



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-27

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1984-1078.008)

Commissioner Irick moves and Commissioner Pikolycky seconds the motion that:

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

1984-1078.008

Applicant:	South Jersey Transportation Authority
Municipality:	Hamilton Township
Management Area:	Pinelands Forest Area Pinelands Rural Development Area
Date of Report:	July 22, 2022
Proposed Development:	Establishment of a 102.6 acre grassland conservation and management area

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1984-1078.008 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Lettman	X				Pikolycky	X			
Christy			X		Lloyd			X		Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry	X								
Jannarone			X		Meade	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 12, 2022

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



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

July 22, 2022

Stephen Mazur, PP, PE, CME (via email)
South Jersey Transportation Authority
PO Box 351
Hammonton, NJ 08037

Re: Application # 1984-1078.008
Block 591, Lot 1.02
Block 864, Lot 15
Hamilton Township

Dear Mr. Mazur:

The Commission staff has completed its review of this application for the establishment of a 102.6 acre grassland conservation and management area on the above referenced 233.3 acre parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2022 meeting.

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

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

Sincerely,

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

Enc(2):Appeal Procedure
7/8/22 Public Comment Letter

c: Secretary, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Anthony Velazquez (via email)
Rhyan Grech (via email)



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 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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2022

Stephen Mazur, PP, PE, CME (via email)
 South Jersey Transportation Authority
 PO Box 351
 Hammonton, NJ 08037

Application No.: 1984-1078.008
 Block 591, Lot 1.02
 Block 864, Lot 15
 Hamilton Township

This application proposes the establishment of a 102.6 acre grassland conservation and management area located on the above referenced 223.3 acre parcel in Hamilton Township.

On February 26, 2004, the South Jersey Transportation Authority (SJTA) and the Pinelands Commission entered into a Memorandum of Agreement (MOA) to facilitate the development of certain projects at the Atlantic City International Airport. The development projects were specified in the MOA. The Commission determined that the construction of the MOA specified development projects would result in a significant adverse impact on habitats that are critical to the survival of local populations of Uplands sandpiper (endangered species) and Grasshopper sparrow (threatened species). In accordance with the requirements of the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.52(c)2), to provide an equivalent level of protection to the resources of the Pinelands, the MOA required the SJTA to create and enhance 290 acres of grassland at the Atlantic City International Airport for Uplands sandpiper and Grasshopper sparrow.

Subsequent to Commission approval of the MOA, the SJTA submitted documentation to the Pinelands Commission addressing concerns related to possible wildlife strikes by aircraft at the Atlantic City International Airport. The documentation included letters from the Federal Aviation Administration, United States Department of Agriculture and the Commander of the New Jersey National Guard stationed at the Atlantic City International Airport.

On April 16, 2019, the SJTA and the Pinelands Commission executed an amendment to the February 26, 2004 MOA. The MOA amendment authorized SJTA to mow the 290 acres of enhanced grassland at the Atlantic City International Airport. Such mowing would discourage nesting of Uplands sandpiper and Grasshopper sparrow. The MOA amendment required that the SJTA acquire land within the Pinelands and create a grassland conservation and management area consisting of at least 62 acres of potential critical habitat for Upland sandpiper and Grasshopper sparrow on that acquired land. The MOA amendment also required that the new grassland conservation and management area be preserved in

perpetuity through the recordation of a conservation deed restriction.

The two concerned bird species tend to avoid utilizing suitable grassland habitats if those habitats are located within 50 meters of any forest edge or structure. To create at least 62 acres of potential critical habitat, the applicant will be removing all woody vegetation from a 102.6 acre portion of the 223.3 acre parcel. The removal of all woody vegetation from the 102.6 acres results in 63.4 acres of potential critical habitat that is located at least 50 meters from a forested edge or structure.

The proposed 102.6 acre grassland conservation and management area is currently comprised of grassland, successional red cedar and pitch pine trees and approximately 1.75 acres of mature forest. After removal of all woody vegetation and soil tilling, the 102.6 acres will be seeded with a grass seed mixture previously approved in the February 26, 2004 MOA for the creation of the grassland conservation and management area at the Atlantic City International Airport.

