



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 21

TITLE: Approving With Conditions an Application for Public Development (Application Number 1981-0545.013)

Commissioner Lohbauer moves and Commissioner Christy seconds the motion that:

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

1981-0545.013

Applicant:	Hamilton Township Municipal Utilities Authority
Municipality:	Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	May 24, 2019
Proposed Development:	Construction of a 3,709 square foot addition to an existing operations building.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1981-0545.013 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 11, 2019

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Richard Prickett
Richard Prickett
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

May 24, 2019

Stephen Blankenship (via email)
Hamilton Township Municipal Utilities Authority
6024 Ken Scull Avenue
Mays Landing, NJ 08330

Re: Application # 1981-0545.013
Block 809, Lot 31
Hamilton Township

Dear Mr. Blankenship:

The Commission staff has completed its review of this application for construction of a 3,709 square foot addition to an existing operations building. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its June 14, 2019 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Vincent J. Polistina, PE, PP, CME (via email)



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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

May 24, 2019

Stephen Blankenship (via email)
Hamilton Township Municipal Utilities Authority
6024 Ken Scull Avenue
Mays Landing, NJ 08330

Application No.: 1981-0545.013
Block 809, Lot 31
Hamilton Township

This application proposes construction of a 3,709 square foot addition to an existing operations building on the above referenced 11.79 acre parcel in Hamilton Township. The Hamilton Township Municipal Utilities Authority (HTMUA) sewage treatment plant was located on the parcel until 1992. The parcel is currently used as a HTMUA operations, maintenance and storage facility.

The application also proposes a 5,990 square foot expansion of an existing approximately 3,100 square foot paved parking area.

STANDARDS

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

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

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

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the parcel. The proposed development will be located no closer to wetlands than existing development. The proposed development will not result in a significant adverse impact on the wetlands.

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

The proposed development will be located within existing developed and maintained grassed areas. The

proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet the stormwater management standards, the applicant proposes to construct a stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Notice to required land owners within 200 feet of the above referenced parcel was completed on March 28, 2019. Newspaper public notice was completed on March 30, 2019. The application was designated as complete on the Commission's website on April 12, 2019. The Commission's public comment period closed on May 10, 2019. 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 eight sheets, prepared by Polistina & Associates, LLC and dated as follows:

Sheet 1 - March 2019
Sheets 2-8 - January 28, 2019, revised to March 27, 2019
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

State of New Jersey

THE PINELANDS COMMISSION

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission's office no later than 4:00 PM on June 11, 2019 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. PC4-19- 22

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

Commissioner Lohbauer moves and Commissioner Pikolycky seconds the motion that:

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

WHEREAS, Resolution #PC4-83-77 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-77 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

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

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

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

WHEREAS, a public hearing to receive testimony on Ordinance 2019-01 was duly advertised, noticed and held on May 1, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Dennis Township Ordinance 2019-01 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2019-01, amending Chapter 185 (Zoning) of the Code of Dennis Township, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 2019-01 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2019-01 and has reviewed the Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

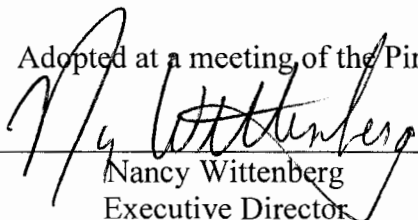
1. An Order is hereby issued to certify that Ordinance 2019-01, amending Chapter 185 (Zoning) of the Code of Dennis Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Dennis Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

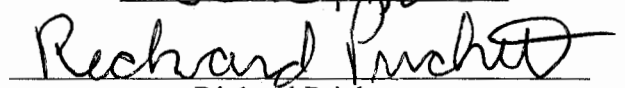
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Irick	X				Quinn			X	
Avery	X				Jannarone			X		Rohan Green			X	
Christy	X				Lloyd	X				Prickett	X			
Earlen			X		Lohbauer	X								
Howell	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date: June 14, 2019


 Richard Prickett
 Chairman



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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

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

May 31, 2019

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

FINDINGS OF FACT

I. Background

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

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

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

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

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 2019-01, amending Chapter 185 (Zoning) of the Code of Dennis Township, introduced on February 26, 2019 and adopted on March 26, 2019.

