. Executive Director's Reports

Bass River Township Ordinance 2018-05, amending Chapters 16 (Subdivisions and Site Plans) and 17 (Zoning) of the Township's Code by responding to CMP amendments and establishing an alternative permitting program for single-family dwellings on existing lots

Mr. Lanute said the purpose of Bass River Township Ordinance 2018-05 is three-fold: response to recent CMP amendments; response to amendments to the Municipal Land Use Law (MLUL) adopted by the State Legislature in 2017 relating to performance and maintenance guarantees; and establishment of an alternative local permitting program in accordance with the CMP.

Mr. Lanute said both the provisions related to the recent CMP and MLUL amendments are routinely handled administratively by staff and are included in Ms. Grogan's monthly memo to the Commission of ordinances raising no substantial issue with CMP standards. He said Bass River's establishment of the alternative permitting program, also referred to as the local review officer (LRO) program, is the reason Ordinance 2018-05 is before this Committee today.

Mr. Lanute said the CMP was amended in 1990 to permit municipalities to establish alternative permitting programs to allow modified application processes. He said the typical program is administered by a local official, typically the zoning officer, allowing the issuance of a preliminary zoning permit for a single family dwelling on an existing lot. The intent is to expedite the process for such applications while maintaining consistency with CMP standards. Commission staff reviews the permits and issues a decision if they may take effect. For those with which the Commission does not concur, the permit cannot be issued and applicants may proceed through the regular application process to obtain a Certificate of Filing if they choose to do so.

Mr. Lanute directed the Committee to the three exhibits attached to the report: Bass River Township's Preliminary Zoning Permit Application, Preliminary Zoning Permit, and a statement regarding the required periodic (every three years) reporting requirement by the Executive Director to the Commission. He said should the position of local review officer become vacant, the application process will revert to the standard process directly through the Commission. He said no comments were received on the ordinance and the Executive Director is recommending certification of Ordinance 2018-05.

In response to Commissioner Lloyd's question if the Commission were doing a three-year review currently, Mr. Horner said yes, as required. The reports are done on a rolling basis, municipality by municipality. Ms. Grogan added that some municipalities have a more active program than others, so some have little to report.

Commissioner Lloyd suggested it might be more efficient to prepare a single report every three years, summarizing all of the municipal programs.

Ms. Grogan said Bass River Township's program is unique in that it allows the applicant to determine which process to use: the conventional application to the Commission or an application to the Township through the new alternative program. She said the Township wanted the applicant to have the choice, because different application fees will apply. It is likely the Township engineer will be the designee responsible for administering Bass River Township's LRO program, and the fee and escrow requirements associated with the engineer's

review may be higher than the Commission's \$250 application fee. Staff will include that information in the three-year report.

Mr. Horner said CMP standards are being upheld through the LRO program. Even if the applicant doesn't need a Certificate of Filing, the sign-off by Commission staff of the preliminary zoning permit is the same in the end. He added the periodic report indicates how the municipality is performing, i.e., are they signing off on zoning permits that meet CMP standards?

In response to a question from Commissioner Lloyd, Mr. Lanute said the MLUL was previously broad as to what municipalities could require in terms of maintenance guarantees and it seemed to be at the discretion of the governing body. Now the requirements are narrower and more specific. He said the provisions have been incorporated by ordinance in roughly 15 Pinelands municipalities as reported in the monthly no substantial issue memos.

In response to a question from Commissioner Prickett, Mr. Lanute said staff provided the Township with a model ordinance for the alternative permitting program.

Commissioner Lloyd recommended Commission certification of Bass River Township Ordinance 2018-05. Commissioner Prickett seconded the motion and all voted in agreement.

Manchester Township's Master Plan and Land Use Ordinances for that portion of the municipality in the Pinelands National Reserve, outside the state-designated Pinelands Area

Ms. Grogan said the Commission receives few requests of the type submitted by Manchester, requesting certification of the area in the Pinelands National Reserve (PNR), outside the Pinelands Area. She directed the Committee to Exhibit 4 (Zoning Map) of the Executive Director's report and identified three separate areas, each regulated differently: the Pinelands Area (the state-designated area); the area outside both the PNR and the Pinelands Area; and the federally designated PNR. She said the Commission's regulatory jurisdiction does not extend beyond the Pinelands Area. She directed the Committee to Exhibit 2, the map of Manchester's PNR Area. She said the CMP allows the Commission to serve as the planning entity for the PNR. She said with the adoption of the CMP and the Land Capability Map in 1980, the management areas for the PNR were adopted as well. She noted usually the PNR is displayed on the map with crosshatching to indicate it is outside the Pinelands Area and it is often referred to as the CAFRA (Coastal Area Facility Review Act) overlap area where the New Jersey Department of Environmental Protection (NJDEP) has primary regulatory authority. She said through a Memorandum of Agreement with the Commission, NJDEP consults the Commission on development applications within the PNR as to consistency of those applications with the CMP.

Ms. Grogan said in the overlap areas, the CMP gives the municipalities the option to request that the Commission review their master plans and land use ordinances for consistency with the CMP. She said most recently this was done by Barnegat, Stafford and Upper townships. Ms. Grogan said Manchester had submitted a written request about a year ago and staff has been working with the Township to make various revisions to zoning district boundaries and regulations applicable to the PNR to achieve substantial compliance with the CMP. Ms. Grogan reviewed the long history within Manchester's PNR going back more than 30 years and leading up to the Township's request for the certification of its master plan and land use ordinances outside the Pinelands Area but within the PNR through Ordinance 18-035.

Ms. Grogan identified the area within the PNR (Exhibit #2), of the roughly 4,000 acre Heritage Mineral (Hovsons, Inc.) site. She said some 15 years ago a settlement with NJDEP allowed the establishment of a 995-acre Regional Growth Area (RGA) development area to accommodate a maximum of 2,450 new residential units and 20,000 square feet of commercial development with the remainder designated as Forest Area (FA) to be permanently protected open space and dedicated to the State. She said the Commission implemented that settlement through management area changes but neither the anticipated development nor the open space dedication has occurred.

She said although the Commission has not seen one recently, petitions for amendments to the CMP may be submitted to the Commission. She said although never approved, over the years petitions have come before the Commission to change the zoning in the PNR and staff had encouraged Manchester Township to come into conformance for the entire Pinelands Area and PNR so that petitions and properties would not have to be dealt with piece by piece.

Ms. Grogan said, because of recent affordable housing agreements, Manchester is now requesting certification in the PNR. She said, during this process, many mis-matches in mapping (zoning, sewer service areas, split lot lines etc.) were discovered that will be resolved through this certification process.

Ms. Grogan said the first of two primary zoning changes involves the Pinelands Town of Whiting. The portion of Whiting within the PNR, some 1,587 acres, will be redesignated from Rural Development Area (RDA) to Pinelands Town to match the zoning of the similarly developed portion of Whiting in the Pinelands Area. Other zoning changes involve redesignation of 112 acres of developed FA to Pinelands Town as well as some 92 acres from RDA to FA due to split lots or to recognize permanently preserved lands.

She said the second primary management area change involves a 240-acre expansion of the existing RGA along the State Route 37 corridor to accommodate a proposed 500-unit affordable housing project, Presidential Gardens. The 240-acre area, currently in RDA, is already partially sewerred, contains a high school and associated recreational fields, a bank and three single-family

residential properties. She said the affordable housing project will be developed on 51 acres, and, as proposed, would account for a good portion of the Township's affordable housing obligation.

Ms. Grogan said most of the public comment received was related to the Route 37 RGA designation. She noted that outside the PNR, on the other side of Route 37, there is intense development including the Township municipal complex. The public comment expressed concerns regarding the impact of increased development on wildlife habitat and water quality as well as procedural concerns. Ms. Grogan said given the existing development along the Route 37 corridor, the rezoning is appropriate. She reviewed the procedural concerns noting that the Commission had posted a notice of receipt of the ordinance on the website in October 2018 and had followed all notice and hearing requirements.

