

INTERCHANGE 44
EXTENSION OF SECONDARY IMPACT
AGREEMENT

Pinelands Commission
Policy and Implementation Committee
April 24, 2020

GSP Overlay District

N.J.A.C. 7:50-5.35(b)

“The uses listed in (a)1 through 3 above shall be permitted provided they will not induce changes in the location, pattern or intensity of land use which would be inconsistent with the Pinelands land use program as implemented through the Commission’s certification, pursuant to N.J.A.C. 7:50-3, of the master plans and land use ordinances of Pinelands municipalities.”

Interchange 44 Project

- NJ Turnpike Authority was to complete Interchange 44 on the Garden State Parkway by adding a Northbound Exit Ramp and Southbound Entrance Ramp.
- Project located in the State designated Pinelands Area.
- Pursuant to an agreement between NJTA and Atlantic County dated June 18, 2012, the County agreed to be responsible for land acquisition to complete the project, including any lands necessary to satisfy mitigation or other permitting requirements.

Secondary Impacts Agreement

- Pinelands Commission and Atlantic County entered into a Secondary Impacts Agreement on January 1, 2014.
- The Secondary Impacts Agreement set forth the means by which Atlantic County would "obviate" secondary impacts associated with the Interchange 44 project.
- Specifically, Atlantic County was to limit development potential on parcels located within 1.5 miles of Interchange 44, totaling 356 acres.

Three Tier Approach

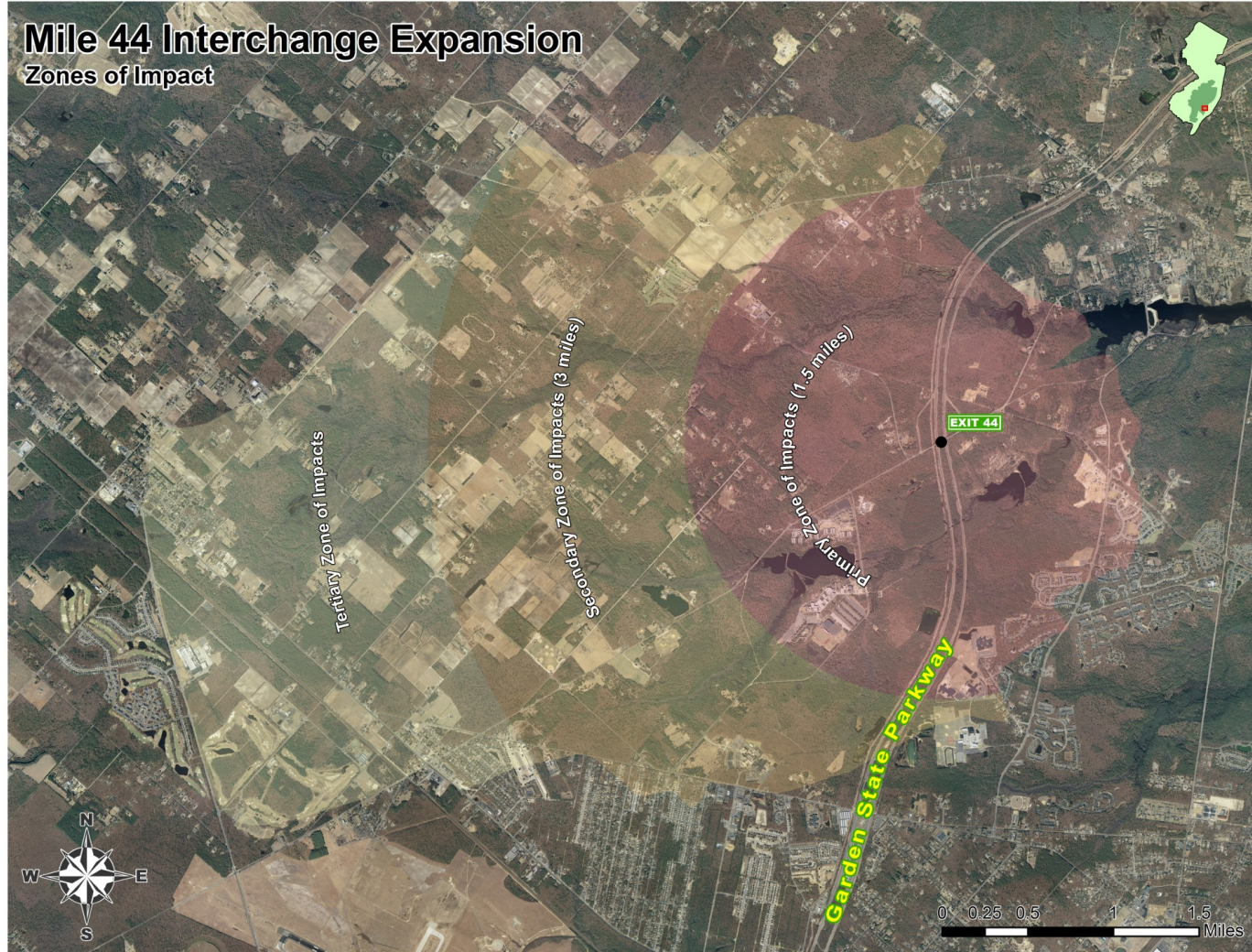
- Atlantic County had 3 years from execution of the Secondary Impacts Agreement to obviate secondary impacts, through land acquisition or easements within Tier 1.
- After the initial 3 years, Atlantic County had an additional 18 months to obviate secondary impacts equal to 2 times the amount of its remaining obligation within Tier 2;
- At the end of this 18 month period, Atlantic County had 18 additional months to satisfy any remaining obligation within Tier 3.