This amendment has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers

used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. Natural Resource Inventory

Not applicable.

2. Required Provisions of Land Use Ordinance Relating to Development Standards

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

Belleplaine

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

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

Dennisville

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

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

The zoning and management area changes adopted by Ordinance 2019-01 are consistent with the land use and development standards of the CMP. This standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2019-01, amending Chapter 185 (Zoning) of the Code of Dennis Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

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

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

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

PUBLIC HEARING

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

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

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2019-01 is consistent with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 2019-01 of Dennis Township.

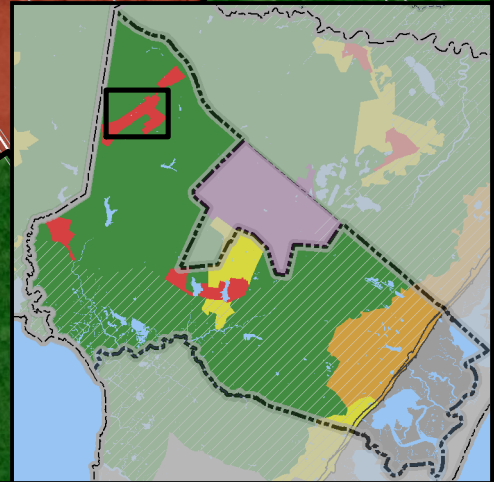
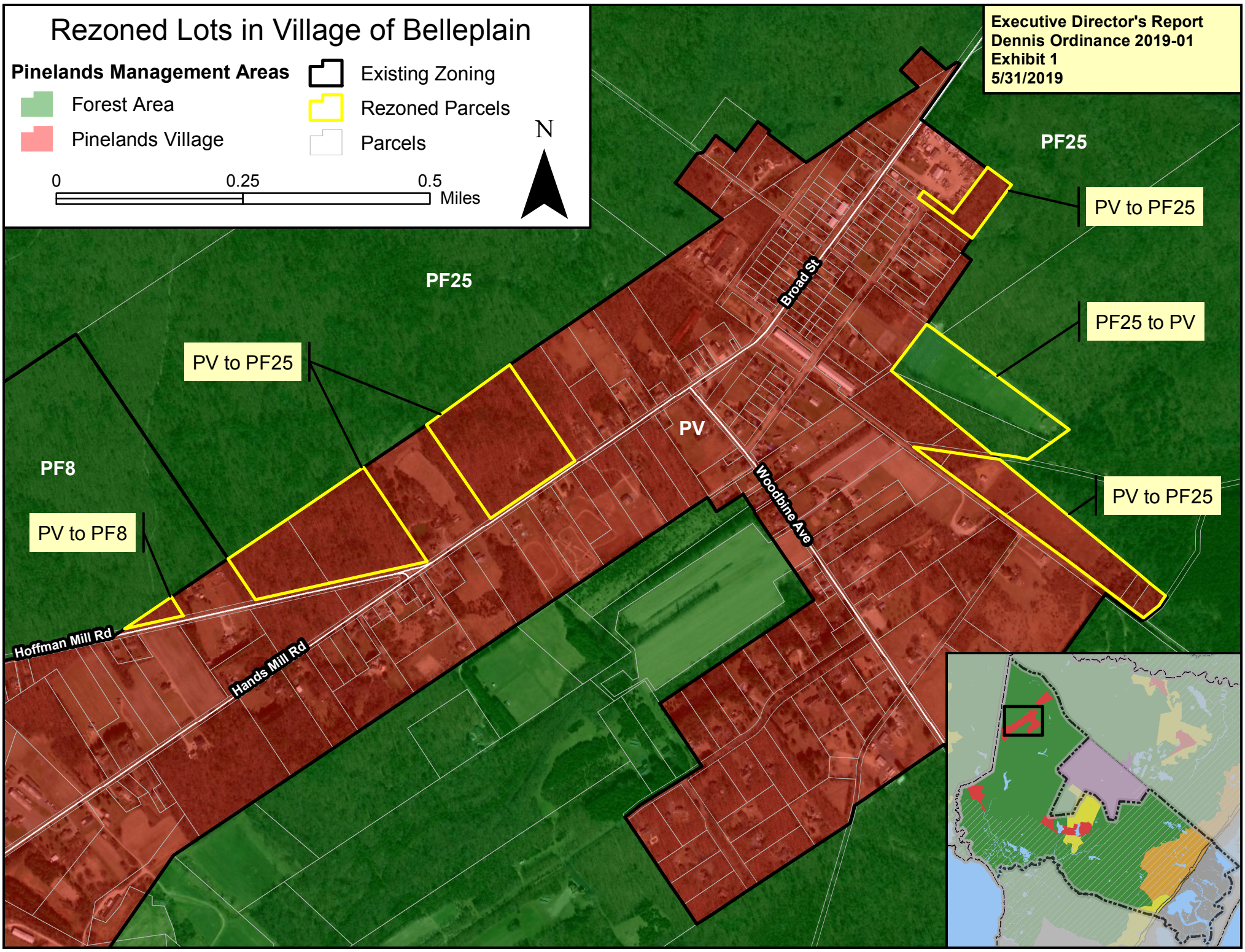
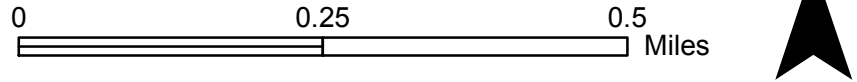
SRG/CDE

