



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Acting Executive Director

Date: June 16, 2022

Subject: June 24, 2022 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on June 24, 2022. We have also enclosed the following:

- The minutes from the Committee's May 27, 2022 meeting; and
- Draft resolutions and reports on the Egg Harbor Township and Evesham Township master plan and ordinance amendments listed on the agenda

The Committee meeting will be conducted in-person and via teleconference. Specific access information will be provided to all Committee members in a separate email. The public is invited to attend the meeting in-person or view and participate in the meeting through the following YouTube link:

www.youtube.com/c/PinelandsCommission



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

June 24, 2022 – 9:30 a.m.

This meeting will be held in-person and virtually

Richard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel:

www.youtube.com/c/PinelandsCommission

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 810 2764 7456

Agenda

1. Call to Order
2. Adoption of minutes from the May 27, 2022 CMP Policy & Implementation Committee meeting
3. **Executive Director's Reports**

Egg Harbor Township Ordinance 10-2022, adopting the Timber Ridge Redevelopment Plan

Evesham Township's 2021 General Reexamination and Master Plan Amendment and Ordinance 5-3-2022, amending Chapter 160 (Zoning) of the Township's Code by creating new zoning districts and adopting an amended zoning map
4. Update on Kirkwood-Cohansey (Water Management) CMP amendments
5. Overview of Long-Term Economic Monitoring Program work plan
6. Discussion of FY23 P&I Committee work plan
7. Public Comment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:

<https://www.youtube.com/watch?v=bk0ox--T7cE>

Meeting ID: 822 7489 6113
Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
May 27, 2022 - 9:30 a.m.

Members in Attendance – Alan W. Avery Jr, Edward Lloyd, Mark Lohbauer, Laura E. Matos

Members Absent – Jerome H. Irick

Other Commissioners in Attendance – Theresa Lettman

Commission Staff in Attendance (TDM Room) – John Bunnell, Ernest Deman, April Field, Susan Grogan, Charles Horner, Paul Leakan, Jessica Lynch, Trent Maxwell, Stacey Roth

Commission Staff in Attendance (Zoom) – Gina Berg, Marci Green, Steve Simone

1. Call to Order

Chair Matos called the meeting to order at 9:31 a.m.

2. Adoption of the Minutes from the April 29, 2022, CMP Policy and Implementation Committee Meeting

Chair Matos asked for a motion to adopt the minutes from the April 29, 2022, meeting of the CMP Policy and Implementation Committee. Commissioner Lohbauer made the motion. Commissioner Avery seconded. All voted in favor.

3. Stockton University 2020 Facilities Master Plan

Stacey Roth, Chief of Legal & Legislative Affairs, made a power point presentation on CMP requirements for a State Agency Plan and Stockton University's prior Facilities Master Plans from 1990 and 2010 (attached). Ms. Roth explained that the Commission has reviewed and approved Stockton's prior master plans as State Agency Plans and that it would need to do so again for Stockton's 2020 Facilities Master Plan.

Ms. Roth discussed an issue that arose in approximately 2019 regarding the boundaries of the land area restricted by the 2010 Deed of Conservation Restriction (DCR). This was executed by Stockton as part of the Commission's approval of its 2010 Master Plan. Specifically, the DCR

used a colored map to define the area on Stockton's campus that were subject to conservation restrictions against development.

Unfortunately, boundaries of the deed-restricted lands on this map were not precise. This issue became apparent when Stockton undertook development activities in an area adjacent to the cartway of Vera Farris King Road. This was in an area that Stockton did not believe was subject to restrictions and which the Commission determined was depicted as deed-restricted on the map. The map used to mark the boundaries of the deed-restricted lands in the 2010 DCR did not address existing road shoulders or utility infrastructure on the campus. While the deed restriction did allow the college to perform maintenance within the protected acreage, it did not permit any expansion.

The Commission consulted the New Jersey Department of Environmental Protection (DEP) to determine how best to revise the DCR to ensure continued protection of the deed-restricted lands while also addressing Stockton's needs to expand.

To move forward with revisions to the DCR, staff from the Commission and Stockton spent several years trying to find the base documents from which the map attached to the Deed of Conservation Restriction was created and to ascertain the original site boundaries of the road and other infrastructure as of 2009. This information would constitute the baseline for the 2010 DCR. The goal is to create a GIS-based map of the deed-restricted lands upon which both Stockton and the Commission agree. This GIS map would serve as the basis of an amendment of the 2010 DCR and would also be used going forward to evaluate any development applications submitted by Stockton.

Ms. Roth said that since the project will require the release of lands currently subject to the DCR, it is her expectation that DEP will require the Conservation Restriction and Historic Preservation Act process be conducted. She noted that Stockton remains committed to providing a 1:1 replacement for any lands released from the DCR.

In 2015, the Commission executed a Memorandum of Agreement (MOA) with Stockton solely for an alternate permitting process. Ms. Roth said the Commission is not envisioning a need for a new MOA at this time. The development pockets that were created in the 2010 master plan had conditions concerning the extent of impervious coverage and removal of forest cover. The 2020 Facilities Master Plan retains these development pockets and conditions.

Ms. Roth introduced Charles West, Executive Director of Facilities, Planning, and Infrastructure at Stockton University.

Mr. West shared a slideshow outlining the 2020 Facilities Master Plan, explained its relation to the 2010 Plan, and highlighted certain projects of importance to the University. His presentation can be viewed here:

<https://www.nj.gov/pinelands/home/presentations/Pinelands%20Presentation%20of%20the%202020%20Master%20Plan.pdf>.

Mr. West indicated that the University's main goal in 2020 was to compose a single document that encompasses all of Stockton's properties. Since 2010, the University has grown considerably in both enrollment and facilities. It has added classroom properties in Hammonton, Stafford, and Atlantic City, and added its coastal research facility in Port Republic to the plan. Officials also performed cost analysis and budget estimates to provide forthcoming administrators with a frame of reference for future costs.

Mr. West said many private landowners in Galloway Township reach out to the University with offers to donate their land. He said sometimes the University accepts these offers and other times it declines. He continued that the University has grown to such a point that the 2010 plan was no longer reflective of what Stockton is today. After this update, there is now a single document with a comprehensive list of every facility that Stockton owns.

Commissioner Lloyd asked how the University is accommodating environmental protections in its 2020 plan and what mitigative actions it is taking to reach those goals.

Ms. Roth said the 2020 Master Plan will not result in a significant environmental impact. The University is remaining within its existing development pockets and the amount of impervious coverage has not increased since the last plan adoption. The 2020 Master Plan proposes new types of development within these existing pockets. She said the only outstanding issue to address is accommodating the existing roads and infrastructure in the 32.4-acre deed-restricted area.

Commissioner Lloyd said he is interested in quantifying the changes between 2010 and 2020 and calculating the delta change on preserved land.

Stockton representative Rick Riccardi cited the sewage pump station application to the Commission as an example of why the DCR needs to be amended. It was a pump station that received the University's sewage and was diverted to a main on Jimmie Leeds Road. The University applied to the Commission to update the station, but the construction project necessitated an update to the conservation easement to operate in the area. He said much of Stockton's work is simply retrofitting existing infrastructure, and not pushing new development into the deed-restricted area.

Ms. Roth said Commission staff noticed that wetlands buffers and deed-restricted areas extended right up to the roadway on Vera Farris King Dr. She noted the boundaries are difficult to ground truth and that there was no language in the DCR to account for this kind of construction. The 2010 DCR did not provide any exception or exemption for the University to update the infrastructure in the protected area that predates the filing of the DCR.

Mr. Riccardi noted that the roadways serving Stockton were only meant to serve the University and are not owned by the municipality. The wetlands buffers approach the roadway and preclude Stockton from performing any maintenance on the shoulder. There is no assigned right-of-way to any of the roadways.

Ms. Roth said this reality became apparent when the University attempted roadway maintenance and realized the areas around the roads are restricted. This has created an application backlog for development on the campus; the University cannot proceed with other projects until the issue involving the DCR triggered by the Vera Ferris King Drive project is resolved. The University's goal is to resolve the outstanding violation, which means amending the existing deed of conservation restriction. Commission staff is working to create an improved map of the restricted areas.

Ms. Grogan said the amended deed restriction will not only better define the deed-restricted area but also include the new offset lands.

Commissioner Lohbauer thanked the Stockton officials for attending the meeting and demonstrating their cooperation with the Commission. He asked if parking expansions at Stockton were simply due to the increased student body and if the University had considered public transit connections.

Mr. West said the University is removing parking lots in its new plan and the parking garage is intended to compensate for those losses. The University also operates a routine shuttle between Galloway and Atlantic City. He said Stockton hopes to purchase electric vehicles for staff and is cognizant of carbon emissions. He added the parking garage will not likely be constructed in the next five years.

Commissioner Lettman asked Ms. Roth if Stockton had started the diversion process. Ms. Roth said discussions are ongoing with DEP, and that the project is a release, not a diversion. The Commissioner asked if Stockton would go through the process via Green Acres. Ms. Roth confirmed that they would, but that the land was preserved by DEP on behalf of the Commission. The DEP Commissioner would have to approve releasing those lands after a public hearing in accordance with the NJ Conservation Restrictions and Historic Preservation Restrictions Act process.

Ms. Grogan said development in the deed-restricted area cannot move forward until the DEP release process is finished. She said if the Commission agrees with Stockton on the final map and offset requirements, the release process can get underway and applications outside the deed-restricted area can resume.

Commissioner Lettman said the map of proposed exemptions depicts infrastructure in the deed-restricted area. Ms. Grogan replied that the map included in the packet was the one that needs to be finalized so that all infrastructure is properly identified.

Ms. Roth added that the DEP should be open to this process, as the Commission is a third-party beneficiary in this instance.

Commissioner Avery asked if amending the deed restriction includes State House Commission review. Ms. Roth said that it does not.

Commissioner Avery asked if the existing sewer system on Pomona Road ends on the east side of the Garden State Parkway. Mr. West said water service would extend down Pomona Road from the intersection with Duerer Street. The nearest sewer connection is situated on the White Horse Pike. The new interconnections would be heading towards the Parkway rather than extending from it.

Commissioner Avery asked if the University officials would be interested in preserving the land donations they receive from private landowners. Mr. West said they would absolutely be interested in that possibility.

Commissioner Lohbauer asked if any action was necessary on the adoption of the Master Plan. Ms. Grogan said no, and that this presentation was merely an opportunity for Commissioners to ask questions and express concerns.

4. Kirkwood-Cohansey Water Management Amendments

Ms. Grogan discussed the Kirkwood-Cohansey Aquifer management amendments to the Comprehensive Management Plan (CMP) that were presented at the March committee meeting. The draft provided in the May P&I packet is the final draft rule proposal that staff has submitted to the Governor's office for approval. Upon receipt of that approval, the Commission can formally authorize the proposal.

Ms. Grogan said there was no need for the Committee to take any formal action on rule proposal today. She mentioned a call scheduled with the Governor's office during the first week of June to address any questions that they may have on the rule proposal. Ms. Grogan said she hoped the Commission would be able to act in July.

Chair Matos thanked Ms. Grogan, Marci Green, and Gina Berg for the time and effort put into the K-C rules. She said she read through the document and had no questions.