Three Tier Approach, continued

- At the end of 6 years, the Agreement contains a provision where the County pays an amount equal to fair market value of any acreage that it fails to acquire within Tier 1 within six years from the effective date of the Agreement; i.e. January 7, 2020, to a non-profit, government entity or university or college to undertake the acquisition of Pinelands Development Credits from agricultural lands or other projects, including land acquisition, to improve water quality within the boundaries of Tiers 1 through 3 in Atlantic County.

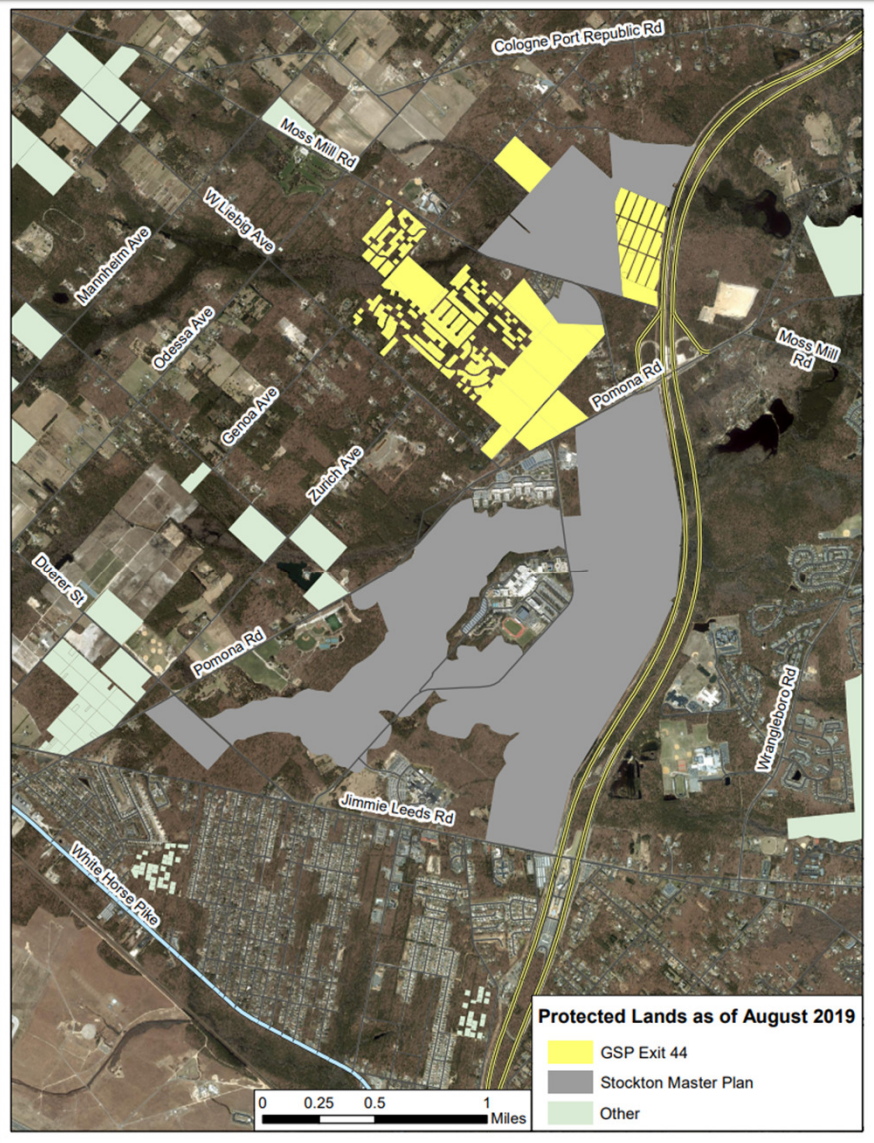
Mile 44 Interchange Expansion

Zones of Impact



Atlantic County's efforts

- Atlantic County focused its efforts on acquisition of land within Tier 1.
- As of March 5, 2020, Atlantic County has acquired 327 out of 356 acres within Tier 1.
- Only 29 acres remain to be acquired for Atlantic County to complete its obligation under the Secondary Impacts Agreement.



Extension of Secondary Impacts Agreement

- The Secondary Impacts Agreement affords the opportunity to request an extension of the time period to complete the obligation to obviate secondary impacts from the Commission's Executive Director for a period of up to 18 months with the submission of documentation demonstrating that completion of the task to obviate secondary impacts will be completed within the extended time period.
- Atlantic County has indicated that it is continuing its efforts to work with Galloway Township to acquire lands owned by the Township located in Tier 1.
- Atlantic County has requested an extension to complete its acquisition of the remaining 29 acres required by the Agreement.

Staff Recommendation

- The Commission allow the County to complete its acquisition of the remaining 29 acres rather than having the County provide funds to a non-profit, governmental entity or university to complete the task for it, given the County's diligent effort to date to complete its obligations under the Agreement.
- The Commission extend the acquisition deadline by 2 years in recognition of the current unprecedented health crisis.
- With the extension, Atlantic County would have until January 7, 2022 to acquire the remaining 29 acres.