Attachments

Rezoned Lots in Village of Belleplaine

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

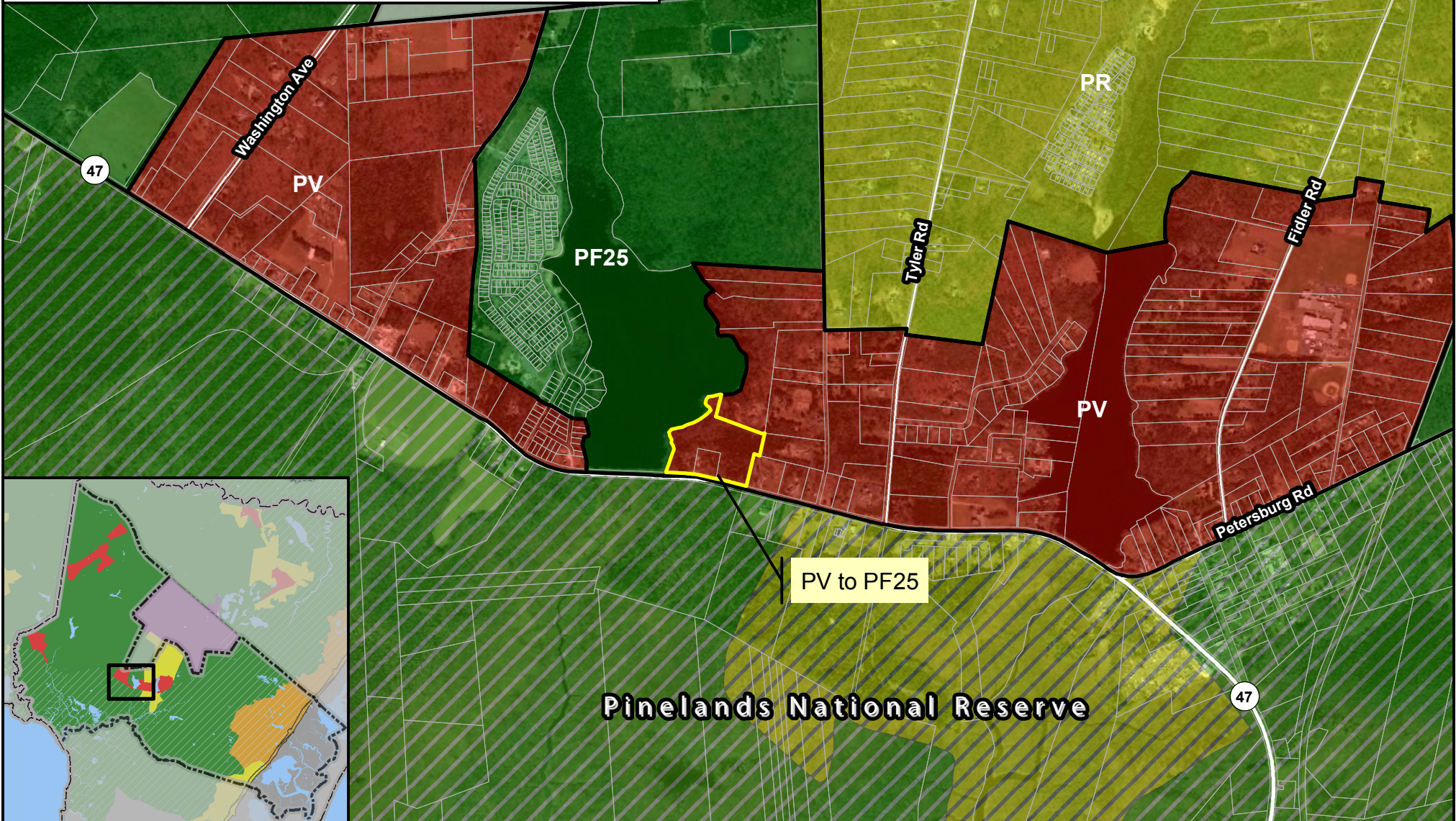
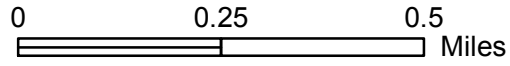
- Pinelands Management Areas**
- Forest Area
- Pinelands Village
- Existing Zoning
- Rezoned Parcels
- Parcels