Commissioner Avery congratulated the staff on completing the rule language, and said he is very familiar with the level of complexity tied to references, ordinance writing, and numerical figures.

Commissioner Lohbauer said he echoed the sentiment, calling it a 20-year labor of science and love. There have been many studies conducted by Commission staff to create this very complex set of recommendations for changes to the CMP. He said he has read through the draft rule and thinks it is a marvelous piece of work. The Commissioner continued that he is grateful to see the amendments finalized in print after several years of discussion and expectations. He highlighted the importance of protecting wildlife from the consequences of over-pumping the aquifer. He also agreed with Commissioner Avery in complimenting the staff.

5. Overview and Update on CMP Amendment Petition Submitted by Bill Wolfe

Ms. Grogan provided an overview on a CMP amendment petition that Bill Wolfe submitted to the Commission in March. She noted that the Committee once again did not have to take any formal action on the matter. Ms. Grogan said that amendment petitions are rarely received by the Commission in the modern era; Commissioner Avery is the only Commissioner that was present for the previous submissions.

When the Commission was first established in the 1980s, there were multiple amendment petitions to change management areas to accommodate certain areas or properties. Later, the Commission received an amendment petition to change the limitations on septic pilot systems in individual developments that was submitted by the New Jersey Builders Association.

Ms. Grogan shared a slide that listed content required for rule petitioning in the CMP. The petitioner must express their proposal with precise wording and describe in detail what kind of changes they want to see (map change on land capability map, new standards, wording). They must provide analysis that justifies the amendment and explain why current standards in the CMP are insufficient. The petitioner must also demonstrate how the new amendment would conform to the CMP, the Pinelands Protection Act, and the federal act.

The CMP lays out a specific process for amendment petitions. Commission staff must determine within 30 days of receiving a petition whether it is complete. If the petition is deemed incomplete, the Executive Director (ED) shall mail a written statement to the petitioner specifying the information needed to complete the submission. No further action can be taken by the Commission until the missing pieces are provided.

Once the process is completed, the Commission notifies the petitioner and prepares a formal notice of petition for rulemaking. The Commission will also file a notice of petition for rulemaking with the Office of Administrative Law that is published in the New Jersey Register. After that, the Commission staff rules on the substance of the petition and decides if it raises a legitimate issue that the staff should consider. If that is the case, the ED files a notice of determination, and the petition is referred to the full Commission for denial, approval, or additional review. When the petition is complete, the Commission must decide within 90 days and additional notices are filed in the New Jersey Register.

The Commission staff, along with the Highlands Council and the DEP, received this specific petition via email on March 9, 2022. The petitioner requested a ban on new development in mapped “extreme” wildfire hazard areas, restriction of new development in mapped “very high” and “high” wildfire hazard areas, and a mandated retrofit of state-of-the-art fire prevention practices on existing development in areas mapped “extreme”, “very high”, and “high” wildfire hazard areas.

Mr. Wolfe also asked for a prohibition on reconstruction of fire-damaged properties in mapped “extreme”, “very high”, and “high” wildfire hazard areas. His final request was to monitor, quantify, and publicly report in NJ’s Clean Air Act State Implementation Plan all air pollution emissions and impacts of wildfires and prescribed burns. This would include greenhouse gas emissions and fine particulate matter (including very fine particulates less than PM10).

Ms. Grogan shared the Plate 11 wildfire hazard map from the original CMP in 1981. She mentioned that CMP standards rely on wildfire hazard boundaries outlined in the map. Under current CMP guidelines, no application for development can be approved in moderate, high, or extreme hazard areas unless the applicant can meet certain criteria. She further explained the stipulations placed on new developments (25 dwelling units or greater) in higher wildfire hazard areas, including multiple accessways, egress and ingress, and rights-of-way on Pinelands roads.

The CMP also sets standards for fire hazard fuel breaks, which allow for the selective removal or thinning of trees, bushes, shrubs, and ground cover. The fuel break increases incrementally for every risk area. Ms. Grogan noted that the standards have been used by the Commission since its inception and that Commission staff ensures the wildfire rules are met by all affected development applications.

Ms. Grogan shared another requirement on even larger developments with 100 dwelling units or greater. These necessitate an even wider 200-foot perimeter fuel break between all structures and the forest.

Ms. Grogan described the petition's status in the administrative process. The first incomplete letter was sent to Mr. Wolfe on March 24, stating the petition did not include all the criteria mandated by the CMP. Mr. Wolfe provided a response that day with additional information. The Commission received another email illustrating conformance with the CMP on April 12. Mr. Wolfe received another incomplete letter on May 12, specifically outlining what is missing from the petition. The Commission has not heard from Mr. Wolfe since sending the incomplete letter in May. The DEP and Highlands Council have both denied the petition.

Commissioner Lloyd asked if the letters between Mr. Wolfe and the Commission were included in the packet for the meeting. Ms. Grogan replied no, and that only the petition itself was included in the packet. She added that she would be happy to send the letters to the Commissioners. Commissioners Lloyd and Lettman both said they would like to see them.

Commissioner Lohbauer said he agreed that he did not have enough information to comment on the substance of the petition but did want to address the petitioning process. He thanked Ms. Grogan for putting time and effort in showing the Commissioners that Commission staff is compliant with the CMP. He said he would like to speak to the Committee and staff about compliance with the spirit of the law.

He said he thinks the petitioning process described in the CMP exists so that members of the public can offer amendments to the plan where they see weaknesses and inconsistencies. He reiterated the key points of the process and lauded the ability of the CMP to acknowledge and implement public input. He did not feel it would be reasonable to give the staff or the Commissioners the sole capacity to recognize a need for changes to the CMP. He finished by questioning if the Commission is doing everything it can to facilitate similar petitions.

Ms. Grogan said she agreed with much of what Commissioner Lohbauer said. She added that the Commission generally sees few formal amendment petitions because staff knows in advance of issues that exist and actively reaches out to organizations considering submitting a petition. The

Commission can make changes to the CMP without launching the lengthy formal petitioning process.

She said she thinks the Commission has a great track record of achieving changes to the CMP without the need for a formal petition. She continued that while petitions are completely viable, there are simpler ways to successfully effect change in the CMP.

Commissioner Lloyd said nearly every federal and state environmental law in the U.S. mandates a petitioning process for rulemaking. He added that agencies are not generally receptive to petitioning as it dictates what staff must do with their time. It can be very effective but can take a long period of time.

Commissioner Lloyd cited an example of a petition to the EPA asking the organization regulate carbon dioxide as an air pollutant. This petition led to a Supreme Court decision that allowed it. He mentioned another petition on banning use of an unnamed pesticide that has been in court for 14 years. He agreed with Ms. Grogan's assessment that the informal channel is preferable for rulemaking.

Commissioner Avery said the Commission is the only entity he knows of that actively thought about wildfire hazards in its plan development and recommendations for land use. He said he did not mind having a discussion to assess whether the DEP map submitted by the petitioner concurs with the map that the Commission uses.

6. Public Comment

Rhyan Grech of the Pinelands Preservation Alliance (PPA) asked a question about the Stockton presentation. She asked if the infrastructure projects that do not encroach on the deed-restricted areas will move forward through the expedited application process under the MOA or the normal process.

Ms. Grogan confirmed that it would be the normal process, and that the MOA is in a state of suspension currently. Ms. Grech asked if the MOA would resume effect once the deed restriction situated is remedied. Ms. Grogan replied that it remains to be seen, and it may not be that simple because Stockton is adopting a new master plan and the Commission may need to update the MOA before it would be applicable.

Ms. Grech mentioned the draft amendment for the Kirkwood-Cohansey rules. She said PPA sent a letter to the Commission supporting the amendments, saying it was a long time coming. She offered some criticisms and recommendations on behalf of the PPA. Ms. Grech disagreed with the exception on diversions for agricultural purposes, saying it was overly broad. Modern horticulture is especially heavy on water usage; this also pertains to cannabis facilities in the Pinelands.

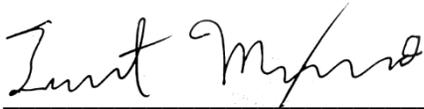
Ms. Grech also expressed concern on viable alternative water supply sources. The draft rules allow prohibitive cost as an acceptable reason for applicants to continue using the resources of

the K-C aquifer. She said this provision is too elastic and allows applicants to argue that a viable alternative source of water is simply too expensive. Developers and applicants will seek the most expedient and cost-effective route.

Lastly, she addressed wells that are not subject to new standards. In particular, she mentioned replacement wells. She recommended adding language that the new well must be within the same watershed as the existing well.

Chair Matos asked for a motion to adjourn the meeting at 11:23 a.m. Commissioner Avery made the motion and Commissioner Lohbauer seconded. All voted in favor.

Certified as true and correct:

A handwritten signature in black ink, appearing to read "Trent Maxwell", written over a horizontal line.

Trent Maxwell, Assistant Technical Planner

Date: June 8, 2022

Stockton University

1990, 2010 & 2020
Facilities Master Plan

Pinelands Commission
CMP Policy & Implementation Committee
Meeting
May 27, 2022



State Agency Plans

N.J.A.C. 7:50-4.52 (e)

Any agency of the State of New Jersey may submit to the Commission for review and approval a comprehensive plan of its existing and planned land use, resource management and development activities within the Pinelands.

The Commission shall review any proposed development in accordance with the standards of this Plan as modified by specified provisions of the approved agency plan.

Amendments to an approved agency plan may be proposed. Such amendments shall be approved in the manner provided in this part and such amendments shall not require revision or approval of the plan as a whole.

State Agency Plans

Criteria for review (N.J.A.C. 7:50-4.52(e)1)

1. Plan shall be based upon a current and comprehensive inventory and analysis of the Pinelands natural resources.
2. Set forth the character, location and magnitude of development within the Pinelands.
3. Be adequate to ensure that all development of land in the Pinelands is carried out in conformance with N.J.A.C. 7:50-5 and -6, provided, however, that alternative or additional techniques may be included if consistent with the goals and objectives of the CMP.
4. Prescribes standards for capital improvement siting, design and construction, including those necessary to ensure that adequate and necessary support facilities will be available to serve permitted development and proposed uses of lands.
5. Identify resource management practices which conform to the objectives of the CMP, the Pinelands Protection Act and the Federal Act.
6. Be compatible with surrounding land uses and certified municipal
7. Be otherwise consistent with and contain all provisions necessary to implement the CMP.

1990 Master Plan

- Stockton 1st Facilities Master Plan
- Approved by Commission on July 13, 1990
- At that time, most of the acreage of the College was in RDA (1,052 acres)
- 503 acres was within the then newly established GI District in RGA
 - Uses in the GI District were limited to institutional uses for Stockton, Atlantic City Medical Center and Betty Bacharach Hospital
- The rezoning of the 503 acres to RGA was certified by the Commission April 6, 1990.
 - Expectation at that time was any future use of the remaining 1,052 acres of the College remaining in the RDA would be of low intensity and/or conservation oriented.