She said for the Heritage Minerals area, the Township had previously adopted a zoning map to implement the settlement agreement but had never submitted it to the Commission for approval and had already included the area along Route 37 in zones where sewered, intensive development is permitted. She said another change is the permitted uses in the FA where Manchester was asked to eliminate golf courses and a variety of other intensive uses as permitted uses. Also, the Township had previously zoned for increased density in the Forest receiving zone but staff asked that it be scaled back to reflect what is permitted in the Pinelands Forest Area by the CMP.

Ms. Grogan said the acreage is small in terms of redesignation. She noted the Township is seeking Plan Endorsement and Center designation from the State Planning Commission. She said much of the area along Route 37 is designated as a Suburban Planning Area, which is comparable to the Commission's RGA. She said the State Planning Commission may request some changes and staff will have an opportunity to participate in that process. The Commission may be seeing a revised version of Manchester's zoning map in the future, which should not be unexpected as municipalities often change their zoning.

Ms. Grogan said staff had met with NJDEP to discuss Route 37 and the large affordable housing project. She said the project had been denied by NJDEP many years ago, largely because of the RDA designation of the property. She said the applicant has resubmitted the project to NJDEP application and is working out various issues. The updated designation to RGA should facilitate the project.

Ms. Grogan said three written comments were received focusing on the Route 37 area. One commenter stated the town center should be in Whiting, not on Route 37. She said staff agreed that Whiting is where development should occur but the Township feels that Route 37 is a busy highway corridor and more intense development there is also appropriate. She said a letter submitted by the Pinelands Preservation Alliance and Save Barnegat Bay felt that this was a single management area change to allow increased development without an offset and therefore inappropriate. Ms. Grogan said staff disagreed. She said the Township's entire PNR area is

addressed, development potential in the Pinelands Forest Area is reduced to be consistent with the CMP and the conditions of the Heritage settlement agreement remain unchanged.

Ms. Grogan said although there were not a lot of changes to Manchester's land use ordinance, there is a long history, many moving parts and multiple agencies involved. She said staff believes the Township's zoning plan is appropriate.

Commissioner Lohbauer complimented Ms. Grogan on the presentation and said he believed it makes sense. As for Route 37, the more intense development conforms with what is happening in Lakehurst to the north.

In response to Commissioner Lohbauer's question as to how the zoning change to Pinelands Town will impact Whiting, Ms. Grogan said currently the area is heavily developed so there is not much opportunity for further development.

In response to Commissioner Prickett's question if the current RDA portion of Whiting in the PNR was sewerred, Mr. Lanute said the 1979 aerials indicate that the subdivisions were in the process of being built out at that time and Ms. Grogan said that development could have occurred with sewer service in the RDA prior to the adoption of the CMP.

In response to Commissioner Lloyd's question, Ms. Grogan said both sides of Route 37 are in CAFRA.

Commissioner Howell recommended Commission certification of Manchester Township's Master Plan and Land Use Ordinances for that portion of the municipality in the Pinelands National Reserve, outside the state-designated Pinelands Area. Commissioner Prickett seconded the motion and all voted in agreement.

In response to Commissioner Barr's question as to what happens next, Ms. Grogan said the matter will be on the Commission's agenda for its April 12, 2019 meeting. Upon approval, staff will notify the State Planning Commission and NJDEP and update the Land Capability Map. She said NJDEP is finishing its CAFRA review of the affordable housing project and will submit it to the Commission for review under the new designation where density is appropriate and sewer service is permitted. She said the project will still need to meet all environmental standards.

First Amendment to the February 26, 2004 Memorandum of Agreement between the Pinelands Commission and the South Jersey Transportation Authority related to the Atlantic City International Airport

Ms. Roth reviewed the draft amendment to the February 26, 2004 Memorandum of Agreement (MOA) between the Pinelands Commission and the South Jersey Transportation Authority (SJTA) related to the Atlantic City Airport. She said SJTA was proposing a payment to the Commission's Pinelands Conservation Fund (PCF) of \$500,000, with five additional \$500,000

payments in order to allow mowing on the 290-acre Grassland Conservation and Management Area (GCMA) at the Atlantic City Airport and offset the removal of the GCMA. The GCMA had been established to provide habitat for two State-listed upland bird species (the grasshopper sparrow [threatened] and the upland sandpiper [endangered]) as well as the State listed [threatened] Frosted elfin butterfly. The removal of the habitat will address safety concerns at the airport, in accordance with Federal Aviation Administration (FAA) requirements. Staff has told SJTA that, in addition to its monetary contribution to the Pinelands Conservation Fund, an additional grassland habitat conservation area of at least 62 acres, the minimum size suitable for upland sandpiper habitat, must be acquired.

Ms. Roth said Ms. Wittenberg had conducted a public hearing on March 19, 2019 at which there were two speakers, Ms. Rhyan Grech, with the Pinelands Preservation Alliance (PPA), and Ms. Sarah Brammell, a technical consultant with the FAA. She said three written comments had been received, all of which opposed the proposed amendment. One individual opposed changes to the MOA due to impacts on the bird species. The PPA and Audubon indicated that the safety concerns at the airport were not due to the birds cited and that SJTA and FAA needed to demonstrate the subject bird species were the cause of bird strikes. Other objections expressed fear for the future of habitat conservation and that payments to the PCF did not meet CMP standards.

Ms. Roth continued her review of the original MOA and the 2003 FAA Wildlife Habitat Management circular requiring that wildlife be managed outside the operation area of the airport.

Ms. Roth discussed the habitat for the Frosted elfin butterfly, noting that the Forest Preservation Area (as identified on the aerial of the Atlantic City Airport, *Exhibit A to the draft MOA amendment*) is adjacent to the existing habitat and by adding 12 more acres of habitat, through the planting of indigo, it is hoped that the butterflies will expand into this area as indigo is needed for egg laying.

Ms. Roth further described the specific habitat requirements for the upland sandpiper noting that the 62 acre minimum habitat site must include a 50' buffer from any structures or forests as described in the 2003 Federal Environmental Impact Statement.

Ms. Roth said the SJTA is scheduled to meet next Friday and provide a resolution of its Board consistent with the proposed MOA amendment, along with the initial payment. If that is not submitted to the Commission, mowing will not be permitted. In any case, mowing cannot be performed after April 15 as the birds will return to their breeding/nesting area by May 1 and they must be protected. If the mowing occurs prior to April 15, once the grass is cut to 5" to 10" in height, the bird habitat will be eliminated.

Ms. Roth discussed the timeline for payment, noting that if SJTA fails to meet its obligations, the Commission will not be able to grant future development approvals. There is an application pending for a de-icing pad but it cannot proceed absent the initial payment and Board resolution.

She said staff will be providing the Committee with periodic updates and will ask SJTA representatives to meet with this Committee occasionally.

In response to Commissioner Howell's question as to how the figure of \$3 million was developed, Ms. Roth said staff looked at the cost of lands preserved through the State Agricultural Development Committee (SADC) program. She said this was a conservative estimate that also includes administrative costs. She said staff believes it provides an equivalent level of protection to offset the loss of the habitat at the airport.

Ms. Wittenberg noted that PCF funds are leveraged as the Commission provides one third of the funding for projects, with the remainder coming from other entities.

In response to Commissioner Howell's question if staff had examined SJTA's financial statements, Ms. Wittenberg said SJTA is another state agency and Ms. Roth said staff had looked at its 2015 budget.

Commissioner Howell suggested that, based on his review of their financial statements, SJTA could make a larger contribution, particularly as farmland continues to get more expensive and there are a number of pre-approved projects that were never completed. Also, he said he'd prefer a payment schedule within two to three years, not spread out over five.

Ms. Roth said the areas where they didn't do the anticipated projects were used for different projects and SJTA is limited as to where it can develop further at the airport.

Commissioner Barr said he concurred with Commissioner Howell and asked if shortening the payment time frame would cause SJTA to balk at the agreement.

Ms. Wittenberg said SJTA has indicated it is committed to its projects at the airport and staff can request more information regarding their plans to spend money in the future.

In response to Commissioner Lloyd's question as to how often the grass is mowed at the airport, Mr. Deman said the question is how quickly will they need to mow and that depends on the weather.