The area where the proposed grassland conservation and management area will be established previously contained a dwelling and six agricultural structures. The dwelling and six agricultural structures were all less than 50 years old. The seven structures have been demolished. The demolition of a structure less than 50 years old does not require an application to the Commission.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.23 (b)9 & 5.26(d))

The parcel is located in a Pinelands Forest Area (109.7 acres) and a Pinelands Rural Development Area (113.6 acres). The proposed wildlife habitat management is permitted in a Pinelands Forest Area and Pinelands Rural Development Area.

Wetlands Standards (N.J.A.C. 7:50-6.10(a) & (c))

There are approximately 10 acres of wetlands located within the 102.6 acre proposed grassland conservation and management area. These wetlands are mainly herbaceous wetlands, consisting of sedges and rushes with sparse pockets of successional red cedar and pitch pine trees. The wetlands are located within an area on the parcel previously utilized as horse pasture. To eliminate visual obstructions within the 102.6 grassland conservation and management area, the applicant will be removing the successional red cedar and pitch pine trees located in wetlands and the required buffer to wetlands. The CMP (N.J.A.C. 7:50-6.10(c)) allows for wildlife management activities within wetlands and the required buffers to wetlands. With the conditions recommended below, the proposed wildlife management activities within wetlands and the required buffer to wetlands will be consistent with the CMP wetlands protection standards.

Several of the herbaceous wetlands have pockets of dense Phragmites. The applicant proposes to control the stands of Phragmites by either placing permeable "weed blocker" fabric over the areas and leaving the fabric in place for two years to prevent further growth or by mechanical mowing the areas during the non-breeding season for the two concerned bird species. If mechanical mowing is utilized, the areas of Phragmites will be maintained at a height of no more than 16 inches by hand cutting during the

Uplands sandpiper and Grasshopper sparrows breeding seasons. The CMP (N.J.A.C. 7:50-6.10(a)) allows for the removal of Phragmites from wetlands and the required buffer to wetlands. With the conditions recommended below, the proposed Phragmites control within wetlands and the required buffer to wetlands will be consistent with the CMP wetlands protection standards.

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

The proposed grassland conservation and management area will be located within grassland, successional growth red cedar and pitch pine trees and approximately 1.75 acres of mature forest. The proposed clearing of woody vegetation and soil tilling of the 102.6 acres in preparation for grassland seeding is limited to that which is necessary to accommodate the establishment of the proposed grassland conservation and management area.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a native Pinelands grass seed mixture approved in the February 26, 2004 MOA for the creation of the grassland conservation and management area.

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

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

PUBLIC COMMENT

The applicant has provided the required public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on May 9, 2022. Newspaper public notice was completed on May 12, 2022. The application was designated as complete on the Commission's website on June 28, 2022. The Commission's public comment period closed on July 8, 2022. The Commission received one public comment (enclosed) regarding this application.

Public Comment: The commenter questioned whether the disturbance of 10 acres of wetlands is consistent with CMP wetlands protection standards. The commenter also questioned the status of the MOA required deed restriction on the grassland conservation and management area and the MOA required creation of the frosted elfin butterfly habitat at the Atlantic City International Airport. The commenter further questioned whether the MOA had been suspended and, if so, whether the suspension been lifted. If the suspension has been lifted, the commenter questioned whether mowing and other activities at the Atlantic City International Airport have been allowed to resume. Lastly, the commenter inquired as to whether an equivalent level of protection to the resources of the Pinelands has been provided to the frosted elfin butterfly, the Upland sandpiper and the Grasshopper sparrow as required by the MOA.

Staff Response: The CMP (N.J.A.C. 7:50-6.10(c)) allows for the disturbance of wetlands and the required buffers to wetlands for wildlife management activities provided certain conditions are met. The CMP (N.J.A.C. 7:50-6.10(a)) also allows for the removal of Phragmites from wetlands and wetlands buffer provided certain conditions are met. With the recommend conditions of approval contained in this Report, the

proposed disturbance of wetlands and wetlands buffers is consistent with the CMP wetland protection standards.