1990 Plan

Proposed
Development

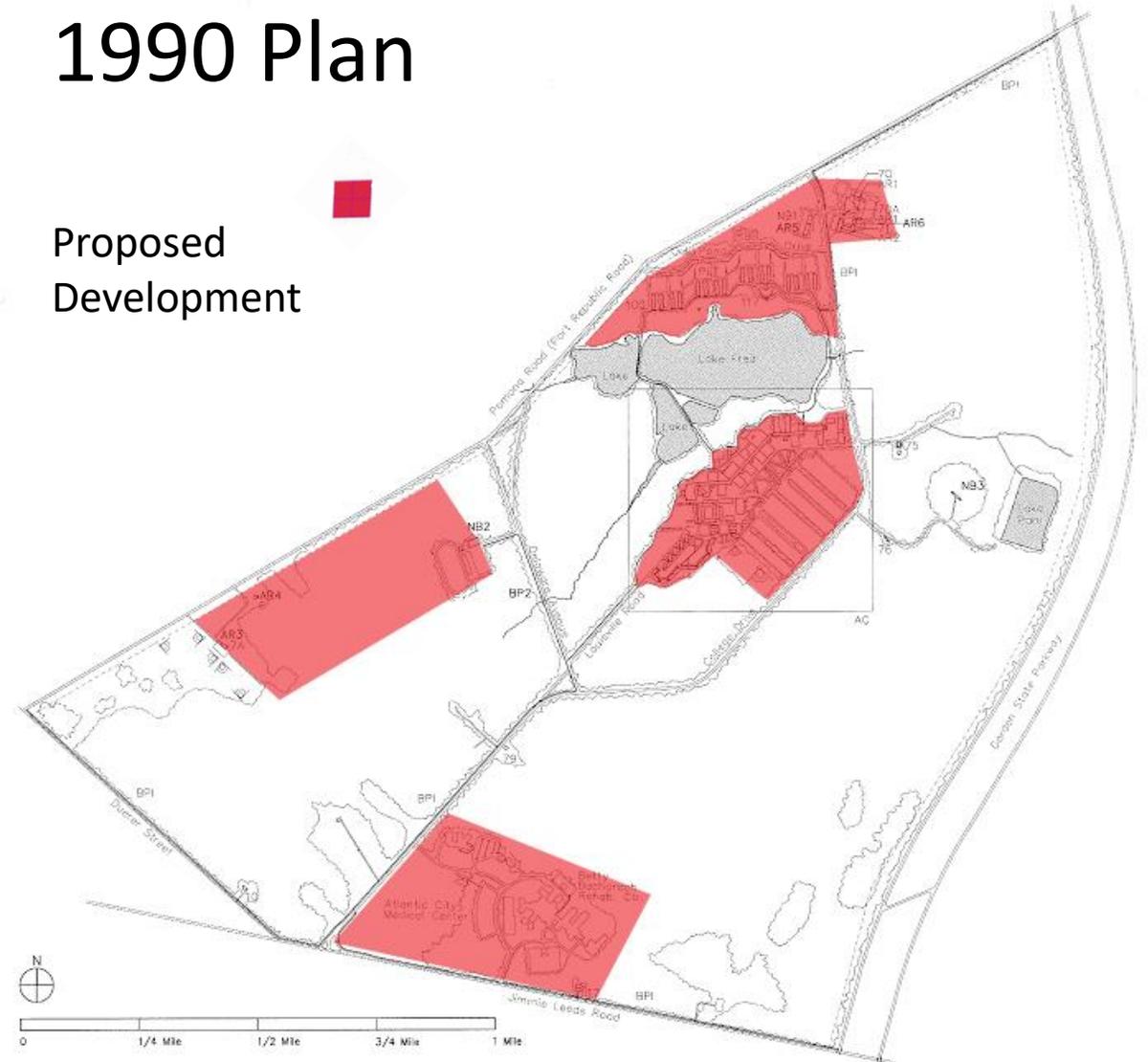


Figure 3-C
Campus Site Plan: Land Use Areas

LEGEND

USE AREA	DESIGNATED USES
A	College instructional/support buildings and related uses. Health care and related facilities.
B	Environmental study and experimentation.
C	Active recreational uses, served by septic system.
D	Astronomical observatory, served by septic system. (Note: location within use area G not specified.)
E	Storing clean soil/cut vegetation and obtaining soil.
F	Planned-Office Zone
G	Passive recreation and rights-of-way to serve other sites.



April 2010 Master Plan

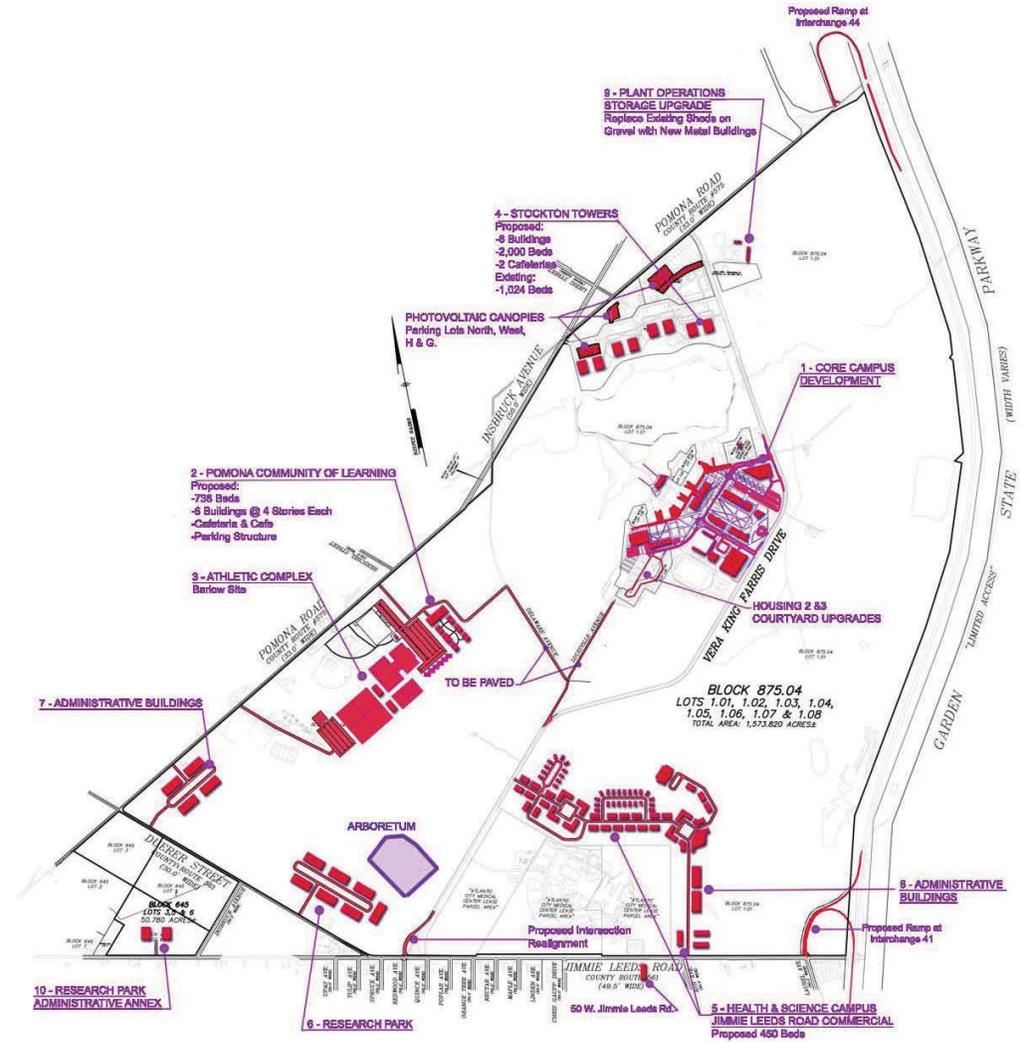
Result of discussions between Commission staff and the Commission's CMP Policy and Implementation Committee

Approved by the Commission September 10, 2010 (Resolution PC4-10-48)

Identified 10 Development Pockets

1. Core Campus Development
2. Pomona Community of Learning
3. Athletic Complex
4. Stockton Towers
5. Health & Science Campus/Jimmie Leeds Road Commercial
6. Research Park
7. Administrative Buildings
8. Administrative Buildings
9. Plant Operations/Storage Upgrade
10. Research/Park Administrative Annex

Continued the general purposes and development philosophy of the 1990 Plan: to protect important natural areas, landscapes with native plant materials and use natural buffers where possible



Differences between the 1990 & 2010 Master Plans

1990 Master Plan

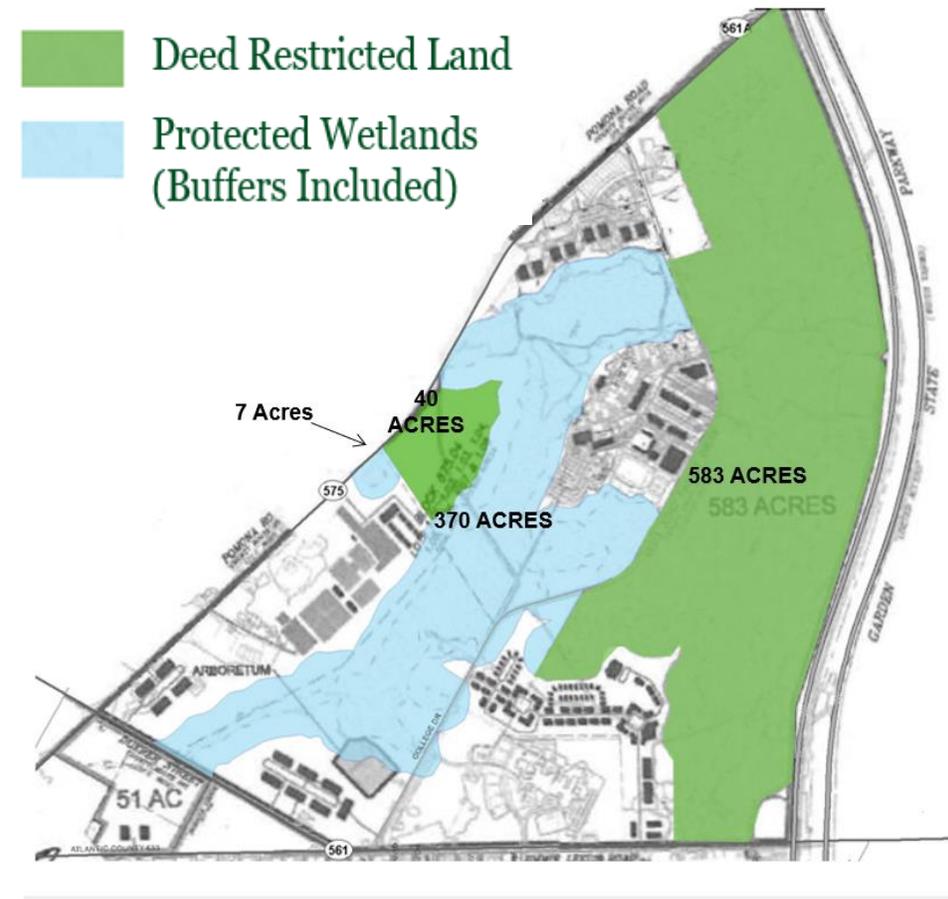
- Based on analysis of wetlands, land use, and the availability of sewer infrastructure.
- ~Future use of acreage remaining on campus located within the RDA was to be low intensity and/or conservation oriented. (Low intensity included existing recreational fields at that time.)
- 875 acres were to be limited to “conservation oriented uses”

