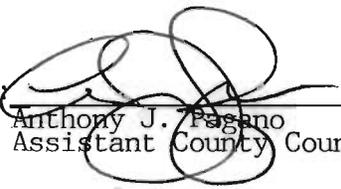
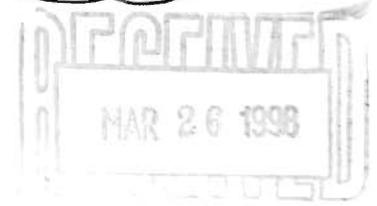


Prepared by:

  
Anthony J. Pagano  
Assistant County Counsel



**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE NEW JERSEY PINELANDS COMMISSION  
AND  
THE COUNTY OF ATLANTIC**

**I. PURPOSE**

This Memorandum of Agreement (MOA) between the County of Atlantic (hereinafter "County") and the New Jersey Pinelands Commission (hereinafter "Commission") is intended to facilitate the review of projects undertaken by the County in the "Atlantic County Park at Lake Lenape" located in the Township of Hamilton. The agreement is also intended to address the proposed development of the Atlantic County Park at Lake Lenape.

In accordance with N.J.A.C. 7:50-4.52(c)2, 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 strict application of the standards" of the Pinelands Comprehensive Management Plan (CMP). In accordance with N.J.A.C. 7:50-4.52(c)1, the Commission may also "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 without securing individual development approval from the Commission provided the specified development activities are consistent with the provisions of N.J.A.C. 7:50-5 and 6."

**II. AGREEMENTS**

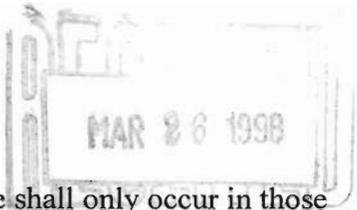
A. The County and the Commission agree that:

1. The Atlantic County Park at Lake Lenape consists of approximately 1,898 acres. It is located on Block 587, Lots 3,25,38 and 55 and Block 588, Lots 3 and 29.1 as shown upon the Official Tax Map of Hamilton Township. The property is illustrated on the site location map, titled "Western Lakeshore Development Area - Lake Lenape", prepared by Chris R. Rehmann, PE, LS dated July 29, 1991 and last revised October 10, 1997, annexed herewith as

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Exhibit A. It is also shown on the Survey and Topographical Map, prepared by Lewis Conley, PLS of Van Note-Harvey Associates, dated January 24, 1997 and consisting of eleven sheets and annexed herewith as Exhibit B.

2. The development of a portion of the park, specifically the Western Lakeshore Area referred to in II.C.1., is not fully consistent with the following provisions of the CMP:
    - a. N.J.A.C. 7:50-5.23(b)12 prohibiting centralized wastewater treatment and collection facilities in Forest Areas of the Pinelands unless a public health problem has been identified;
    - b. N.J.A.C. 7:50-6.14 prohibiting development within 300 feet of a wetland unless it has been demonstrated that the development will not result in a significant adverse impact on the wetland if it maintains a buffer of less than 300 feet.
  3. The development of the Western Lakeshore Area, listed in Section II.C.2.r. will be serviced by public sewers. The development will maintain at least a 50 foot buffer to Lake Lenape and those wetlands located in the Western Lakeshore Area identified as Wetlands A,C,D,E, F and G shown on Exhibit A. A 300 foot buffer will be maintained to Wetland B as shown on Exhibit A. The following linear improvements may occur within 300 feet of wetlands in accordance with N.J.A.C. 7:50-6.13: the installation of sewer and water lines, the paving of the existing cleared dirt road located along the west side of the Western Lakeshore Area, the installation of a six foot wide bituminous bikepath leading from Old Harding Highway to the proposed first aid/restroom/boathouse building and terraced beach area. The following water dependent uses may be constructed on and within 50 feet of Lake Lenape but not within 300 feet of Wetland B provided that the requirements of N.J.A.C. 7:50-6.12 are met: the terraced beach area, the docks, the boat ramps, and the piers for canoes, boats and fishing.
  4. The total development permitted under this agreement will be less than that if the Atlantic County Park at Lake Lenape is developed in accordance with a strict interpretation of the CMP if the County executes the deed restriction described in II.D. and the deed declaration described in II.C.2.r.iii. As a result of this, the Commission finds that an equivalent level of protection to the resources of the Pinelands will be provided by this agreement despite the variation from the CMP referred to in II.A.2.
- B. Except for the 50 foot buffer to wetlands authorized in II.A.3., the County agrees that all development conducted on lands within the Atlantic County Park at Lake Lenape shall adhere to the provisions of the Pinelands Comprehensive Management Plan.