Based upon Commission Resolution No. PC4-22-03 approved on January 14, 2022, the MOA required deed restriction on the grassland conservation and management area must be imposed by April 16, 2023. Commission Resolution No. PC4-22-03 also provides that the deadline for completion of the frosted elfin butterfly habitat was extended until April 16, 2023. However, as of June 2022, the applicant has created 13.5 acres of frosted elfin habitat at the Atlantic City International Airport and has planted over 4,000 Wild Indigo plants within the 13.5 acres. Based upon Commission approval of Resolution No. PC4-22-03, the MOA is not suspended. Based upon Resolution No. PC4-22-03, mowing of the former grassland conservation and management area at the Atlantic City International Airport is permitted and development can proceed in accordance with the requirements of the MOA. The Commission found through approval of the MOA on February 26, 2004 and the approval of the First Amendment to that MOA on April 16, 2019 that an equivalent level of protection to the resources of the Pinelands has been provided to the frosted elfin butterfly, the Upland sandpiper and the Grasshopper sparrow.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of one sheet, prepared by AECOM, undated and revised May 20, 2022.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. By April 16, 2023, the South Jersey Transportation Authority shall provide to the Pinelands Commission a recorded copy of the deed of conservation restriction for the proposed 102.6 acre grassland conservation and management area.
5. The South Jersey Transportation Authority shall complete the establishment of the grassland conservation and management area subject of this approval by April 16, 2024.
6. On January 1st of 2025 and then every year thereafter on January 1 until 2030, the South Jersey Transportation Authority shall submit a report to the Commission regarding all activities to establish and maintain the grassland conservation and management area that have occurred in the prior year. The report shall also provide a breakdown of the existing vegetative coverage of the grassland conservation and management area. The report shall further provide the results of a survey completed during the breeding seasons for Upland sandpiper and Grasshopper sparrow noting the presence or absence of the two concerned threatened or endangered species.

7. To address the CMP required conditions for wildlife management activities in wetlands and the required buffer to wetlands, the South Jersey Transportation Authority shall monitor the establishment of the grassland conservation and management area in wetlands and the required buffer to wetlands and on January 1, 2030 submit to the Commission a report documenting the outcome of the proposed establishment of grasslands in the wetlands and the required buffer to wetlands.
8. To address the CMP required conditions for Phragmites removal from wetlands and the required buffer to wetlands, the South Jersey Transportation Authority shall monitor and submit to the Commission on January 1, 2030 a report addressing the outcome of the proposed Phragmites removal in wetlands and wetland buffers.

CONCLUSION

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



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

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 9, 2022 and include the following information:

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

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



PINELANDS
PRESERVATION
ALLIANCE

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609-858-8860

ppa@pinelandsalliance.org
www.pinelandsalliance.org

July 8, 2022

New Jersey Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

RE: Application No. 1984-1078.009 – South Jersey Transportation Authority

Dear Chairwoman Matos and Pinelands Commissioners,

I would like to comment on the application for the establishment of a threatened and endangered avian grassland conservation area by South Jersey Transportation Authority (SJTA). The site of the proposed habitat currently consists of approximately 10 acres of wetlands that appear at risk for disturbance during the construction activities. SJTA must adhere to the wetlands protection standards of the Comprehensive Management Plan (CMP) by not performing development activities within wetlands and the 300-foot wetlands buffer. I urge the Pinelands Commission to hold this applicant to those standards.

The Pinelands Commission last publicly discussed the Memorandum of Agreement (MOA) with SJTA, and the lack of compliance with that MOA, at the January 2022 meeting. Yet another extension was granted to SJTA then, as they had missed their already extended deadlines that were established in the 2019 Amended MOA to the 2004 MOA, all of which allowed variance on top of variance. At this point, what is the status of the creation of the frosted elfin butterfly habitat at the Atlantic City Airport, and the conservation deed restriction that was to be recorded for the new grassland habitat? During the January meeting, the Pinelands Commission considered SJTA out of compliance with the MOA, and subsequently development activities under the MOA were suspended, including the mowing of the original grassland habitat area at the airport. That mowing was due, per the schedule established by the Amended MOA, in the spring. At this point, has the Commission lifted that suspension and allowed mowing and other activities to resume?

N.J.A.C. 7:50-4.52(c)2 states that “the Commission may enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of N.J.A.C. 7:50-5 and 6, provided such agency demonstrates and the Commission finds that variation from the standards of this Plan is accompanied by measures that will, **at a minimum, afford an equivalent level of protection** of the resources of the Pinelands than would be provided through a strict application of the standards of this Plan.” (emphasis added).