2010 Master Plan

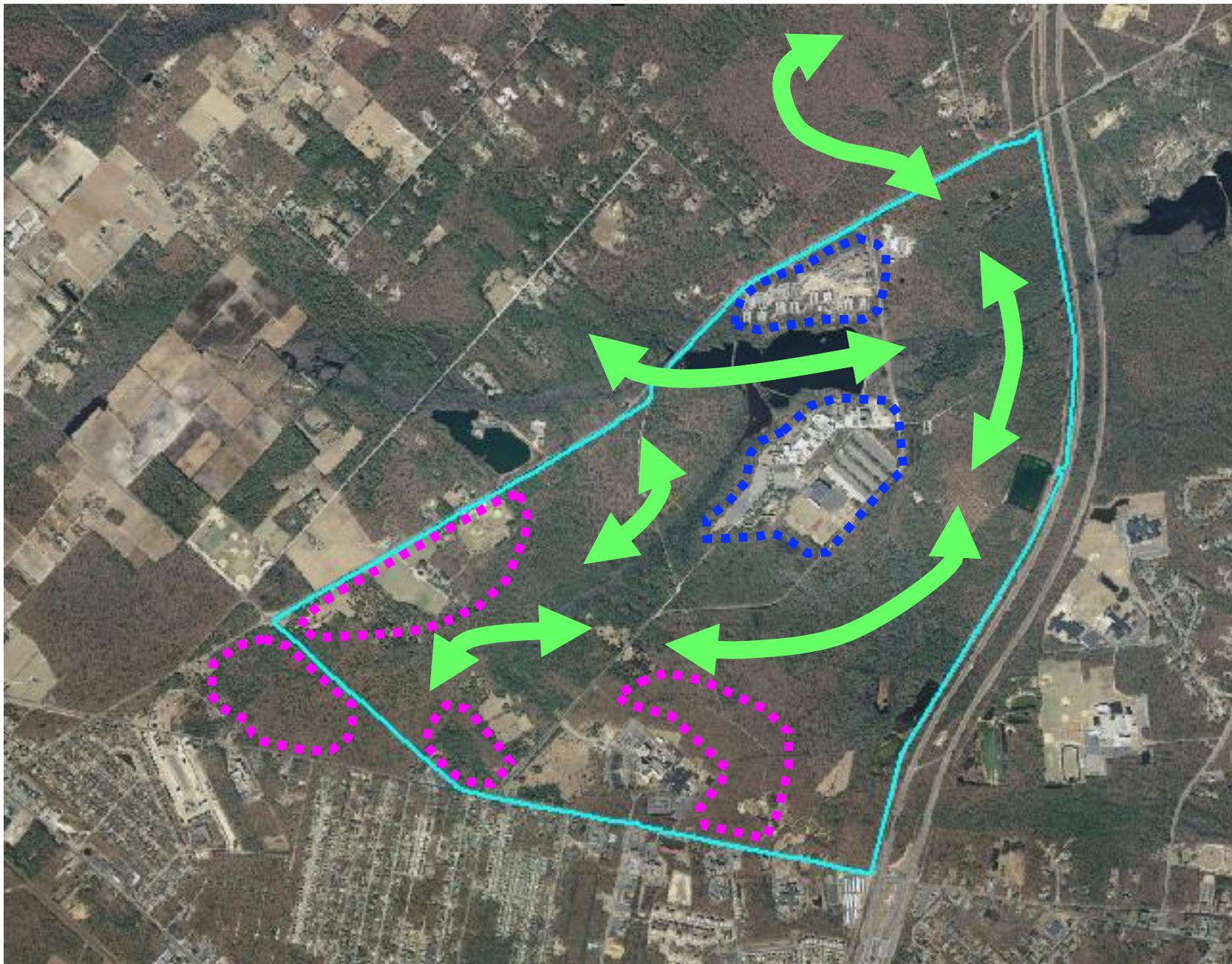
- Designed to update the 1990 Master Plan and to meet the Commission’s charge to avoid sensitive lands.
- 1,000 acres to be deed restricted on-site (included 823 of the “original” 875 acres previously limited to conservation uses)
- 258 acres off-site deed restricted
- Increased size of College’s sewer development area by ~453 acres of which 151 new acres for development
- To balance changes made by the 2010 MP, the Commission charged the College to match on a 1:1 ratio “upzonings” of developable lands that would permit new development with deed restricting other lands not suitable for development

Resource Areas that Contributed to Areas Identified for Deed Restriction – 2010 Master Plan

Suitable Habitat for
T & E Species



Forested Corridors



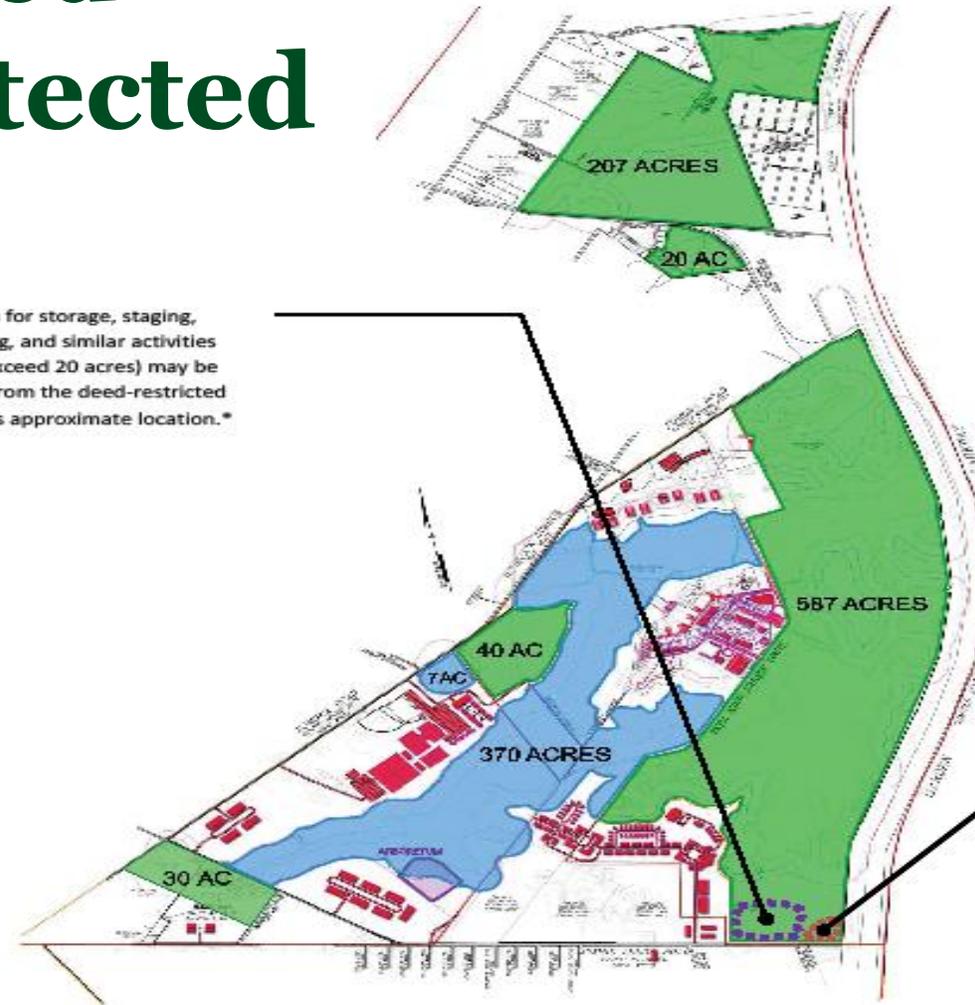
How Much Land was Preserved?

	1990		2010	
	On-Site	Off-Site	On-Site	Off-Site
Preserved by deed restriction	898 ac. of wetlands & wetlands buffer 189 ac. of developable land	none	898 ac. of wetlands & wetlands buffers 102 ac. of developable land	168 ac. of wetlands & wetlands buffers 89 ac. of developable land
Total Preserved	1,087 acres (69% of campus)		1,257 acres (64% of campus & 93% of off-campus parcels)	

Deed Restricted Land and Protected Wetlands

-  Deed-Restricted Lands
-  Protected Wetlands (Buffers Included)

An area for storage, staging, stockpiling, and similar activities (not to exceed 20 acres) may be excluded from the deed-restricted lands in this approximate location.*



Approximately 9 acres may be excluded from the deed-restricted lands to accommodate a proposed Garden State Parkway exit ramp and improvements ancillary thereto in this approximate location.*

Exhibit C. – Sensitive Lands to be Deed Restricted
(amended from Exhibit 7 of the Richard Stockton College
of New Jersey April 2010 Master Plan)

* Area not drawn to scale



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Issuing an Order to Certify Ordinance 10-2022, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township by Adopting the Timber Ridge Redevelopment Plan

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township; and

WHEREAS, Resolution #PC4-93-139 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 municipal 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 #PC4-93-139 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 20, 2022, Egg Harbor Township adopted Ordinance 10-2022, amending Chapter 225 (Zoning) of the Township Code by revising Section 225-99, Timber Ridge Redevelopment Area, to incorporate the Timber Ridge Redevelopment Plan, dated February 2022; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 10-2022 on April 25, 2022; and

WHEREAS, by letter dated May 18, 2022, the Acting Executive Director notified Egg Harbor Township that Ordinance 10-2022 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 10-2022 was duly advertised, noticed and remotely held on June 7, 2022 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Acting Executive Director has found that Ordinance 10-2022 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 10-2022 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Acting Executive Director's report and has recommended that Ordinance 10-2022 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 10-2022 and has reviewed the Acting Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Acting 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 10-2022, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township by adopting the Timber Ridge Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Egg Harbor 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*
Avery					Lettman					Pikolycky				
Christy					Lloyd					Quinn				
Holroyd					Lohbauer					Matos				
Irick					McCurry									
Jannarone					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Acting Executive Director

 Laura E. Matos
 Chair



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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Acting Executive Director

Report on Ordinance 10-2022, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township

June 24, 2022

Egg Harbor Township
 3515 Bargaintown Road
 Egg Harbor Township, NJ 08234

Findings of Fact

I. Background

The Township of Egg Harbor is located in the southeastern portion of the Pinelands Area, in Atlantic County. Pinelands municipalities adjacent to Egg Harbor Township include Corbin City, Estell Manor City, Galloway Township, Hamilton Township, and Weymouth Township in Atlantic County, as well as Upper Township in Cape May County.

On October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township.

On April 20, 2022, Egg Harbor Township adopted Ordinance 10-2022, amending Chapter 225, Zoning, of the Township's Code to incorporate the Timber Ridge Redevelopment Plan, dated February 2022. The Pinelands Commission received a certified copy of Ordinance 10-2022 on April 25, 2022.