Commissioner Lloyd said that in some cases, the grassland habitat is currently within 30' of the runway. Ms. Roth said the FAA requires that wildlife habitat areas be beyond 10,000' from the airport operation area, which is outside the perimeter of the fence at Atlantic City Airport.

In response to Commissioner Lloyd's question if, upon approval of the MOA, SJTA will build a hotel in the current grassland habitat area, Ms. Roth said they could propose to do so, but she did not know if that would comply with FAA regulations. She said there are advisory circulars regarding the height of structures near the airport.

Commissioner Lloyd said he wanted to repeat his concern with the payment structure and said he wanted more money if it is to be paid out over a number of years.

In response to comments by Commissioner Lohbauer regarding the airport's status as a federal installation with both commercial and military flights, Ms. Roth said the FAA, United States Department of Agriculture (USDA) and other agencies are involved with the wildlife habitat assessment at the airport and have called for a reconsideration of the MOA and a withdrawal of the GCMA. The airport has received grant funds from the FAA and must abide by the advisory circulars. She said SJTA uses USDA to perform its wildlife assessments and their staff is on site to implement the management of wildlife.

Ms. Wittenberg said, for her, it is a matter of whether or not the Commission buys into the safety issue. She said SJTA has done nothing wrong. She said she didn't know why the issue has arisen now after all this time but she felt the safety issue was paramount.

Commissioner Lohbauer said he agreed but asked for comment on the assertion from those that opposed the MOA, including Audubon and PPA, that don't believe the current grassland habitat area attracts wildlife.

Ms. Roth said FAA and SJTA believe the area is a wildlife attractant. By maintaining the grass at a higher level, the airport has created a food source (rodents, insects, etc.) for larger birds and other wildlife. She said the strike data shows there are 30 to 40 bird strikes annually, with a higher period of strikes in the non-mowing season (April 15 to August 15). She said the birds causing the strikes are attracted to the habitat. Ms. Roth said PPA and Audubon are concerned that it is not the subject birds causing the problem. However, she said, there has been a documented case of an F-16 being hit by an upland sandpiper. She said not just commercial, but also military planes, use the site and the National Guard is assigned to the Department of Homeland Security with armed planes. She said, in an emergency, there would be no time to clear the runway. She said low, mowed grass allows the facility to continually access the view of any wildlife hazards including predators and birds

Commissioner Howell said he didn't feel the bird strike data show an increase over time and he felt there may be other underlying goals of which the Commission is unaware.

Ms. Wittenberg said she didn't disagree. She said this is not unlike issues such as climate change or Burlington County's application to widen Route 530. As for the latter, she reminded the Committee that questions were raised as to how many fatalities along the highway are too many before the road safety issues are addressed.

Commissioner Barr said his family flies in and out of the Atlantic City Airport regularly and he was well aware that people's lives are at stake.

Commissioner Lohbauer noted that there is legislation under consideration to promote expansion at the airport.

Ms. Roth said until 2017, the Port Authority had been operating the airport and it had been no better at attracting commercial development at the facility than is SJTA. She said although she understood there had been ongoing discussions, she's seen nothing beyond what she's read in the newspaper.

In response to Commissioner Barr's question if another entity should take over the airport would it be required to meet the same conditions, Ms. Roth said paragraph 18 of the draft agreement makes it clear that any successors or assigns are bound by this agreement.

Commissioner Lloyd suggested adding the term "contract operators".

In response to Commissioner Howell's question regarding potential changes to the agreement, Ms. Wittenberg said if there are no significant changes then there is no problem. However, larger changes will require a second public hearing.

Chairman Earlen said, in the interim, the SJTA Board needs to pass a Resolution stating they will abide by the draft agreement and provide the initial \$500,000 payment to the Commission. That Board needs an indication from the Committee as to what the Commission is likely to support.

Ms. Wittenberg said the Board had discussed the draft MOA amendment at its March 20, 2019 meeting and at least two members were not satisfied with it. She said if this matter is not on the Commission's April agenda, there will be no mowing permitted until August as the birds will return for nesting and egg-laying and would be in jeopardy. She said she would like confirmation of SJTA's actual assets and where those funds are committed.

Commissioner Howell said he believed the Commission needed that information.

Ms. Roth said the CMP requires a minimum of an equivalent level of protection to allow an MOA to proceed. In this case, the value of the 290-acre of the habitat lost from the elimination of the GCMA will be offset by the potential acquisition of a parcel of at least 62 acres and a \$3 million contribution to the PCF, where it will be leveraged 3:1 for the purchase and protection of lands in the Pinelands Area. In addition, SJTA is providing enhanced butterfly habitat. She said she felt SJTA has shown a commitment to providing an equivalent level of protection.

In response to Commissioner Lloyd's question about safety concerns, Ms. Roth said there are classes of accidents based on damage, including \$2 million for the loss of aircraft, but no monetary value assigned to loss of life. She said there has been a case of \$125,000 in damages to a plane from a falcon and several impacts on commercial flights.

Chairman Earlen said he felt that the \$3 million payment amount and structure should remain the same as proposed but the payment schedule should accelerate if SJTA cannot find suitable habitat within a year.

Commissioner Lloyd said he was not yet comfortable making a recommendation to the full Commission and asked that the draft MOA, including Chairman Earlen's suggestion, be advanced to the Commission for consideration.

Ms. Roth said she would bring an updated MOA to the Commission at its April 12, 2019 meeting at which time it can decide if it wants to move forward.

Commissioner Barr moved the referral to the full Commission, without a recommendation, of the first amendment to the 2004 MOA between the Commission and SJTA related to the Atlantic City Airport. Commissioner Howell seconded the motion and all voted in agreement.

Ms. Roth announced that the public comment period was closed on the proposed amended MOA with SJTA. Ms. Grogan added that such was the case also with comments on the Bass River and Manchester ordinances discussed today. One may summarize previous comment but not provide new testimony.

Ms. Wittenberg noted that the Commission packets will be mailed on Wednesday, April 3, 2019. She said this is a very tight frame, with SJTA conducting its Board meeting on Friday and the Governor's office closely involved so that the minutes are practically "pre-approved" following the April 12, 2019 Commission meeting. She said with the safety concerns at the airport, there are many steps involved to make this amended MOA happen in a timely manner.

5. Public Comment

Ms. Rhyan Grech, with the Pinelands Preservation Alliance (PPA) reiterated PPA's concerns expressed in its March 6, 2019 joint letter with Save Barnegat Bay regarding Manchester Township's request for certification in the PNR as well as PPA's letter regarding the proposed amended MOA with SJTA at the Atlantic City Airport.

Commissioner Prickett said on March 14, 2019 the Assembly Agriculture & Natural Resources Committee and Assembly Environment & Solid Waste Committee conducted a hearing on restoring the health of the NJ Pinelands and surrounding areas to ensure public safety and maximum ecological benefit through measures to prevent wildfires. He said the legislature needs to provide more funding for forest management programs and that the acreage of annual controlled burns should be doubled from the current 20,000 acres to 40,000 acres. He said he felt criticism of the Pinelands Commission at the hearing was unwarranted, knowing that staff meets frequently with NJDEP throughout the year.

Ms. Wittenberg said she would be going on a field trip with NJDEP personnel shortly. She said the Commission does not regulate prescribed burning but does regulate forestry. She said she could not recall an instance where the Commission has denied NJDEP a forestry application, that there is often a conflict between habitat versus clearing and that she shared the concerns about wildfires and safety.

There being no other items of interest, Commissioner Prickett moved the adjournment of the meeting and Commissioner Lloyd seconded the motion. The meeting was adjourned at 12:10 p.m.

Certified as true and correct:



Betsy Pifer,
Principal Planning Assistant

Date: April 15, 2019



May 21 2019

New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Attn: Robyn Jeney, Pinelands Conservation Fund

Re: Pinelands Conservation Fund Application

Dear Ms. Jeney:

I would ask that you accept this correspondence as Rancocas Conservancy's written request for advanced payment for funding toward the Katz Trust acquisition. I am hoping for a closing date near to June 21, 2019.

Should you need additional information or support, do not hesitate to contact me by phone at 609-234-3796 or e-mail at robhofstrom@yahoo.com.