I ask the Commission: since April of 2019, have the threatened and endangered species (the frosted elfin butterfly, the upland sandpiper and the grasshopper sparrow) at the heart of these ongoing timeline extensions, amendments and violations of agreement terms with SJTA been afforded, at minimum, an equivalent level of protection as they would have had SJTA complied with the standards of the CMP? If that answer is no, then SJTA is in violation of the terms of their MOA.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Rhyan Grech". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rhyan Grech
Policy Director
Pinelands Preservation Alliance



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-28

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1986-0944.008)

Commissioner Irick moves and Commissioner Lohbauer seconds the motion that:

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

1986-0944.008

Applicant:	Town of Hammonton
Municipality:	Town of Hammonton
Management Area:	Pinelands Town
Date of Report:	July 21, 2022
Proposed Development:	Construction of a twelve space municipal parking lot.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1986-0944.008 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Lettman	X				Pikolycky	X			
Christy			X		Lloyd			X		Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry	X								
Jannarone			X		Meade	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 12, 2022

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



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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

July 21, 2022

Stephen DiDonato, Mayor (via email)
Town of Hammonton
100 Central Ave.- Town Hall
Hammonton NJ 08037

Re: Application # 1986-0944.008
Block 2811, Lots 6, 7 & 9
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for construction of a twelve space municipal parking lot. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure
c: Secretary, Town of Hammonton Planning Board (via email)
Town of Hammonton Construction Code Official (via email)
Town of Hammonton Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Marianne Risley (via email)



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 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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 21, 2022

Stephen DiDonato, Mayor (via email)
 Town of Hammonton
 100 Central Ave.- Town Hall
 Hammonton NJ 08037

Application No.: 1986-0944.008
 Block 2811, Lots 6, 7 & 9
 Town of Hammonton

This application proposes construction of a twelve space paved municipal parking lot on the above referenced 1.21 acre parcel in the Town of Hammonton. The proposed parking lot will be located on Block 2811, Lot 6. The Town of Hammonton municipal building is located on Block 2811, Lots 7 and 9. The proposed parking lot will serve the municipal building.

On May 14, 2021, the Commission approved the demolition of a former industrial building located on Block 2811, Lot 6 (App. No. 1986-0944.007). The former industrial building has not yet been demolished.

STANDARDS

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

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

The proposed development is located in the Pinelands Town of Hammonton. The proposed development is a permitted land use in a Pinelands Town.

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

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

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

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on May 5, 2022. Newspaper public notice was completed on May 7, 2022. The application was designated as complete on the Commission's website on June 23, 2022. The Commission's public comment period closed on July 8, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., all sheets dated January 2022 and last revised April 27, 2022.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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

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

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 8, 2022 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 29

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0421.015)

Commissioner Irick moves and Commissioner Lohbauer seconds the motion that:

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

1990-0421.015

Applicant: Atlantic County
Municipality: Hamilton Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 13, 2022
Proposed Development: Reconstruction of the existing main spillway at the Lake Lenape Dam.

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

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

WHEREAS, the Pinelands Commission hereby determines that the proposed public development and Certificate of Appropriateness both conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Acting Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0421.015 for public development and a Certificate of Appropriateness is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Lettman	X				Pikolycky	X			
Christy			X		Lloyd			X		Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry	X								
Jannarone			X		Meade				A					

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 12, 2022

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



State of New Jersey
THE PINELANDS COMMISSION
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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

July 13, 2022

Douglas R. DiMeo, PE (via email)
Atlantic County
PO Box 719
Northfield NJ 08225

Re: Application # 1990-0421.015
Block 730, Lots 5.01, 5.02 & 8
Hamilton Township

Dear Mr. DiMeo:

The Commission staff has completed its review of this application for the reconstruction of the existing main spillway at the Lake Lenape Dam. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Matthew Lunemann, PE (via email)
Haddon Antonucci (via email)



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

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

PUBLIC DEVELOPMENT APPLICATION REPORT
AND
CERTIFICATE OF APPROPRIATENESS

July 13, 2022

Douglas R. DiMeo, PE (via email)
Atlantic County
PO Box 719
Northfield NJ 08225

Application No.: 1990-0421.015
Block 730, Lots 5.01, 5.02 & 8
Hamilton Township

This application proposes to reconstruct the existing main spillway at the Lake Lenape Dam located on the above referenced 6.15 acre parcel in Hamilton Township.

The applicant has indicated that the existing Lake Lenape Dam is deteriorating and the dam does not have enough capacity to safely pass the routed spillway design flood. The proposed development is intended to address the deteriorating condition of the existing spillway and to mitigate upstream flooding conditions by bringing the spillway into compliance with current dam design standards.