By letter dated May 18, 2022, the Acting Executive Director notified the Township that Ordinance 10-2022 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 10-2022, amending Chapter 225, Zoning, of the Code of Egg Harbor Township, introduced on March 2, 2022 and adopted on April 20, 2022.

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 (CMP). The findings from this review are presented below. The numbers used to designate the sections below 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 10-2022 amends Chapter 225, Zoning, of the Code of Egg Harbor Township to incorporate the Timber Ridge Redevelopment Plan, dated February 2022. The redevelopment plan applies to a 48.5-acre redevelopment area consisting of four vacant, wooded lots (Block 1223, Lots 5, 6, 8; Block 1305, Lot 7) located in the vicinity of the Black Horse Pike (US Route 322), Spruce Avenue and Fork Road (see Exhibit 1). Approximately 41.8 acres of the redevelopment area is within the Highway Business (HB) District, while 6.7 acres is within the RG-4 Residential (RG-4) District. The entire redevelopment area is located in a Pinelands Regional Growth Area.

The goal of the plan is to redevelop the area with commercial uses fronting the Black Horse Pike and garden apartments sited in the rear of the lots. To that end, the redevelopment plan establishes the Timber Ridge Redevelopment Area (TRRA) Overlay District. Except as modified by the redevelopment plan, the TRRA Overlay District incorporates all the land development regulations applicable to the underlying certified zoning districts, including the minimum environmental standards of the Pinelands CMP.

The TRRA Overlay District permits garden apartments at a gross residential density of 4.5 units per acre for the entirety of the redevelopment area. The redevelopment plan also requires 8 residential units be made affordable to low- and moderate-income households, which would be in addition to the maximum number of units permitted at 4.5 units per acre. In total, the redevelopment plan permits up to 226 units within the redevelopment area, which represents an increase in the residential zoning capacity of the Township's Regional Growth Area of 186 units. Standards for garden apartments include a minimum tract size of 7 acres, a maximum of 12 units per building, and a maximum building height of 35 feet.

The TRRA Overlay District also permits a variety of commercial uses, including retail, restaurants, professional and business offices, medical offices, banks, supermarkets, personal services, shopping centers, and commercial recreation facilities. Standards for commercial development include a minimum tract size of 5 acres, a minimum gross floor area of 2,500 square feet and a maximum building height of 45 feet. Within the commercial portion of the site, multiple buildings are permitted on one parcel if they are under common ownership and designed in a coordinated manner with shared maintenance, access, and parking.

The redevelopment plan also includes various design, parking and landscaping standards applicable to both residential and commercial developments. Any proposed development under this redevelopment plan is required to be substantially similar to the concept plan incorporated therein (see Exhibit 2).

Within a Regional Growth Area, the CMP allows Pinelands municipalities to permit any use, except for certain waste management facilities, provided that residential density and opportunities for the use of Pinelands Development Credits (PDCs) are appropriately accommodated (N.J.A.C. 7:50-5.28). The Township has determined that the entire redevelopment area, including the 41.8 acres currently zoned Highway Business (HB), is appropriate for residential uses. Therefore, the Township is required to provide appropriate residential densities and opportunities for the use of PDCs.

The CMP (N.J.A.C. 7:50-5.28(a)1) assigns Egg Harbor Township's Regional Growth Area a base density of 3.5 units per upland acre and requires the Township to provide bonus density of an additional 1.75 units per upland acre through the use of PDCs. In 2002, the Commission approved a 30% reduction in these required densities for the Township's Regional Growth Area in accordance with N.J.A.C. 7:50-5.28(a)7iii. As a result, the Township's overall Regional Growth Area zoning plan must accommodate a base density of only 2.5 units per upland acre and provide for additional bonus density of 1.25 units per upland acre through the use of PDCs. Based on these reduced densities and taking into consideration the 40 units already permitted by the existing underlying zoning, the Township is required to zone for at least 196 units on the 48.5 acres included in the Timber Ridge Redevelopment Area. As noted above, the Redevelopment Plan adopted by Ordinance 10-2022 permits a maximum of 226 units, which satisfies this residential zoning obligation. As discussed further in Section 8 below, opportunities for PDC use have been sufficiently accommodated and *guaranteed* if any residential units are developed in the redevelopment area.

Ordinance 10-2022 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

The Timber Ridge Redevelopment Plan adopted by Ordinance 10-2022 maintains the existing development application submission requirements and review procedures applicable to the underlying zoning districts. This includes the requirement that no local permitting agency shall determine that any application for development is complete unless it is accompanied by a Certificate of Filing from the Pinelands Commission. Therefore, this standard for certification is met.

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 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficient residentially zoned property, in the Regional Growth Area, to be eligible for an increase in density to accommodate Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

In order to comply with N.J.A.C. 7:50-5.28(a)3, the Timber Ridge Redevelopment Plan requires that PDCs be acquired and redeemed for 25% of all residential units within the redevelopment area, with the exception of up to 8 units made affordable to low- and moderate-income households as required by the plan. Any affordable units beyond the 8 required by the plan will require that PDCs be acquired and redeemed at the 25% rate. This 25% requirement is identical to that already in place in the Township's RG-4 District, which underlies a small portion of the Redevelopment Area.

As discussed in Section 2 above, the CMP requires the Township to adopt a zoning plan that permits at least 196 units in the redevelopment area. The Timber Ridge Redevelopment Plan adopted by Ordinance 10-2022 meets this requirement by permitting a maximum of 226 units, 218 of which will be market rate units and 8 of which will be affordable housing units.

The CMP also specifies that the Township's zoning plan for the area should provide an *opportunity* for the use of 60 rights (15 PDCs). Under this traditional approach, PDCs would need to be used for 33% of the units permitted in the Redevelopment Area, but only when a developer chooses to exceed the permitted base density. The adopted Redevelopment Plan takes a slightly different approach and mandates the use of PDCs for 25% of all market rate units in the Redevelopment Area, regardless of project density. This results in a requirement for acquisition and redemption of up to 55 rights (13.75 PDCs), which is 47 rights more than provided by the Township's current certified zoning plan.

While the 25% PDC requirement 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 10-2022 *guarantees* a PDC redemption rate of 25% for the residential component of any project within the redevelopment area. Given the greater certainty provided by this approach, the Acting Executive Director finds that the PDC requirements adopted by Ordinance 10-2022 are consistent with CMP standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 10-2022 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 10-2022 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

Ordinance 10-2022 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Egg Harbor Township's application for certification of Ordinance 10-2022 was duly advertised, noticed and held on June 7, 2022, at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinance 10-2022 were accepted through June 10, 2022. However, no written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Acting Executive Director has concluded that Ordinance 10-2022, amending Chapter 225, Zoning, of the Code of Egg Harbor Township, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify Ordinance 10-2022 of Egg Harbor Township.

SRG/DBL/KLE/CEH

Attachments

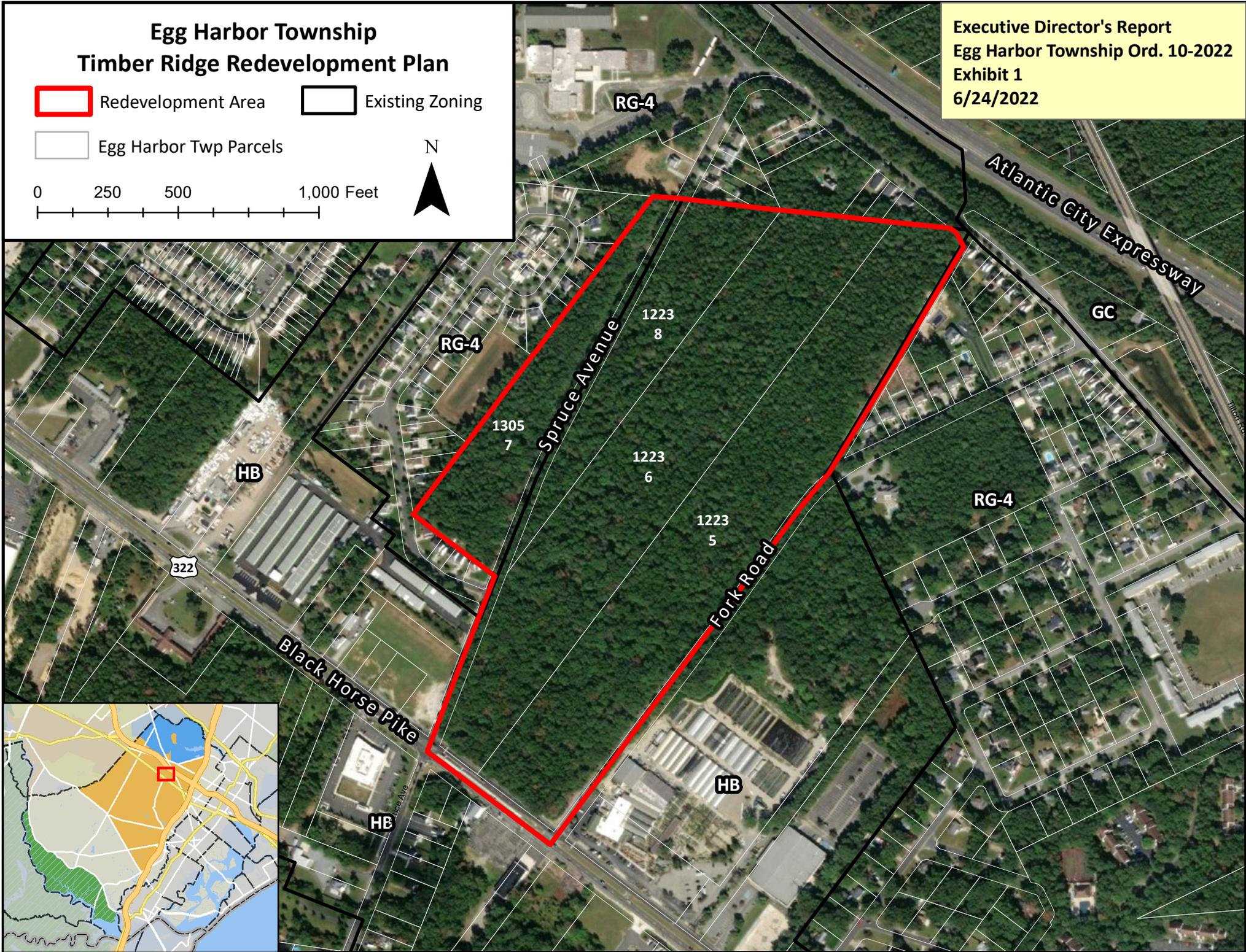
Egg Harbor Township Timber Ridge Redevelopment Plan