Rezoned Lots in Village of Dennisville

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

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



PV to PF25

Pinelands National Reserve



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 23

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

Commissioner Avey moves and Commissioner Christy
seconds the motion that:

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

WHEREAS, Resolution #PC4-83-52 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-52 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

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

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

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

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

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

WHEREAS, a public hearing to receive testimony on Ordinances 12-2019 and 13-2019 was duly advertised, noticed and held on May 1, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinances 12-2019 and 13-2019 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Pemberton Township Ordinances 12-2019 and 13-2019, adopting the Rowan College at Burlington County and Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plans, are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director's report was provided to the Commission's CMP Policy and Implementation Committee and those members present at the Committee's May 31, 2019 meeting indicated support for certification of Ordinances 12-2019 and 13-2019; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinances 12-2019 and 13-2019 and has reviewed the Executive Director’s report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

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

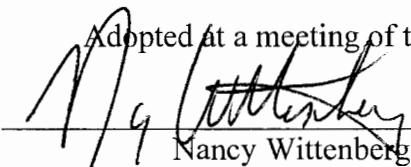
Record of Commission Votes

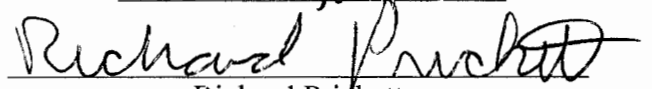
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun	X			Irick	X			Quinn			X
Avery	X			Jannarone			X	Rohan Green			X
Christy	X			Lloyd	X			Prickett	X		
Earlen			X	Lohbauer	X						
Howell			R	Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 14, 2019


 Nancy Wittenberg
 Executive Director


 Richard Prickett
 Chairman



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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

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

May 31, 2019

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

FINDINGS OF FACT

I. **Background**

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

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

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

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

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

II. Master Plans and Land Use Ordinances

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

- Ordinance 12-2019, adopting the Rowan College at Burlington County Redevelopment Plan, introduced on March 20, 2019 and adopted on April 3, 2019; and
- Ordinance 13-2019, adopting the Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plan, introduced on March 20, 2019 and adopted on April 3, 2019.

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

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Land Use Ordinance Relating to Development Standards**

Rowan College at Burlington County Redevelopment Plan

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

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

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

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

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

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

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

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

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

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

Residential Zoning Capacity

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

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

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

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

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

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

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

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

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Pemberton Township Ordinances 12-2019 and 13-2019, adopting the Rowan College at Burlington County and Former Burlington County Minimum Security Corrections and Work Release Center Redevelopment Plans, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

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

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

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

PUBLIC HEARING

A public hearing to receive testimony concerning Pemberton Township's application for certification Ordinances 12-2019 and 13-2019 was duly advertised, noticed and held on May 1, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received