On January 14, 2022, the Commission approved an application for the replacement of two existing water control slide gates associated with a second spillway at Lake Lenape (App. No. 1990-0421.013). During reconstruction of the existing main dam spillway, the second spillway that directs water to an existing powerhouse building will provide an alternate method of controlling the lake level.

STANDARDS

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

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

The proposed reconstruction of the existing main spillway is located in a Pinelands Regional Growth Area. The proposed reconstruction of the existing main spillway is permitted in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located within the project area. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

The proposed main spillway reconstruction will be located within wetlands and the required buffer to wetlands. The proposed main spillway reconstruction will result in the disturbance of approximately 0.855 acres of wetlands. The CMP permits linear improvements, such as dams, in wetlands and the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed reconstruction of the main spillway that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to wetlands. In addition, the reconstruction of the main dam spillway will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The proposed main spillway reconstruction is necessary to address the poor condition of the existing spillway and to mitigate upstream flooding conditions by bringing the spillway into compliance with current dam design standards. The applicant has demonstrated the need for the proposed reconstruction of the main spillway overrides the importance of protecting the concerned wetlands.

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

The proposed development will be located within an existing developed area and open water. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

The Lake Lenape Dam is located in the Mays Landing Historic District. The dam and the powerhouse building were constructed in the 1920s to provide hydroelectric power to a nearby cotton mill.

Based upon its listing in the National and State Registers of Historic Places, the Mays Landing Historic District is designated by the Pinelands Commission as an historic resource of significance to the Pinelands. The cultural resources standards of the CMP (N.J.A.C. 7:50-6.156(a)1 and 4) require that a Certificate of Appropriateness be issued by the Pinelands Commission when development proposed by a County agency will involve a Commission designated historic resource (N.J.A.C. 7:50-6.154).

The standards for a Certificate of Appropriateness (N.J.A.C. 7:50-6.156(c)) identify the treatment that will be required for the resource from among the following three alternatives:

- Preservation in place, if possible;
- Preservation of the resource at another location if preservation in place is not possible; or
- Recordation, if neither of the other alternatives is possible.

The Commission staff has determined that recordation is the appropriate treatment required for this application. The Commission staff recommends that the Pinelands Commission issue a Certificate of Appropriateness requiring recordation of the resource consistent with the Secretary of Interior's

Standards and Guidelines for Archeology and Historic Preservation.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on March 28, 2022. Notice to required landowners within 200 feet of the above referenced parcel was completed on April 26, 2022. The application was designated as complete on the Commission's website on June 24, 2022. The Commission's public comment period closed on July 8, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 21 sheets, prepared by WSP USA, Inc. and dated as follows:
 - Sheet 1 – October 14, 2020; revised to June 28, 2022
 - Sheets 2 - 4, 12 & 17-19 – October 14, 2020; revised to February 1, 2022
 - Sheets 5, 14 & 15 – November 30, 2021; revised to February 1, 2022
 - Sheets 6 & 16 – May 11, 2020; revised to February 1, 2022
 - Sheets 7, 9 - 11, 13 & 21 – January 13, 2022; revised to February 1, 2022
 - Sheet 8 – May 2, 2022; revised to June 15, 2022
 - Sheet 20 – January 14, 2022; revised to February 1, 2022.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
6. Prior to the construction of any portion of the proposed development which will result in the disturbance of any freshwater wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
7. Prior to the construction of any portion of the proposed development which will result in the disturbance of any tidal wetland area, the applicant shall obtain any authorization or permits that may be required by the New Jersey Department of Environmental Protection and the United States Army Corps of Engineers.
8. Prior to construction, a copy of a recordation report shall be provided to the Commission. The recordation report shall utilize the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation.

CONCLUSION

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



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Application Specific Information: AppInfo@pinelands.nj.gov

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

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 1, 2022 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 30

TITLE: Issuing an Order to Certify Southampton Township Ordinance 2022-05, Adopting the Redevelopment Plan for the Red Lion Diner Redevelopment Area

Commissioner Lohbauer moves and Commissioner Irick seconds the motion that:

WHEREAS, on May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Southampton Township; and

WHEREAS, Resolution #PC4-83-40 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 the 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 #PC4-83-40 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 May 17, 2022, Southampton Township adopted Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condemnation Redevelopment Area, dated March 21, 2022; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2022-05 on June 1, 2022; and

WHEREAS, by letter dated June 21, 2022, the Acting Executive Director notified Southampton Township that Ordinance 2022-05 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2022-05 was duly advertised, noticed, and remotely held on July 13, 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 submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2022-05 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 2022-05 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2022-05 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 that 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 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Redevelopment Area, is in conformance with the Pinelands Comprehensive Management Plan.