 Redevelopment Area  Existing Zoning
 Egg Harbor Twp Parcels

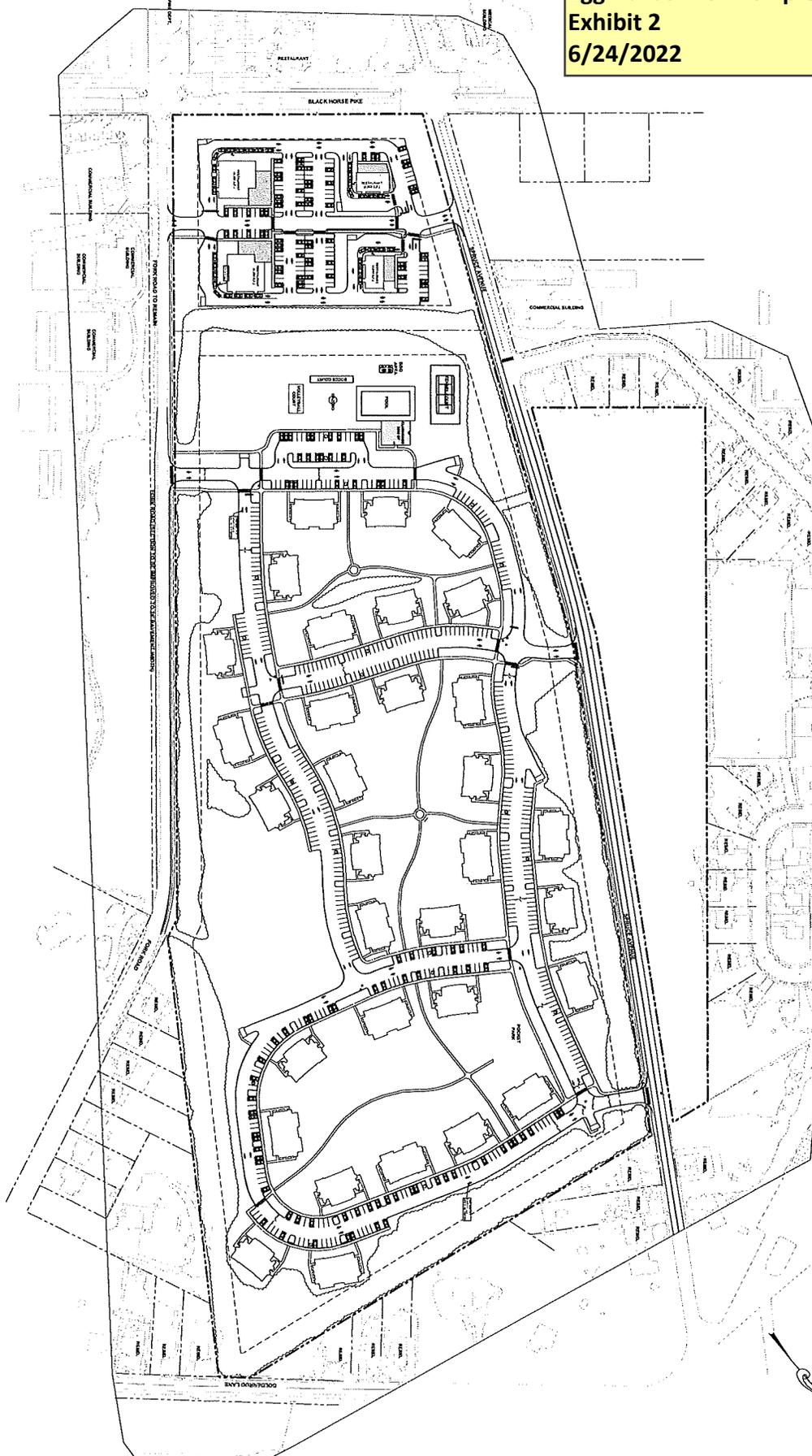
0 250 500 1,000 Feet



Executive Director's Report
Egg Harbor Township Ord. 10-2022
Exhibit 1
6/24/2022



**Executive Director's Report
Egg Harbor Township Ord. 10-2022
Exhibit 2
6/24/2022**



MODEL NO.	UNITS	TOTAL BUILDINGS	TOTAL UNITS
	8	16	128
	8	16	128
TOTAL		32	256



THIS PLAN IS NOT VALID UNLESS A RAISED SEAL IS AFFIXED HERETO

DATE: 6/24/2022
SCALE: AS SHOWN
DRAWN BY: JLD
CHECKED BY: JLD
PROJECT NO: 1825-10

DIXON ASSOCIATES ENGINEERING, LLC
 1000 ROUTE 130 SOUTH
 FREEHOLD, NJ 08041
 TEL: 732-201-1000 FAX: 732-201-1001
 WWW.DIXON-ASSOCIATES.COM
 A Professional Engineering Firm License No. 12C00000000000000000

KEVIN J. DIXON, P.E.
 PROFESSIONAL ENGINEER
 N.J. LIC. No. 286274



**OVERALL SITE PLAN
TIMBER RIDGE
BLOCK 1223 LOTS 5, 6 & 8
BLOCK 1305 LOT 7
TOWNSHIP OF EGG HARBOR
ATLANTIC COUNTY, NEW JERSEY**



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Issuing an Order to Certify the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022, Amending Chapter 160 (Zoning) of the Code of Evesham 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 Evesham Township; and

WHEREAS, Resolution #PC4-83-57 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 municipal 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 #PC4-83-57 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, Resolution #PC4-06-43 of the Pinelands Commission endorsed the Southern Medford/Evesham Sub-regional Natural Resource Protection Plan, which put forth a series of implementation strategies designed to: protect important natural resources in Medford and Evesham Townships, most notably water quality; promote less land-consumptive development patterns and accommodate development within appropriate areas; establish greater predictability in the development permitting process to avoid site-specific development and natural resource conflicts; and promote land stewardship practices to further conservation objectives; and

WHEREAS, Resolution #PC4-06-43 further directed the Executive Director to work with the Townships of Evesham and Medford and the New Jersey Department of Environmental Protection to implement the strategies of the Southern Medford/Evesham Sub-regional Natural Resource Protection Plan; and

WHEREAS, on January 20, 2022, the Evesham Township Planning Board adopted Resolution 2021-PB-20, approving the Evesham Township General Reexamination and Master Plan Amendment, dated December 6, 2021; and

WHEREAS, the Evesham Township General Reexamination and Master Plan Amendment recommends amending the Township's zoning plan within the Pinelands Area portion of the Township consistent with the Southern Medford/Evesham Sub-regional Natural Resource Protection Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Planning Board Resolution 2021-PB-20 and the General Reexamination and Master Plan Amendment on January 21, 2022; and

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

WHEREAS, by letter dated March 9, 2022, the Acting Executive Director notified Evesham Township that the General Reexamination and Master Plan Amendment would be deemed incomplete until such time that the necessary implementing ordinances were adopted and submitted to the Commission for certification; and

WHEREAS, on May 4, 2022, Evesham Township adopted Ordinance 5-3-2022, amending Chapter 160 (Zoning) of the Code of Evesham Township, which implements the recommendations of the General Reexamination and Master Plan Amendment; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 5-3-2022 on May 17, 2022; and

WHEREAS, by letter dated May 18, 2022, the Acting Executive Director notified Evesham Township that the General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 was duly advertised, noticed and remotely held on June 7, 2022 at 9:30 a.m. with live broadcast on the Pinelands Commission’s public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Acting Executive Director has found the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Acting Executive Director’s report and has recommended that the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 and has reviewed the Acting Executive Director’s report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Acting 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 Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022, amending Chapter 160 (Zoning) of the Code of Evesham Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Evesham 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*
Avery					Lettman					Pikolycky				
Christy					Lloyd					Quinn				
Holroyd					Lohbauer					Matos				
Irick					McCurry									
Jannarone					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

Report on the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022, Amending Chapter 160 (Zoning) of the Code of Evesham Township

June 24, 2022

Evesham Township
984 Tuckerton Road
Marlton, NJ 08053

Findings of Fact

I. Background

The Township of Evesham is located in the western portion of the Pinelands Area, in Burlington County. Pinelands municipalities adjacent to Evesham Township's Pinelands Area include the Townships of Berlin and Waterford in Camden County and Medford Township in Burlington County.

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

Starting in June 2004, the Pinelands Commission, in coordination with Evesham Township, Medford Township, and the New Jersey Department of Environmental Protection (NJDEP), facilitated a planning process to develop the Southern Medford/Evesham Sub-regional Natural Resource Protection Plan (M-E Plan). The multi-year planning effort culminated in a plan that included strategies designed to: protect important natural resources in the project area, most notably water quality; promote less land-consumptive development patterns and accommodate development within appropriate areas; establish greater predictability in the development permitting process to avoid site-specific development and natural resource conflicts; and promote land stewardship practices to further conservation objectives.

In July 2006, the Pinelands Commission endorsed the M-E Plan and directed the Executive Director to work with the Townships of Evesham and Medford and the NJDEP to implement the strategies recommended in the plan. Subsequently, the Commission identified implementation of the M-E Plan's recommended strategies as a priority during its 2014 comprehensive plan review process.

On January 20, 2022, the Evesham Township Planning Board adopted Resolution 2021-PB-20, approving the Evesham Township General Reexamination and Master Plan Amendment, dated December 6, 2021. The report recommends amendments to the Township's zoning ordinance to establish two new zoning districts and to adopt a revised zoning map. The recommended zoning changes align with the strategies of the M-E Plan and implement a number of the rezoning recommendations made in the M-E Plan. The Pinelands Commission received a certified copy of Planning Board Resolution 2021-PB-20 and the General Reexamination and Master Plan Amendment on January 21, 2022.

By letter dated March 9, 2022, the Acting Executive Director notified Evesham Township that, in accordance with N.J.A.C. 7:50-3.32, the General Reexamination and Master Plan Amendment would be deemed incomplete until such time that one or more necessary implementing ordinances were adopted and submitted to the Commission for certification.

On May 4, 2022, Evesham Township adopted Ordinance 5-3-2022, amending Chapter 160 (Zoning) of the Code of Evesham Township and implementing the recommendations of the General Reexamination and Master Plan Amendment. The Pinelands Commission received a certified copy of Ordinance 5-3-2022 on May 17, 2022.

By letter dated May 18, 2022, the Acting Executive Director notified Evesham Township that the General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Planning Board Resolution 2021-PB-20, approving the Evesham Township General Reexamination and Master Plan Amendment, adopted January 20, 2022; and
- * Ordinance 5-3-2022, amending Chapter 160 (Zoning) of the Code of Evesham Township, introduced on March 9, 2022 and adopted on May 4, 2022.

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

1. Natural Resource Inventory

Not applicable.

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

General Reexamination Report and Master Plan Amendment

Evesham Township's General Reexamination and Master Plan Amendment reviews the major problems and objectives related to land development identified in the Township's previous Master Plan (2006) and subsequent Reexamination Reports (2010, 2011, and 2012). It discusses the extent to which those problems and objectives have been addressed or remain valid and the extent to which there have been changes in the assumptions, policies, and objectives that previously informed the Township's master plan and development regulations. The report includes various recommendations as well as a draft ordinance and draft zoning map. These recommended zoning changes align with the strategies of the Southern Medford/Evesham Sub-regional Natural Resource Protection Plan (M-E Plan).

For the Pinelands Area portion of the Township, the report recommends rezoning a contiguous area of undeveloped, permanently preserved forested land from the Rural Development-2 (RD-2) District to the Township's existing Forest Agricultural (FA) District (see Exhibits 4 and 5). The M-E Plan recommended these lands be redesignated as Pinelands Forest Area to maintain the open space corridor that connects to Wharton State Forest in Medford Township. The proposed zoning change will necessitate a change in the underlying Pinelands Management Area from a Rural Development Area (RDA) to Forest Area.