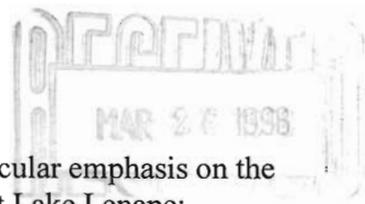


C. The County and the Commission agree that:

1. Development of the Atlantic County Park at Lake Lenape shall only occur in those areas that are listed below and that are shown on Exhibit A and Exhibit B:
  - a. The Western Lakeshore Area consisting of approximately 35 acres;
  - b. An existing group camping area consisting of approximately 29 acres;
  - c. An existing camping area and canoe launch area consisting of approximately 12 acres; and,
  - d. Existing and proposed trails.

Development in these areas shall be limited to the improvements identified on Exhibit A and Exhibit B.

2. Improvements to the Western Lakeshore Area shall be limited to the following:
  - a. A 90 feet by 250 feet terraced beach area;
  - b. A playground area adjacent to the terraced beach area;
  - c. A 4,000 square foot first aid/restroom/boathouse building;
  - d. Installation of a picnic area and gazebo in the vicinity of the first aid/restroom/boathouse building;
  - e. Installation of a six foot wide bituminous bikepath from Old Harding Highway to the first aid/restroom/boathouse building and terraced beach area;
  - f. A tot lot area in the vicinity of the terraced beach area;
  - g. A 40 space gravel parking area in the vicinity of the first aid/restroom/boathouse building and the terraced beach area surrounded by a paved driveway and a boat trailer gravel parking area;
  - h. A 40 feet by 20 feet partially submerged rippled concrete boat ramp and a 120 feet L-shaped dock varying in width from six (6) feet to eight (8) feet adjacent to the first aid/restroom/boathouse building;
  - i. Six (6) cabins;
  - j. Eleven (11) campsites;
  - k. A rest room/shower building which shall have an area of no greater than 800 square feet to serve the cabin and camping area;
  - l. A 30 space gravel parking lot in the vicinity of the rest room/shower house for the cabin and camping area;
  - m. A gazebo and dock in the vicinity of the six cabins and eleven campsites;
  - n. An "Interpretive Center" with an area no greater than 3500 square feet, and including the following elements:
    - i. the Interpretive Center shall be constructed and maintained primarily as an educational facility;
    - ii. the Interpretive Center shall be designed and operated to provide the general public with opportunities to study and appreciate the ecology



and the history of the Pinelands Area with particular emphasis on the region surrounding the Atlantic County Park at Lake Lenape;

- iii. The goal of the Interpretive Center will be to educate visitors on the proper use of the Pinelands, to cultivate an appreciation of the Pinelands, and to foster a greater understanding of the need to protect the Pinelands;
  - iv. The Interpretive Center shall not be used as a general administrative office for the County Park system.
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- o. A canoe and wood boat pier, adjacent to the Interpretive Center site;
  - p. A fishing dock adjacent to the Interpretive Center site;
  - q. Installation of a 24' wide bituminous park drive, along the existing cleared dirt road located along the west side of the Western Lakeshore Area, from Old Harding Highway and terminating at the interpretive center site;
  - r. Sanitary Sewer for the Interpretive Center, the first aid/restroom/boathouse building and the restroom/shower house associated with the six (6) cabins and eleven (11) campsites referred to in II.C.2. constructed and maintained in the following manner:
    - i. a four (4") inch force main or an eight (8") inch gravity sewer system shall be connected with an existing sewer main located on County Route 606, also known as Old Harding Highway as indicated by Exhibit A.
    - ii. the sanitary sewer line shall be dedicated only for the use and benefit of the Interpretive Center, the first aid/restroom/boathouse building and the rest room/shower building for the six (6) cabins and eleven (11) campsites;
    - iii. within 180 days of the effective date of this agreement, the County shall provide documentation demonstrating that a declaration has been filed with the Atlantic County Clerk restricting the sewer line and Interpretive Center to the limited and specific purposes set forth in this agreement.
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- D. Within 180 days of the effective date of this agreement, the County shall provide documentation demonstrating that a deed restriction has been placed on those portions of the Park not listed in II.C. 1., which consist of approximately 1822 acres, thereby permanently preserving them in their present, natural state. The deed restriction shall state that this area shall not be the subject of further development activities except as may be necessary to preserve or protect the health and safety of the general public, such as fire break construction.
- 
- E. The Commission and the County agree that the following activities which are normally associated with routine maintenance of property or forested areas shall not require the review or approval of the Commission provided they do not require a