Very truly yours,

Robert A. Hofstrom

Robert A. Hofstrom,
Trustee/Secretary



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-_____

TITLE: Issuing an Order to Certify Ordinance 2019-01, Amending Chapter 185 (Zoning) of the Code of Dennis Township

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Dennis Township; and

WHEREAS, Resolution #PC4-83-77 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 #PC4-83-77 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 March 26, 2019, Dennis Township adopted Ordinance 2019-01, amending Chapter 185 (Zoning) of the Township’s Code by revising the boundaries of the PV (Pinelands Village), PF8 (Moderate-Density Forest) and PF25 (Low-Density Forest) Districts, within the Pinelands Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2019-01 on March 27, 2019; and

WHEREAS, by letter dated April 1, 2019, the Executive Director notified the Township that Ordinance 2019-01 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2019-01 was duly advertised, noticed and held on May 1, 2019 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 Dennis Township Ordinance 2019-01 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 2019-01, amending Chapter 185 (Zoning) of the Code of Dennis Township, 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 2019-01 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2019-01 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 2019-01, amending Chapter 185 (Zoning) of the Code of Dennis Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Dennis Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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



PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

**REPORT ON ORDINANCE 2019-01, AMENDING CHAPTER 185 (ZONING)
 OF THE CODE OF DENNIS TOWNSHIP**

May 31, 2019

Dennis Township
 P.O. Box 204
 Dennisville, NJ 08214

FINDINGS OF FACT

I. Background

The Township of Dennis is located in the extreme southern portion of the Pinelands Area, in Cape May County. Pinelands municipalities that abut Dennis Township include the Township of Upper and the Borough of Woodbine in Cape May County and the Township of Maurice River in Cumberland County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Dennis Township.

On March 26, 2019, Dennis Township adopted Ordinance 2019-01, amending Chapter 185 (Zoning) of the Township's Code by revising the boundaries of the PV (Pinelands Village), PF8 (Moderate-Density Forest) and PF25 (Low-Density Forest) Districts, within the Pinelands Area. The Pinelands Commission received a certified copy of Ordinance 2019-01 on March 27, 2019.

By letter dated April 1, 2019, the Executive Director notified the Township that Ordinance 2019-01 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 2019-01, amending Chapter 185 (Zoning) of the Code of Dennis Township, introduced on February 26, 2019 and adopted on March 26, 2019.

This amendment 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 Land Use Ordinance Relating to Development Standards**

Ordinance 2019-01 amends Chapter 185 (Zoning) of the Code of Dennis Township by revising the boundaries of the Pinelands Villages of Belleplain and Dennisville to follow lot lines, recognize existing development and reflect development potential. Ordinance 2019-01 rezones all or portions of several vacant lots from the Pinelands Villages to the Forest Area, in recognition of their status as municipal or State open space and conservation lands. In addition, the ordinance rezones portions of two lots containing an existing municipal recreation facility from the Forest Area to the Pinelands Village of Belleplain. In total, approximately 12 acres are redesignated from the Forest Area to the Pinelands Village of Belleplain and 51 acres are redesignated from the two Pinelands Villages to the Forest Area. All of the affected properties are owned by either the Township or the New Jersey Department of Environmental Protection. Details on the two affected Pinelands Villages follow.

Belleplain

Ordinance 2019-01 rezones Block 31, Lot 5.02 and a portion of Lot 13 from the PF25 (Low-Density Forest) District in the Pinelands Forest Area to the PV (Pinelands Village) District in Belleplain (see Exhibit #1). These two lots are the site of an existing municipally owned active and passive recreation facility. Known as Chestnut Street Park, the facility currently consists of playgrounds, basketball courts, football fields, bleachers, a concession stand, restrooms, storage sheds, garages, a 200-space paved parking lot, unpaved parking areas and other accessory structures. A portion of Lot 13 is already located in the PV District but the remainder of the lot is in the Forest Area, where the CMP does not permit new intensive recreational facilities and limitations on the expansion of such existing facilities apply. Rezoning the lots to the PV District makes the existing recreational complex a permitted use and allows for its expansion, subject only to the minimum environmental standards of the CMP. In total, approximately 12 acres are rezoned to the PV District, with the resulting zoning boundary now coinciding with lot lines.

Ordinance 2019-01 also rezones a number of lots from the PV District to the adjacent PF25 and PF8 Districts in the Forest Area in recognition of their existing municipal or state ownership and conservation status. One small municipally owned lot is rezoned (Block 32, Lot 6), as are all or portions of nine lots owned by the Department of Environmental Protection and managed as part of Belleplain State Forest (Block 22, Lots 24, 25 and 27 and p/o Lot 22; Block 31, Lot 25; Block 32, Lots 1, 2, 3 and 5). All of the rezoned properties are forested and vacant. In total, 43 acres are rezoned to the Forest Area, returning the lots to their original management area designation under the Comprehensive Management Plan.

Dennisville

Ordinance 2019-01 rezones Block 57, Lots 13 and 14, from the PV District in Dennisville to the PF25 District in the Forest Area (see Exhibit #2). The two lots total 7.50 acres in size and are owned by the New Jersey Department of Environmental Protection. They were acquired by the State in 2000 along with the adjacent 60-acre property known as Ludlam Mill Pond, which is already located in the Forest Area. A significant portion of Lot 13 is comprised of wetlands, and both Lots 13 and 14 are almost entirely within a 300 foot buffer to wetlands, making any future development on the property extremely unlikely. Rezoning these lots to the Forest Area appropriately recognizes their existing public ownership and lack of development potential.

As a result of the zoning changes adopted by Ordinance 2019-01, 12 acres are added to the Pinelands Village of Belleplain and 51 acres are returned to the Pinelands Forest Area. The revised zoning boundaries better reflect existing development, public ownership and future development potential. They also eliminate the administrative difficulties caused by splitting lots between zones and Pinelands management areas that have very different permitted uses and standards.

The zoning and management area changes adopted by Ordinance 2019-01 are consistent with the land use and development standards of the CMP. 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

Ordinance 2019-01, amending Chapter 185 (Zoning) of the Code of Dennis Township, 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

Ordinance 2019-01, amending Chapter 185 (Zoning) of the Code of Dennis Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

None of the zoning and management area changes adopted by Ordinance 2019-01 involve lands that are adjacent to any other municipalities. This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Dennis Township's application for certification Ordinance 2019-01 was duly advertised, noticed and held on May 1, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 2019-01 were accepted through May 6, 2019; however, none were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2019-01 is consistent 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 2019-01 of Dennis Township.