The report also recommends establishing two new zoning districts that better recognize the large, developed communities of Barton Run and Kings Grant (see Exhibit 2 and 3). These two communities are in a Pinelands Rural Development Area (RDA). They are both sewered, include multiple housing types, and exhibit lot patterns that equate to densities of between 5 and 9 dwelling units per acre. The CMP does not permit this level of intensity in the RDA, nor does it permit sewer infrastructure in the RDA. Both developments were approved by the Commission through Waivers of Strict Compliance in the early 1980's. The Township's existing zoning for these areas is consistent with the CMP. However, in meeting the CMP's RDA requirements, it has resulted in many non-conforming lots and structures in these communities. Consequently, minor expansions or modifications to existing residential structures (i.e., construction of an outdoor deck) may only be permitted through the municipal variance process.

The M-E Plan recommended that the existing Kings Grant community be redesignated from RDA to a Regional Growth Area to ameliorate these nonconforming lots and structures and the administrative costs associated with them. The Barton Run community was not included in the M-E Plan study area. However, it is similarly impacted by its RDA status and is contiguous with an existing Regional Growth Area in Evesham Township. The proposed zoning changes will necessitate a change in the underlying Pinelands Management Area from RDA to Regional Growth Area.

Ordinance 5-3-2022

Ordinance 5-3-2022 amends Chapter 160, Zoning, of the Code of Evesham Township and implements the recommendations of the General Reexamination and Master Plan Amendment. It adopts an amended zoning map, dated August 11, 2021 (see Exhibit 1). The amended zoning map rezones approximately 671 acres from the Township's Rural Development-2 (RD-2) District to the Forest Agricultural (FA) District, where permitted uses are limited to agriculture,

forestry, low intensity recreation and clustered single-family homes at a density of one unit per 20 acres. With the exception of one relatively small lot, all lands subject to the rezoning have been permanently preserved as a result of NJDEP Green Acres easement purchases, the Sanctuary settlement agreement and homeowners association open space agreements. Redesignation to Forest Area appropriately recognizes the existing deed restrictions and land uses in the area (open space and a Girl Scout camp).

The ordinance also establishes two new zoning districts: the Regional Growth – 1 Barton Run (RG-1BR) District and the Regional Growth – 2 Kings Grant (RG-2KG) District. As discussed above, the goal of these two new districts is to align the Township's zoning plan to the existing development patterns of the Barton Run and Kings Grant communities.

The RG-1BR District permits single-family detached dwelling units, group homes, low-intensity recreation facilities and high-intensity recreation facilities, excluding amusement parks, hotels, and motels. The district also permits *existing* two-family dwelling units, single-family semi-detached, townhouses and multi-family dwelling units. The RG-1BR District has a base residential density of 0.5 units per acre and a maximum residential density of 3.0 units per acre achievable through the use of Pinelands Development Credits. The minimum lot size requirement for new single-family dwelling units is 10,000 square feet.

The RG-2KG District permits the same uses as the RG-1BR District, and additionally permits golf courses and accessory uses thereto in recognition of the existing Links Golf Club. Although the golf course itself is not included in the zoning change, the RG-2KG District boundaries have been drawn so as to incorporate the existing golf clubhouse, thereby facilitating its reconstruction and connection to sanitary sewer. In terms of residential development, the RG-2KG District has a base residential density of 0.5 units per acre and a maximum residential density of 2.0 units per acre achievable through the use of Pinelands Development Credits. The minimum lot size requirement for new single-family dwelling units is 20,000 square feet.

Dimensional requirements for existing residential uses in the RG-1BR and RG-2KG districts have been carefully selected by the Township based on a detailed survey of existing development patterns within each of these communities in order to minimize non-conforming lots and structures.

The adopted zoning map delineates the boundaries of the new RG-1BR and RG-2KG districts. These new districts incorporate lands formerly zoned Rural Development-1 (RD-1). Acreages of the zoning changes are displayed in Table 1 below. The boundaries of these zones are aligned with the existing developed areas of these communities, thereby limiting additional growth potential within these areas. It is noted that within Kings Grant, a large area of open space has been included within the RG-2KG District. This area is permanently preserved open space owned by the Kings Grant Homeowners Association. Given its relationship to the existing Kings Grant community, the Township opted to include it in the RG-2KG District.

Table 1. Summary of Pinelands Area Zoning Changes in Acres

Certified Zoning District	Proposed Zoning District			Total
	Regional Growth - 1 Barton Run (RG-1BR)	Regional Growth - 2 Kings Grant (RG-2KG)	Forest Agricultural (FA)	
Rural Development 1 (RD-1)	119	756	-	875
Rural Development 2 (RD-2)	-	-	671	671
Total	119	756	671	1,546

As noted above, all of the zoning changes implemented by Ordinance 5-3-2022 require changes to the underlying Pinelands management areas. The acreages of the management area changes are summarized in Table 2 below.

Table 2. Summary of Evesham Township's Pinelands Management Area Changes

Pinelands Management Area	Total Acres Existing	Total Acres Proposed	Net Change
Pinelands Area			
Regional Growth Area	649	1,484	+ 875
Rural Development Area	8,546	7,047	- 1,546
Forest Area	1,243	1,907	+ 671
Non-Pinelands Area			
Regional Growth Area (PNR)	3,867	3,867	-
Outside Pinelands National Reserve	4,626	4,626	-
Total	18,931	18,931	0

N.J.A.C. 7:50-5.11 of the CMP provides guidelines for the Commission to use when determining whether management area changes are appropriate to be considered via the municipal conformance process or through a formal rulemaking process to amend the CMP's Land Capability Map. Among these guidelines is consideration of whether a proposed management area change would create a free-standing management area. As indicated on the attached exhibits, the lands rezoned by Ordinance 5-3-2002 from RDA to the Forest Area represent the expansion of an existing Pinelands Forest Area. Likewise, the new RG-1BR District is connected to an existing Regional Growth Area within the Township. However, the new RG-2KG District is separated from the expanded RGA by a single lot, thus creating a small gap. The lot in question is currently zoned for commercial development and the Township has opted not to rezone it at this time. It will remain in the RDA. Although this creates a small separation between the two new RGA zoning districts, the intent of the CMP guideline is met because the management area change is merely a recognition of existing development.

Since the new RG-1BR and RG-2KG Districts will be located within a Regional Growth Area, the CMP requires that appropriate residential density and opportunities for the use of Pinelands Development Credits are provided (N.J.A.C. 7:50-5.28). The CMP (N.J.A.C. 7:50-5.28(a)1) assigns Evesham Township's Regional Growth Area a base density of 2.0 units per upland acre and requires the Township to provide bonus density of an additional 1.0 unit per upland acre through the use of PDCs. Since minimal opportunities for development are available based on the configuration of the zones, these opportunities would largely apply to redevelopment. For example, there is interest in redeveloping the former Barton Run Swim Club property for residential development. Any such residential development or redevelopment would be subject to the 3.0 dwelling units per acre maximum density established for the new RG-1BR District, and PDCs would be required for any units above the base density of 0.5 dwelling units per acre.

The Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 are consistent with the land use and development standards of 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

Ordinance 5-3-2022 rezones 875 acres from the RDA to the RGA and locates this rezoned acreage within two new zoning districts (RG-1BR and RG-2KG), both of which permit residential development. The ordinance establishes permitted residential densities for both zoning districts and provides an opportunity to increase those densities through the use of PDCs.

In the new RG-1BR District, PDCs may be used to increase density from 0.50 to 3.0 units per acre. In the new RG-2KG District, PDCs may be used to increase density from 0.50 to 2.0 units per acre. Because the boundaries of both new zones have been drawn so as to include only developed lands and deed restricted open space, future residential development is likely to be extremely limited, as is the use of PDCs. However, due to the very low base densities established by Ordinance 5-3-2002, any residential redevelopment projects that do occur will almost certainly involve the use of PDCs to achieve densities consistent with the existing developed communities. Therefore, this standard is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

The Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

The Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 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 implemented by Ordinance 5-3-2022 involve lands that are adjacent to Medford Township. These zoning changes align with a strategy of the Southern Medford/Evesham Sub-regional Natural Resource Protection Plan. The Pinelands Commission coordinated with both Medford Township and Evesham Township in the development of the plan.

Furthermore, the Kings Grant and Barton Run zoning changes have been implemented to align with existing development of those communities with minimal opportunities for additional development. The lands rezoned from RD-2 to FA are almost entirely permanently preserved lands that connect with other preserved lands in Medford. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Evesham Township's application for certification of its General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 was duly advertised, noticed and held on June 7, 2022, at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 were accepted through June 10, 2022. However, no written comments were received.

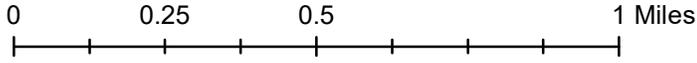
Conclusion

Based on the Findings of Fact cited above, the Acting Executive Director has concluded that the Evesham Township General Reexamination and Master Plan Amendment and Ordinance 5-3-2022, amending Chapter 160, Zoning, of the Code of Evesham Township, comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify the General Reexamination and Master Plan Amendment and Ordinance 5-3-2022 of Evesham Township.