2. Any additional amendments to Southampton 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.

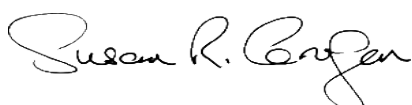
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Lettman	X				Pikolycky	X			
Christy			X		Lloyd			X		Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry				A					
Jannarone			X		Meade	X								


*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 12, 2022



Susan R. Grogan
Acting Executive Director



Laura E. Matos
Chair



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 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 Southampton Township Ordinance 2022-05, Adopting the Redevelopment Plan for the Red Lion Diner Redevelopment Area

July 29, 2022

Southampton Township
 5 Retreat Road
 Southampton, NJ 08088

Findings of Fact

I. Background

The Township of Southampton is located in the northeastern portion of the Pinelands Area, in Burlington County. Pinelands municipalities adjacent to Southampton Township include the Townships of Medford, Pemberton, Tabernacle, and Woodland in Burlington County.

On May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Southampton Township.

On May 17, 2022, Southampton Township adopted Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area, dated March 21, 2022. The Pinelands Commission received a certified copy of Ordinance 2022-05 on June 1, 2022.

By letter dated June 21, 2022, the Acting Executive Director notified the Township that Ordinance 2022-05 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 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area, introduced on April 19, 2022 and adopted on May 17, 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 2022-05 adopts the Redevelopment Plan for the Red Lion Diner Non-Condemnation Redevelopment Area. The 20-acre redevelopment area is located on the southwest corner of the Red Lion traffic circle at the intersection of US Route 206 and NJ Route 70 (Exhibit 1). The redevelopment plan applies to three lots currently under common ownership. One lot contains an existing 7,000 square foot restaurant (Block 3002, Lot 5.02), while the remaining lots are vacant and wooded (Block 3002, Lots 5 and 5.03). The entirety of the redevelopment area is within the Township's Highway Commercial (HC) District and within a Pinelands Rural Development Area (RDA).

The goal of the plan is to facilitate the coordinated redevelopment of the area for commercial uses while recognizing the existing use and environmental constraints of the tract. To that end, the redevelopment plan establishes a variety of permitted commercial uses, including retail stores, service stations with convenience stores, restaurants, banks, personal and household services, professional services, medical services, business offices, gyms, and self-storage facilities. The plan also provides various area, bulk and height standards as well as landscaping, design, signage and off-street parking requirements. The redevelopment plan limits the total gross floor area in the redevelopment area to 25,000 square feet. The plan incorporates the underlying land development regulations applicable to the HC District and the minimum environmental standards of the Pinelands CMP, except as modified by the plan and further described below.

An important component of the redevelopment plan is its requirements for water quality protection and land preservation. Drawing upon the CMP's municipal flexibility provisions, the Township's redevelopment plan puts forth an approach to developing the vacant portions of the redevelopment area in a manner that recognizes known environmental constraints and the existing use, while also meeting the objectives and minimum requirements of the CMP. The redevelopment area contains one of the few vacant, upland tracts remaining within the Pinelands Area portion of Southampton Township and prior development efforts have been hindered by the inability to site new onsite wastewater treatment systems due to seasonal high water table limitations (N.J.A.C. 7:50-6.84(a)4iv).

The redevelopment plan requires that the existing conventional septic system currently used by the restaurant on Block 3002, Lot 5.02 be replaced with an advanced wastewater treatment system that will serve all proposed and existing uses within the redevelopment area. Under the plan, no further development generating wastewater within the redevelopment area, including a change of the existing restaurant to another use, can occur until the existing septic system is replaced with an advanced treatment system. The advanced wastewater treatment system must be designed to ensure that the groundwater exiting from the entire redevelopment area will not exceed two parts per million nitrate/nitrogen. This is consistent with the CMP's overall water quality objectives.