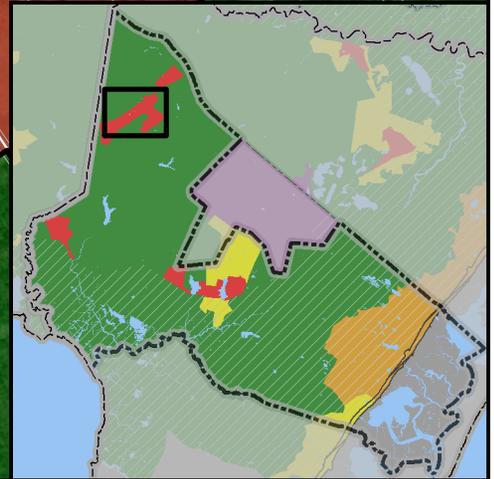
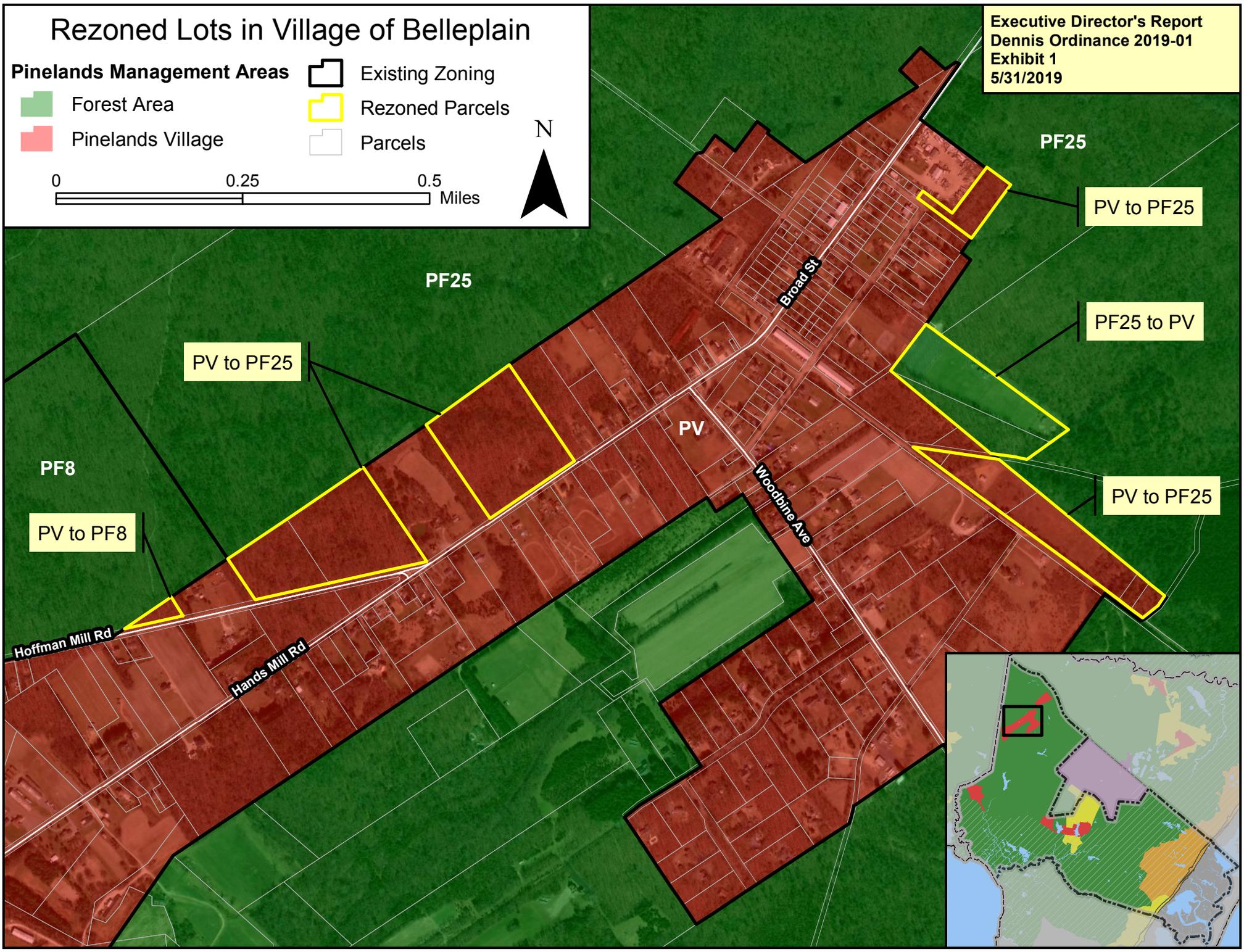
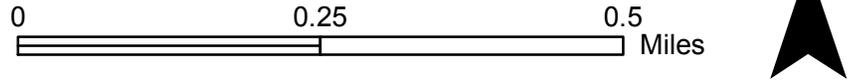
SRG/CDE

Attachments

Rezoned Lots in Village of Belleplaine

Executive Director's Report
Dennis Ordinance 2019-01
Exhibit 1
5/31/2019

- Pinelands Management Areas**
 - Forest Area
 - Pinelands Village
- Existing Zoning**
- Rezoned Parcels**
- Parcels**

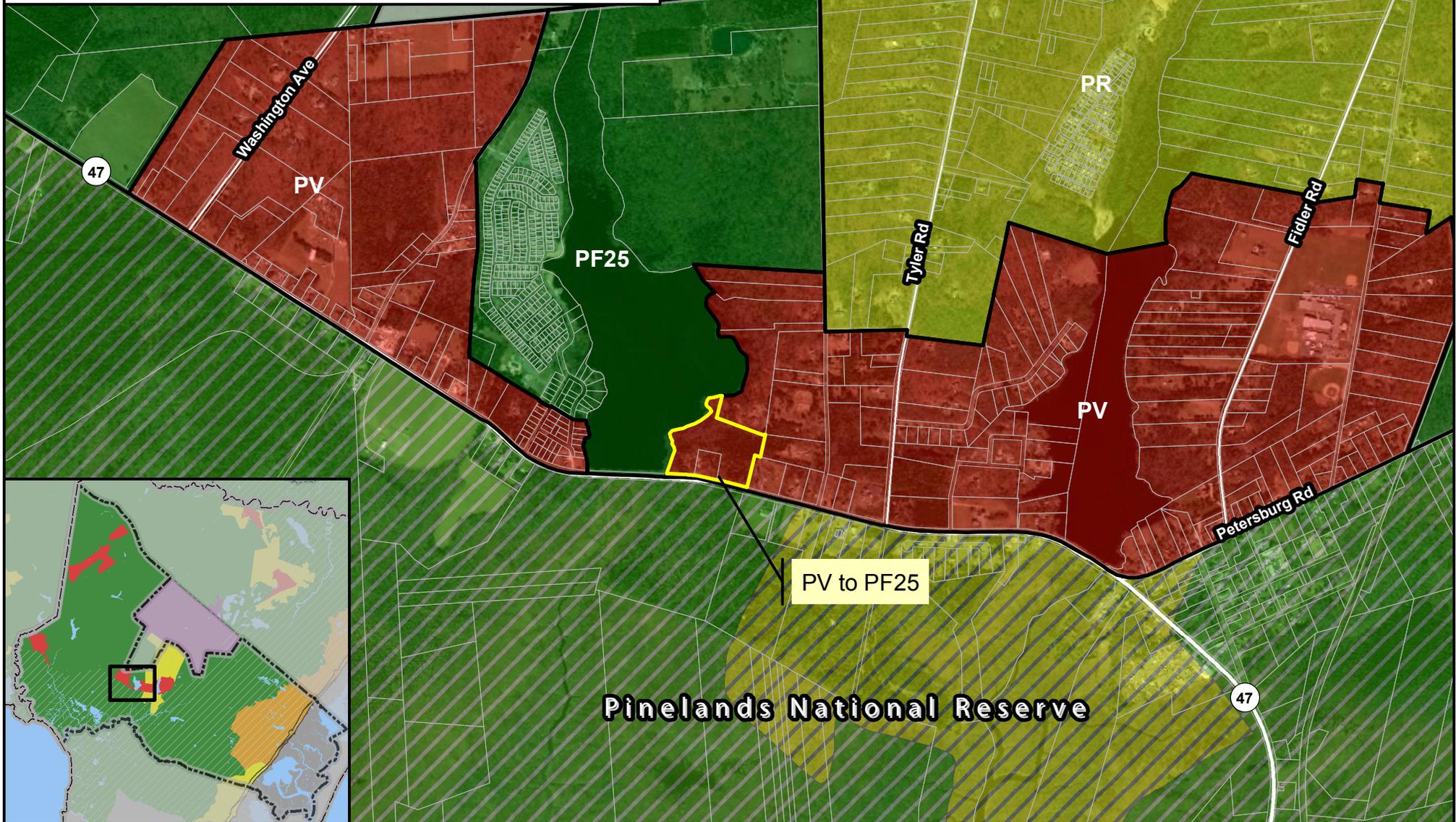


Rezoned Lots in Village of Dennisville

Executive Director's Report
Dennis Ordinance 2019-01
Exhibit 2
5/31/2019

- Pinelands Management Areas**
- Forest Area
 - Rural Development Area
 - Pinelands Village
- Existing Zoning**
- Existing Zoning
 - Rezoned Parcels
 - Parcels

0 0.25 0.5 Miles



PV to PF25

Pinelands National Reserve

47

PV

PF25

PR

PV

47



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-_____

TITLE: Issuing an Order to Certify Pemberton Township Ordinance 12-2019, Adopting the Rowan College at Burlington County Redevelopment Plan, and Ordinance 13-2019, Adopting the Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plan

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township; and

WHEREAS, Resolution #PC4-83-52 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 #PC4-83-52 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 April 3, 2019, Pemberton Township adopted Ordinance 12-2019, adopting a Redevelopment Plan for the Rowan College at Burlington County Redevelopment Area; and