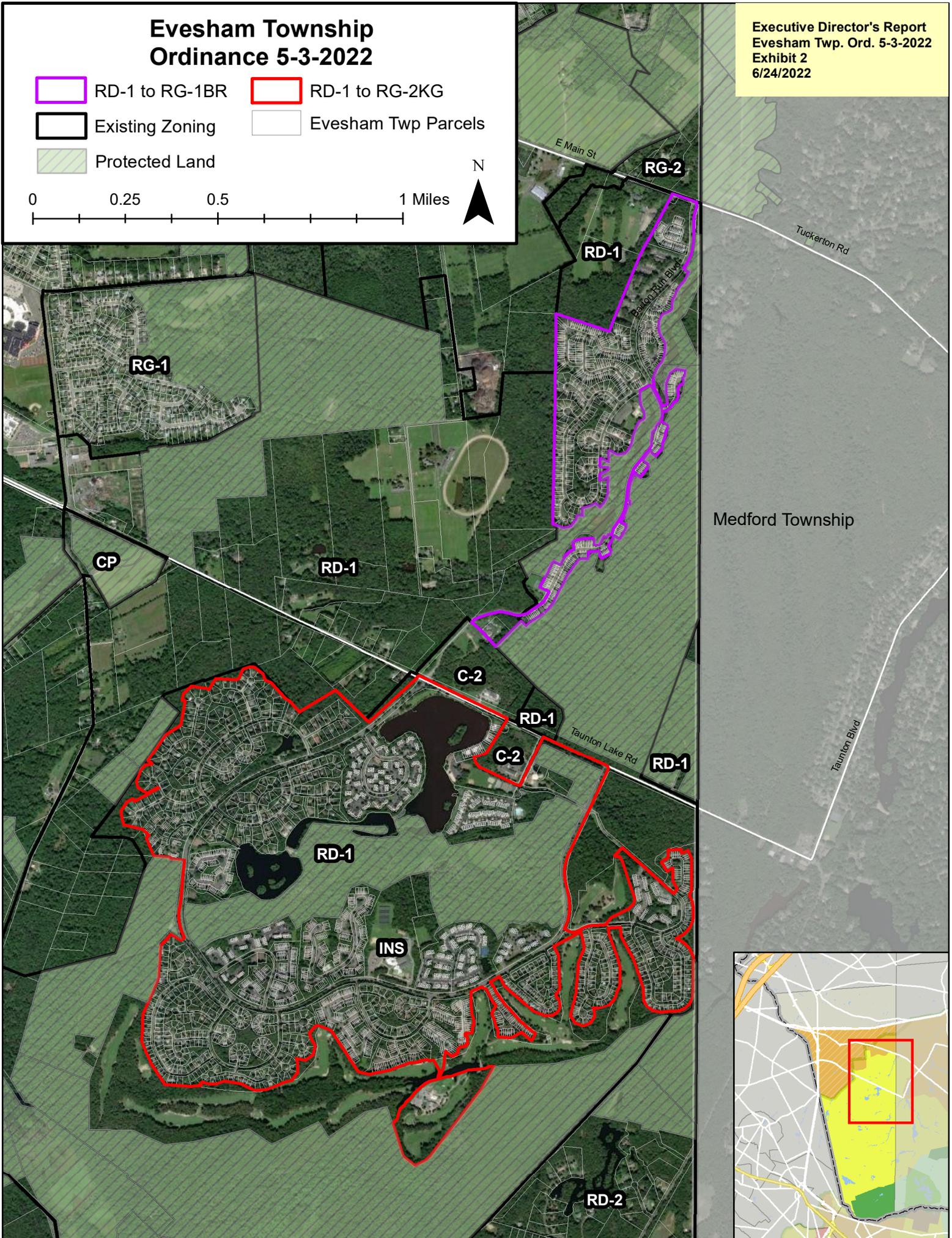
SRG/DBL/KLE/CEV
Attachments

Evesham Township Ordinance 5-3-2022

- RD-1 to RG-1BR
- RD-1 to RG-2KG
- Existing Zoning
- Evesham Twp Parcels
- Protected Land



Executive Director's Report
Evesham Twp. Ord. 5-3-2022
Exhibit 2
6/24/2022



Medford Township

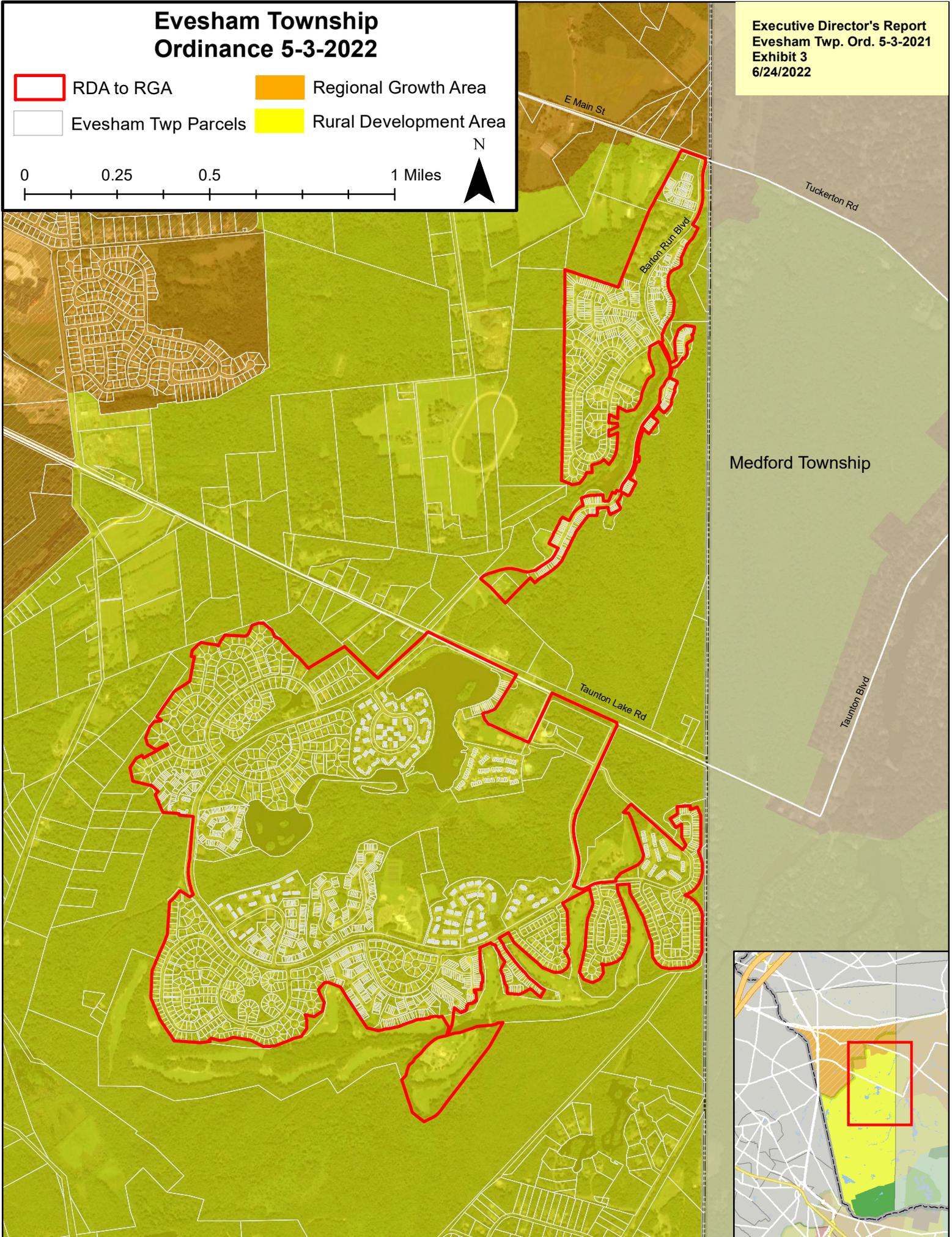
Evesham Township Ordinance 5-3-2022

-  RDA to RGA
-  Regional Growth Area
-  Evesham Twp Parcels
-  Rural Development Area

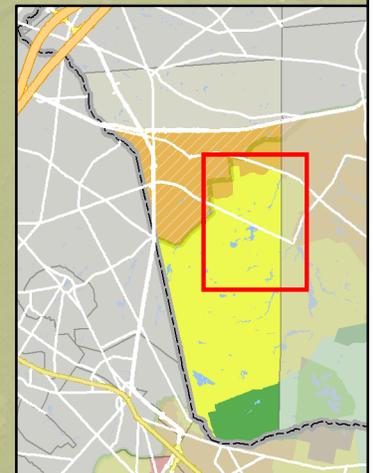
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Executive Director's Report
Evesham Twp. Ord. 5-3-2021
Exhibit 3
6/24/2022



Medford Township

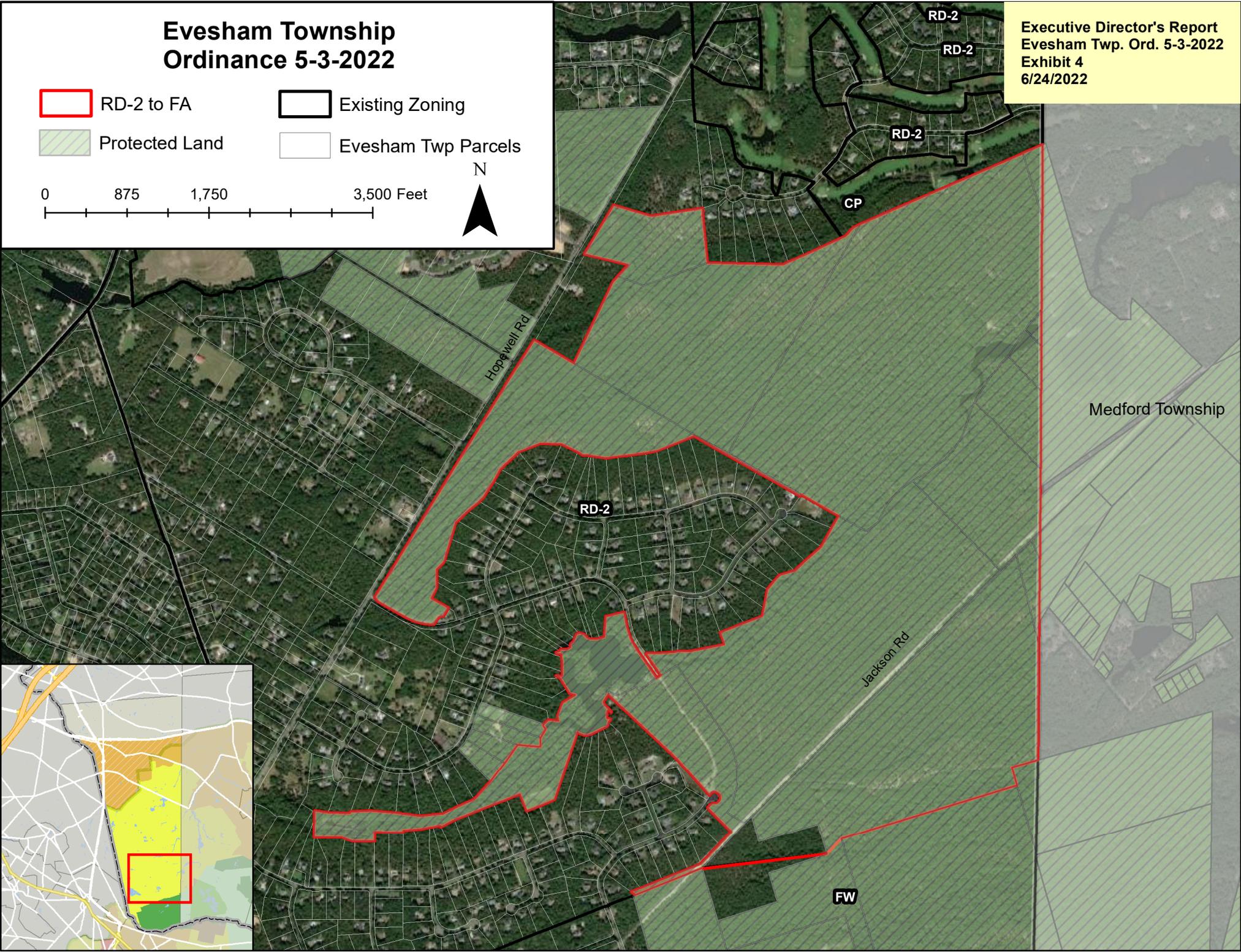


Evesham Township Ordinance 5-3-2022

Executive Director's Report
Evesham Twp. Ord. 5-3-2022
Exhibit 4
6/24/2022

-  RD-2 to FA
-  Existing Zoning
-  Protected Land
-  Evesham Twp Parcels

0 875 1,750 3,500 Feet



Evesham Township Ordinance 5-3-2022

Executive Director's Report
Evesham Twp. Ord. 5-3-2022
Exhibit 5
6/24/2022

-  RDA to FA
-  Rural Development Area
-  Evesham Twp Parcels
-  Forest Area