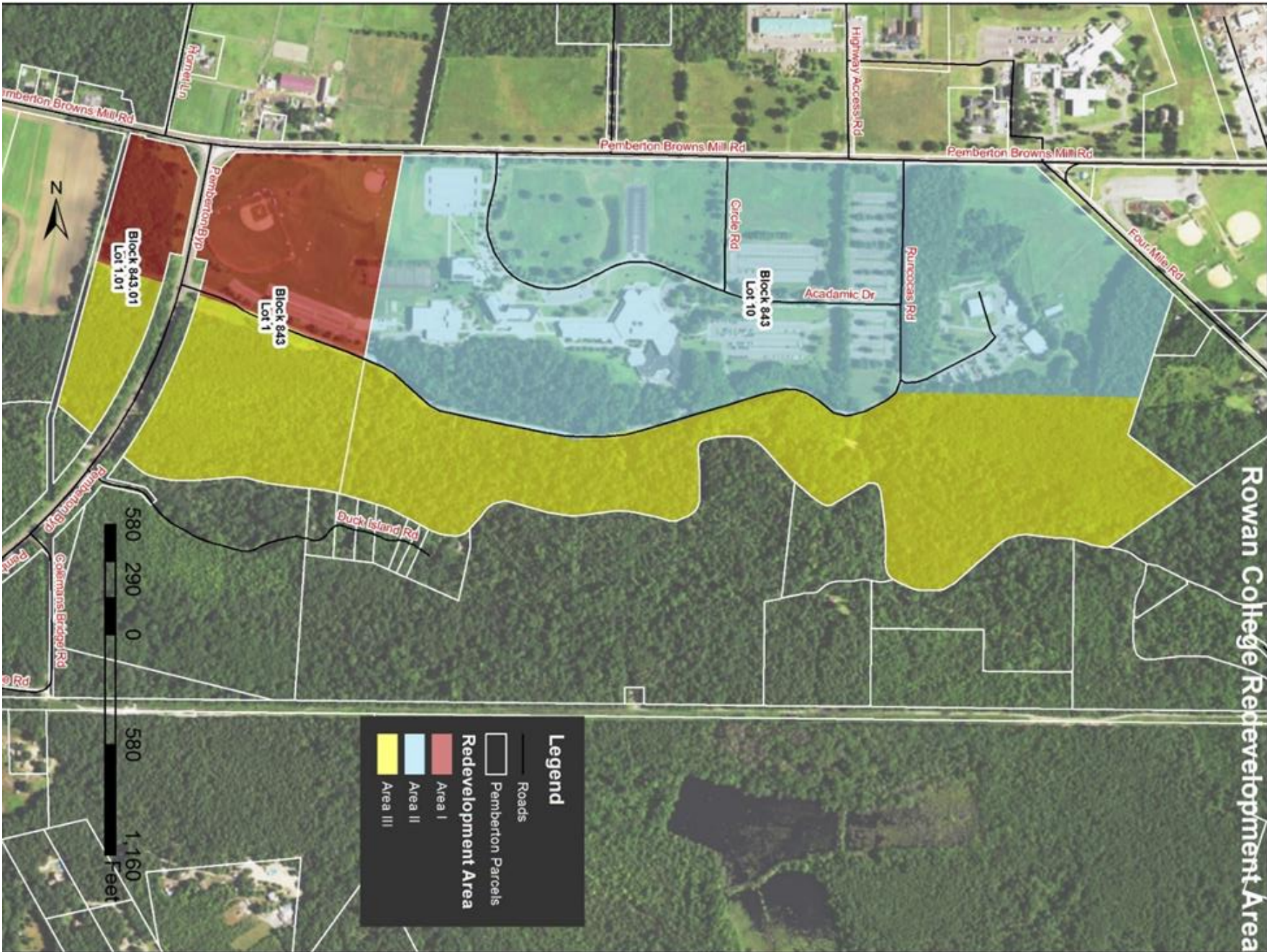
Written comments on Ordinances 12-2019 and 13-2019 were accepted through May 6, 2019; however, none were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinances 12-2019 and 13-2019 are consistent with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinances 12-2019 and 13-2019 of Pemberton Township.