Use of an advanced wastewater treatment system for nonresidential development in a Rural Development Area is normally permitted only for existing nonresidential uses that are currently not meeting CMP water quality standards. The CMP (N.J.A.C. 7:50-6.84(a)5ii(2)) provides that such uses may expand by up to 50% upon the installation of an advanced treatment system designed to reduce nitrogen. A strict interpretation of these standards would allow a 3,500 square foot expansion of the existing restaurant, but no new nonresidential development on the adjacent vacant lots included in the redevelopment area. The redevelopment plan allows for a total gross floor area of 25,000 square feet within the redevelopment area as a whole. This results in an opportunity for 14,500 square feet of nonresidential development potential beyond that provided by the CMP.

To offset the increased non-residential development potential in the Red Lion Diner Redevelopment Area, the redevelopment plan includes a land preservation requirement that will reduce the development potential of lands elsewhere in the Township's RDA. For every 1,000 square feet of existing and proposed floor area approved under the redevelopment plan, 1 acre of contiguous or non-contiguous land in the Township's RDA is required to be permanently preserved by deed restriction. The required deed restriction would impose the same limitations as required for lands preserved through the CMP's residential density transfer program (N.J.A.C. 7:50-5.30(b)4). The deed restriction would limit the use of the preserved lands to low-intensity recreation, ecological management, and forestry, provided no more than five percent of the land is cleared.

In Rural Development Areas, the CMP's septic dilution requirement serves not only as a water quality standard, but also as a limit on non-residential development potential. Whereas the CMP limits residential development in the RDA by imposing a 3.2-acre minimum lot size requirement, non-residential development intensity is limited by the ability of a given parcel of land to meet the CMP's septic dilution requirements, regardless of whether the use is connected to sewer. The Pinelands Septic Dilution Model was used to evaluate the parity between the amount of land preservation required compared to the level of additional development potential being allowed in the redevelopment area. The Pinelands Septic Dilution Model requires approximately 1 acre for every 800 square feet of floor area devoted to a restaurant in order to meet CMP water quality standards using a conventional septic system. Therefore, 14,500 square feet of restaurant development would need approximately 18 acres to meet the CMP's septic dilution requirements. Restaurants have somewhat higher septic flows compared to other commercial uses permitted in the redevelopment area. Since a maximum of 25 acres of land could be preserved under this redevelopment plan, the preservation requirement would not only balance out the increased non-residential development potential provided by the redevelopment plan but would likely exceed it.

The Township has provided evidence of sufficient vacant lands within its RDA to satisfy the preservation requirement of the redevelopment plan. An analysis by the Township identified approximately 250 acres of vacant land in the Township's RDA that is not preserved. The Township's analysis also indicated that these lands were held by 15 different property owners. Ultimately, it will be the redeveloper's obligation to ensure that the necessary deed restrictions have been recorded.

Staff finds that the water quality and land preservation requirements of the redevelopment plan are an appropriate exercise of the CMP's municipal flexibility provisions. The redevelopment plan effectively adapts the Commission's residential density transfer program for nonresidential use, while ensuring that CMP water quality standards will be met by all development in the redevelopment area. On balance, the redevelopment plan provides an opportunity for commercial development of one of the few vacant, upland sites in the Pinelands Area portion of the Township in a manner that ensures CMP water quality and land use intensity objectives are met.

Ordinance 2022-05 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 redevelopment plan adopted by Ordinance 2022-05 incorporates the development application submission requirements applicable to the underlying zoning districts. This includes the requirement that no local permitting agency shall determine an application for development in the Pinelands Area 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

The redevelopment plan adopted by Ordinance 2022-05 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the review of all development within the redevelopment area by the Township Planning Board in accordance with the existing review procedures in the Township's certified land development regulations. Therefore, this standard for certification is met.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

The redevelopment plan adopted by Ordinance 2022-05 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the requirement that no local permit shall be effective until it is reviewed by the Pinelands Commission in accordance with the CMP. Therefore, this standard for certification is met.

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 2022-05 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 2022-05 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 2022-05 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 Southampton Township's application for certification of Ordinance 2022-05 was duly advertised, noticed and held on July 13, 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 2022-05 were accepted through July 15, 2022. However, no written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Acting Executive Director has concluded that Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area of Southampton 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 Southampton Township Ordinance 2022-05.

SRG/DBL/KLE/CSO
Attachments

Southampton Township Red Lion Diner Redevelopment Plan

Executive Director's Report
Southampton Twp Ord. 2022-05
Exhibit 1
7/29/2022

- Pinelands Management Area
- Rural Development Area
- Redevelopment Area
- Existing Zoning
- Lots