WHEREAS, on April 3, 2019, Pemberton Township also adopted Ordinance 13-2019, adopting a Redevelopment Plan for the Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Area; and

WHEREAS, both Redevelopment Areas are located in the Pinelands Area; and

WHEREAS, the Pinelands Commission received certified copies of Ordinances 12-2019 and 13-2019 on April 9, 2019; and

WHEREAS, by letter dated April 15, 2019, the Executive Director notified the Township that Ordinances 12-2019 and 13-2019 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinances 12-2019 and 13-2019 was duly advertised, noticed and held on May 1, 2019 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 12-2019 and 13-2019 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 Pemberton Township Ordinances 12-2019 and 13-2019, adopting the Rowan College at Burlington County and Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plans, 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 12-2019 and 13-2019 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinances 12-2019 and 13-2019 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 Pemberton Township Ordinance 12-2019, adopting the Rowan College at Burlington County Redevelopment Plan, and Ordinance 13-2019, adopting the Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plan, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Pemberton Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON PEMBERTON TOWNSHIP ORDINANCE 12-2019, ADOPTING THE ROWAN COLLEGE AT BURLINGTON COUNTY REDEVELOPMENT PLAN, AND ORDINANCE 13-2019, ADOPTING THE FORMER BURLINGTON COUNTY MINIMUM SECURITY CORRECTIONS AND WORK RELEASE CENTER REDEVELOPMENT PLAN

May 31, 2019

Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton, NJ 08068

FINDINGS OF FACT

I. **Background**

The Township of Pemberton is located in eastern Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Pemberton Township include New Hanover, Springfield, Southampton and Woodland Townships in Burlington County and Manchester and Plumsted Townships in Ocean County.

On June 3, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Pemberton Township.

On April 3, 2019, Pemberton Township adopted Ordinance 12-2019, adopting a Redevelopment Plan for the Rowan College at Burlington County Redevelopment Area. Also on April 3, 2019, the Township adopted Ordinance 13-2019, adopting a Redevelopment Plan for the Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Area. The Rowan College at Burlington County Redevelopment Area is located in partially in a Pinelands Regional Growth Area and partially in a Pinelands Rural Development Area. The Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Area is located entirely within a Regional Growth Area.

The Pinelands Commission received certified copies of Ordinances 12-2019 and 13-2019 on April 9, 2019.

By letter dated April 15, 2019, the Executive Director notified the Township that Ordinances 12-2019 and 13-2019 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 12-2019, adopting the Rowan College at Burlington County Redevelopment Plan, introduced on March 20, 2019 and adopted on April 3, 2019; and
- Ordinance 13-2019, adopting the Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plan, introduced on March 20, 2019 and adopted on April 3, 2019.

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 Land Use Ordinance Relating to Development Standards**

Rowan College at Burlington County Redevelopment Plan

Ordinance 12-2019 adopts a Redevelopment Plan for the Rowan College at Burlington County (RCBC) Redevelopment Area. The RCBC Redevelopment Area totals approximately 225 acres in size and is comprised of Block 843, Lots 1 and 10, and Block 843.01, Lot 1.01. It is located on the south side of Pemberton-Browns Mills Road (see Exhibit #1) and contains the former Burlington County College campus, more recently known as Rowan College at Burlington County.

According to the Redevelopment Plan, development of one or more mixed-use projects is envisioned, including recreation, residential, office, medical, light industrial and retail uses. The Plan specifically discourages a “piecemeal” redevelopment approach while acknowledging that there may ultimately be multiple owners and developers who seek to develop separate projects. The Plan also emphasizes the need to focus redevelopment efforts on the already disturbed and developed portions of the redevelopment area. This is a critical component of the Redevelopment Plan because lands outside the existing development footprint are nearly all comprised of wetlands and required wetlands buffer areas.

The RCBC Redevelopment Plan divides the new redevelopment area into three areas. Area 1, located along Pemberton-Browns Mills Road, contains lands on both sides of the Pemberton Bypass, including the existing RCBC athletic fields (see Exhibit #2). Area 2 extends east along Pemberton-Browns Mills Road to encompass the developed portion of the RCBC campus (see Exhibit #3). Areas 1 and 2 contain a total of 143 acres and are located entirely within a Pinelands Regional Growth Area. They are currently included in the Township’s GI

(Government Institution) District, where permitted uses are limited to a variety of county and municipal facilities. Area 3, which contains approximately 82 acres, includes the undisturbed portions of the RCBC campus (see Exhibit #4). Located in a Pinelands Rural Development Area, Area 3 is comprised almost entirely of wetlands and is currently located in the Township's R-3 (Single-Family Residential) District.

Within Area 1, the RCBC Redevelopment Plan permits multi-family dwellings and neighborhood commercial uses. Permitted uses in Area 2 are more expansive, including multi-family dwellings, office/light industrial "flex space", hospitals, health-care facilities, retail uses, low intensity recreational facilities, government offices and maintenance facilities and child care centers. Permitted uses in Area 3 are appropriately limited to low intensity recreational facilities.

A maximum density of 10 units per acre is permitted for residential development in Areas 1 and 2. Ten percent of all units in the RCBC Redevelopment Area must be set aside as affordable housing units. Pinelands Development Credits must be acquired and redeemed for 25% of all units in the RCBC Redevelopment Area, excluding any required affordable housing units. The Redevelopment Plan sets forth numerous additional standards for development, including those related to landscaping, screening, lighting, parking, circulation, internal walkways and greenways and building design and orientation. Redevelopers are encouraged to use LEED construction standards, with LEED certification required for new building construction and major renovation projects if such projects are funded by the Township or through funding awarded to the Township. Finally, the Redevelopment Plan requires that all development in the RCBC Redevelopment Area must comply with the minimum environmental standards of the Comprehensive Management Plan.

Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plan

Ordinance 13-2019 adopts a Redevelopment Plan for the Former Burlington County Minimum Security Corrections and Work Release Center (CWRC) Redevelopment Area. The CWRC Redevelopment Area encompasses approximately 10 acres within the Township's Regional Growth Area and is comprised of portions of Block 812, Lots 9.01 and 9.03. It is located on the north side of Pemberton-Browns Mills Road (see Exhibit #5). In terms of existing development, the Redevelopment Area contains the County's former corrections and work release center, which the Redevelopment Plan describes as "vacant and obsolete", as well as an old access road. All lands in the CWRC Redevelopment Area are currently included in the Township's GI (Government Institution) District, where permitted uses are limited to various county and municipal buildings and facilities.

The CWRC Redevelopment Plan is intended to encourage residential development, foster the creation of new neighborhoods and provide opportunities to address the Township's future affordable housing needs. Pre-existing government uses are permitted to continue in the CWRC Redevelopment Area; however, the focus of the Redevelopment Plan is to provide standards for new residential development. Garden apartments, townhouses and semi-detached dwellings are all listed as permitted uses, with a maximum residential density of 8.0 units per acre. Ten percent of all units in the CWRC Redevelopment Area must be set aside as affordable housing units. Pinelands Development Credits must be acquired and redeemed for 25% of all units in the CRWC Redevelopment Area, excluding any required affordable housing units. In addition to providing standards for parking, residential design, landscaping, streetscape, lighting and

signage, the Redevelopment Plan also requires that all development in the CWRC Redevelopment Area must comply with all other municipal application requirements and development standards, as well as the Comprehensive Management Plan.

Residential Zoning Capacity

The Redevelopment Plans adopted by Ordinances 12-2019 and 13-2019 significantly increase residential zoning capacity in Pemberton Township's Regional Growth Area. In the CWRC Redevelopment Area, 80 new units are permitted. Residential zoning capacity in the RCBC Redevelopment Area is more difficult to estimate given environmental constraints and the resulting need to keep future development within the existing development footprint. Theoretically, the permitted 10 unit per acre density could be applied to all 143 acres in Areas 1 and 2 of the RCBC Redevelopment Area, resulting in a zoning capacity of over 1,000 units. Such a result is unlikely, given that at least a portion of the Redevelopment Area is expected to be developed for nonresidential uses. In addition, the maximum height limitations established in the Plan (30 feet in Area 1; 50 feet in Area 2) will limit the number of stories and resulting number of multi-family units in any proposed apartment buildings. A more realistic estimate of 340-400 new units was provided by the Township in its application for a grant from the Pinelands Infrastructure Trust Fund. Using that estimate, residential zoning capacity has increased by a total of 480 units as a result of the two redevelopment plans.