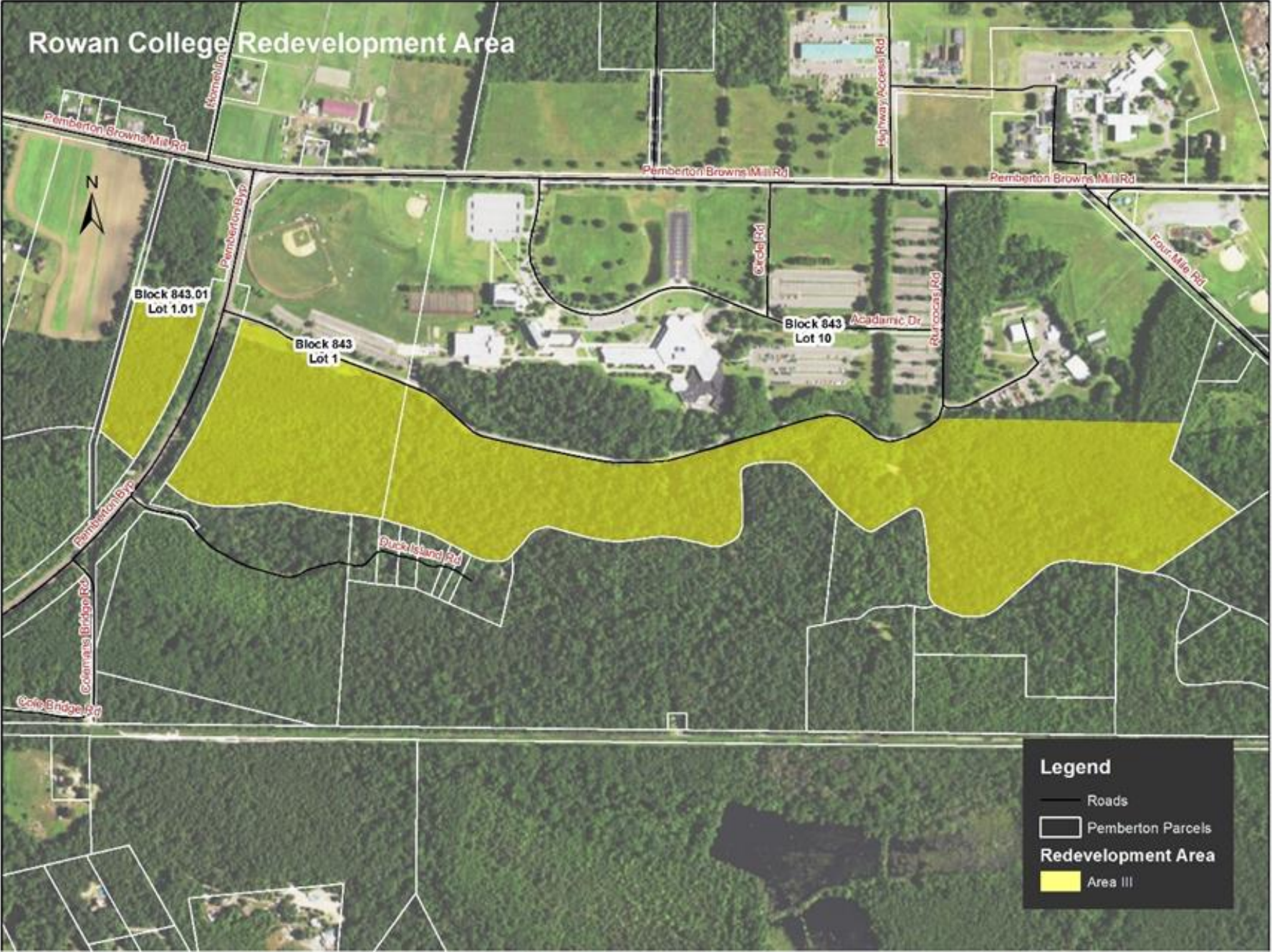
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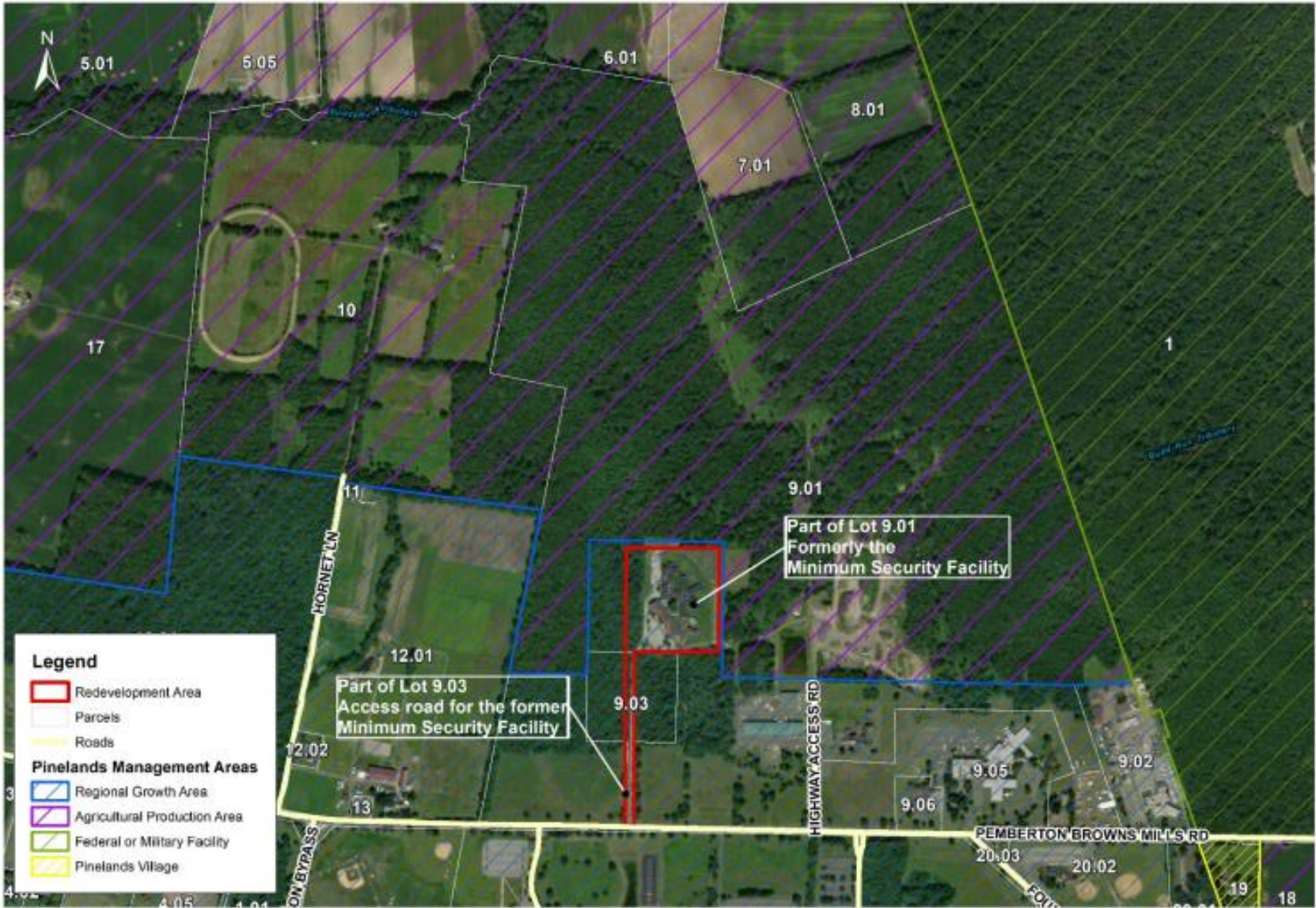
Attachments











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

Redevelopment Area
Former Burlington County Corrections and Work Release Center





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 24

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2020 at the Same Level of Expenditures as Fiscal Year 2019 until the Adoption of the Fiscal Year 2020 Budget

Commissioner Avery moves and Commissioner Tick seconds the motion that:

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, it is anticipated that the New Jersey Legislature will appropriate \$2,949,000 to support the Commission's operations during Fiscal Year 2020; 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 actions shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to continue to expend funds during Fiscal Year 2020 at the same level of expenditures as Fiscal Year 2019 until the Commission's adoption of the Fiscal Year 2020 Budgets.

Record of Commission Votes

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

*A = Abstained / R = Recused

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

Date: June 14, 2019
Richard Prickett
Richard Prickett
Chairman