As noted above, the RCBC Redevelopment Plan permits residential development at a density of 10 units per acre. The CWRC Redevelopment Plan allows for a density of 8 units per acre. These permitted densities are significantly higher than what the Comprehensive Management Plan prescribes for Pemberton's Regional Growth Area. N.J.A.C. 7:50-5.28(a)1 and 3 require the Township to zone for a density of only 2.0 units per upland acre in its Regional Growth Area. However, the Comprehensive Management Plan does provide municipalities with the ability to zone portions of their Regional Growth Areas for higher densities, provided the lands in question are appropriate for more intensive development, infrastructure exists or can be provided to support the increased density and sufficient opportunities for the use of Pinelands Development Credits are provided. The RCBC and CWRC Redevelopment Areas meet these standards, even though they both contain significant wetlands. Redevelopment on existing impervious surfaces and within areas of existing disturbance is permitted under the Comprehensive Management Plan.

Ordinances 12-2019 and 13-2019 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinances 12-2019 and 13-2019 adopt new redevelopment plans for a portion of Pemberton Township's Regional Growth Area. Based on these plans, residential development will be permitted at a density of 10 units per acre in the RCBC Redevelopment Area and at 8 units per acre in the CWRC Redevelopment Area, with the use of Pinelands Development Credits required for 25% of all proposed units. Units made affordable to low- and moderate-income households for purposes of satisfying the 10% set-aside requirement in the Redevelopment Areas are exempt from this Pinelands Development Credit requirement. Affordable housing units beyond the required 10% set-aside will require that Pinelands Development Credits be acquired and redeemed at the 25% rate.

The two Redevelopment Plans significantly increase residential zoning capacity and opportunities for the redemption of Pinelands Development Credits in the Township's Regional Growth Area. It is estimated that a total of 480 new units may be developed and 108 rights (27 Pinelands Development Credits) could be redeemed. These numbers are well in excess of what the Comprehensive Management Plan requires for Pemberton's Regional Growth Area.

It is important to note that the standards described above represent a departure from the traditional zoning and Pinelands Development Credit strategy outlined in N.J.A.C. 7:50-5.28(a). This section of the Comprehensive Management Plan anticipates that municipalities will establish "base" densities in their various Regional Growth Area zoning districts and then provide opportunities to increase such densities through the use of Pinelands Development Credits. In Pemberton's Regional Growth Area, the Comprehensive Management Plan establishes a "base" density of 2.0 units per developable acre and directs the Township to provide for "bonus" density through the use of Pinelands Development Credits to allow for a total of 3.0 units per developable acre. There is nothing in the CMP that prevents municipalities from exceeding these minimum requirements, which is exactly what Pemberton Township has elected to do. The Township has chosen to provide for higher density in these two new redevelopment areas as a means of spurring redevelopment, encouraging new commercial ratables and mixed use development and accommodating the municipality's future affordable housing needs. At the same time, the Township has adopted standards to ensure that Pinelands Development Credit use will be a significant part of whatever development projects ultimately come to fruition in the redevelopment areas.

Rather than relying on the traditional approach of providing developers with the *option* of using Pinelands Development Credits to increase permitted density, Ordinances 12-2019 and 13-2019 *guarantee* a PDC redemption rate of 25% for residential development within the Redevelopment Areas, with the exception of affordable housing units. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinances 12-2019 and 13-2019 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

Pemberton Township Ordinances 12-2019 and 13-2019, adopting the Rowan College at Burlington County and Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plans, 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

Pemberton Township Ordinances 12-2019 and 13-2019, adopting the Rowan College at Burlington County and Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plans, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The zoning changes adopted by Ordinances 12-2019 and 13-2019 through the two new redevelopment plans do not involve lands that are adjacent to any other municipalities. This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Pemberton Township's application for certification Ordinances 12-2019 and 13-2019 was duly advertised, noticed and held on May 1, 2019 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

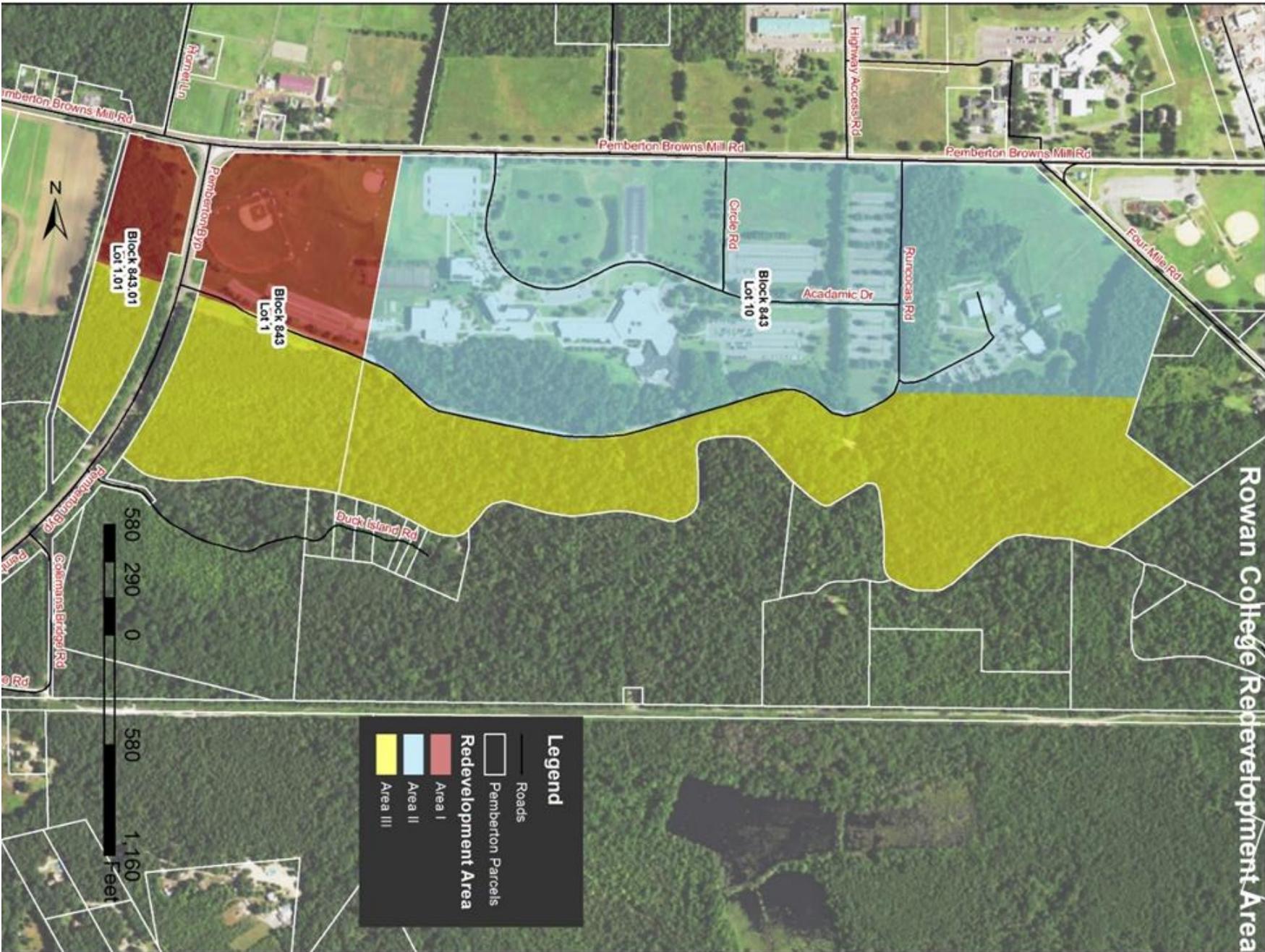
Written comments on Ordinances 12-2019 and 13-2019 were accepted through May 6, 2019; however, none were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinances 12-2019 and 13-2019 are consistent 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 12-2019 and 13-2019 of Pemberton Township.

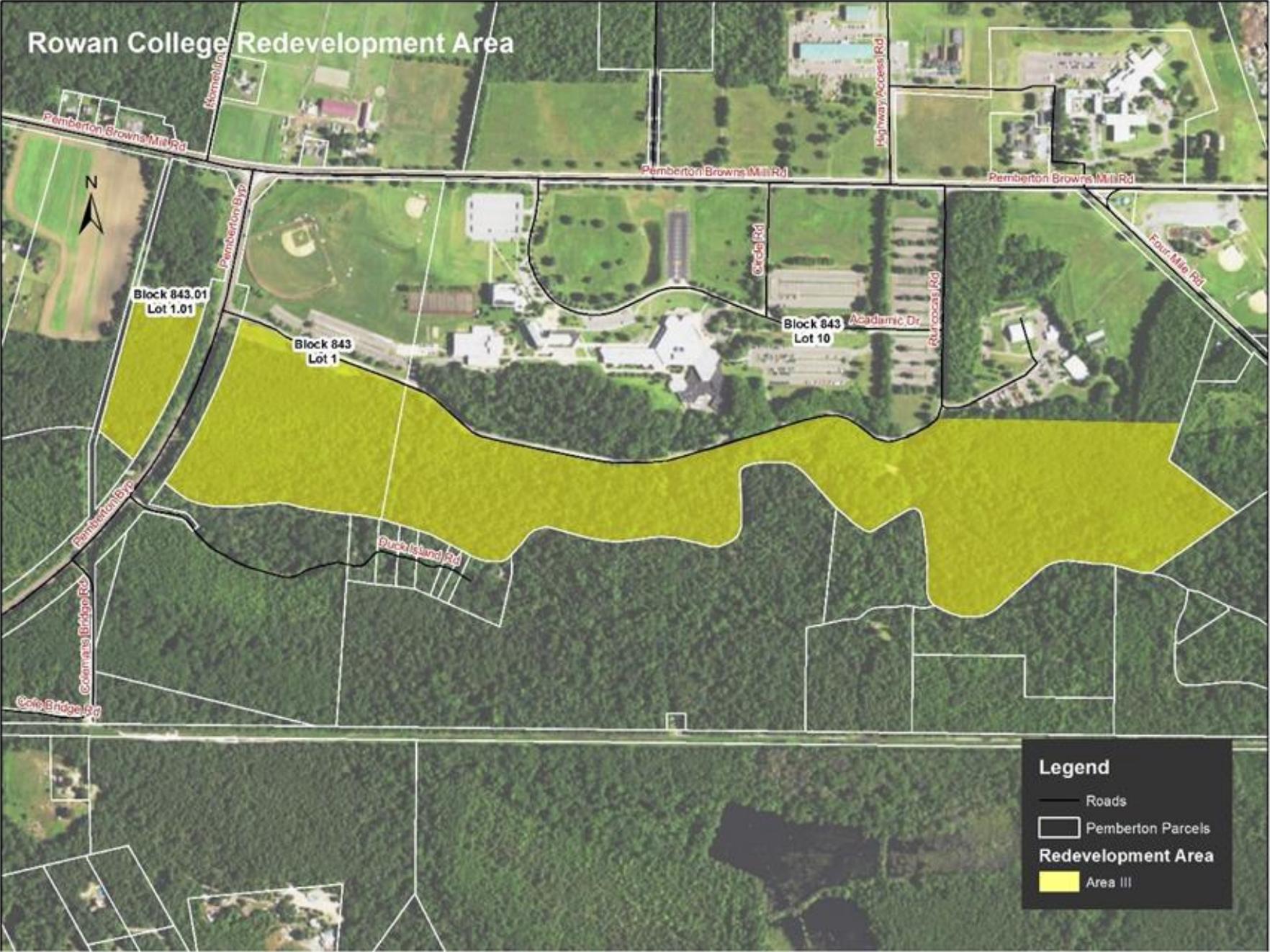
SRG/CPE

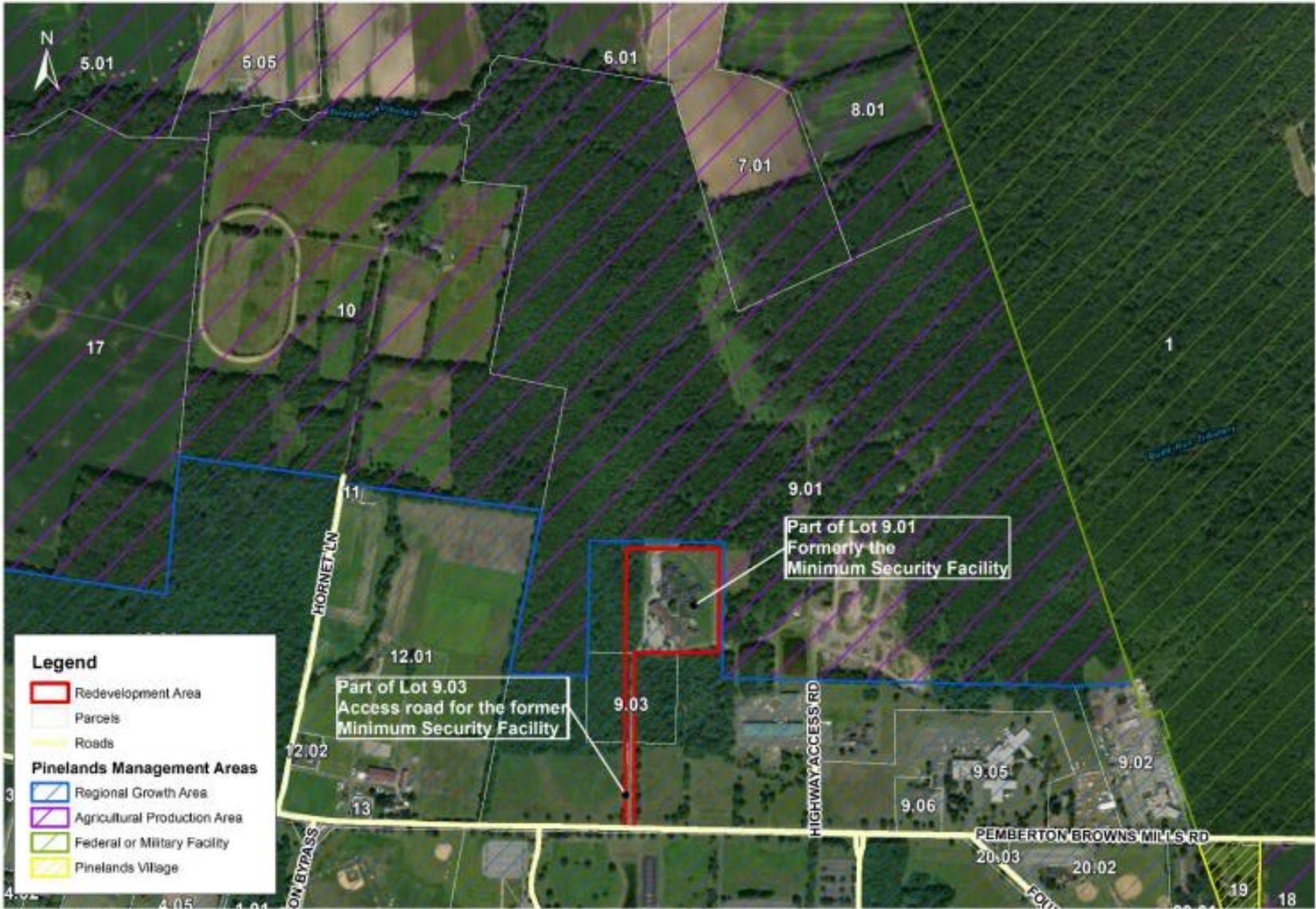
Attachments











Block 812, Lots 9.01 & 9.03
Township of Pemberton
Burlington County, NJ
0 215 430 860
Feet

Redevelopment Area
Former Burlington County Corrections and Work Release Center