statewide general permit authorization or individual freshwater wetlands permit authorization under the Freshwater Wetlands Protection Act or any other permit required by the New Jersey Department of Environmental Protection for development in wetlands;

1. the regular mowing of lawn or grassed areas, or the reseeding of such areas in a manner which is consistent with the requirements of the Pinelands Comprehensive Management Plan;
2. the planting or replanting of flowers for decorative purposes in existing cleared areas within the Western Lakeshore Area;
3. selective trimmings and removal of dead or diseased limbs or trees as necessary to protect the health and safety of the public or to minimize potential fire hazards;
4. activities which are normally associated with the maintenance of structures illustrated on Exhibit A. Such activities may include re-roofing, siding, gutter installation or replacements, tent platform replacements, and installation of doors, windows;
5. fire hazard mitigation activities undertaken by the State or by the County in concert with the State;
6. the installation of split rail fencing provided no more than 1,500 square feet of land is to be cleared;
7. installation of directional and information signage or lighting for safety or security reasons;
8. use of temporary sanitary facilities for special park events provided;
  - a. the facilities are removed within thirty (30) days;
  - b. the facilities are located within designated developed areas of the Park; and
  - c. the facilities are self-contained units, designed to prevent accidental spillage or leakage.

F. The Commission and the County agree that:

1. The following activities will not require the filing of a formal application for the approval of the Commission provided they do not require a statewide general permit authorization or individual freshwater wetlands permit authorization under the Freshwater Wetlands Protection Act or any other permit required by the New Jersey Department of Environmental Protection for development in wetlands;
  - a. the resurfacing or maintenance of the roads, trails pathways, parking areas and other areas designed for automotive or pedestrian movement shown on Exhibit A and Exhibit B, provided there is no increase in the area of existing impervious surface, there will be no additional clearing and there will be no change in the surface

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- composition;
  - b. Activities normally associated with the maintenance of drainage ditches as defined as a linear excavation below the natural ground surface that is designed and maintained to convey storm water runoff.
  - c. The replacement or substantial repair, in-type and in-kind, of storm water drainage improvements, bulkheads, docks, landing areas or beach areas, provided that:
    - i. the area of disturbance associated with the project will not exceed 2000 square feet;
    - ii. the type of materials, appearance and means of construction are the same as the structure which is being improved;
    - iii. the construction will be confined to conform with the location and alignment of the structure or improvements which are being repaired or replaced, to the greatest extent which may be practical.
2. The County Director of Parks, or his designee, shall notify the Commission 15 days in advance of the undertaking of the activities defined in II.F.1. which shall consist of the following:
- a. a narrative description of the proposed activity;
  - b. a copy of a U.S.G.S. quadrangle on which the location of the activity has been indicated or a site sketch which illustrates the relationship of the proposed activity to the Exhibit A.
  - c. A copy of any building or construction plans associated with the project.
3. Within 15 days of the Commission's receipt of the notice and information provided for in II.F.2., the Commission will notify the County if the proposed activity is consistent with the terms of this Agreement.
4. If the Commission notifies the County that the proposed activity does not meet the criteria established in II.F. or that it is inconsistent with the provisions of this agreement or the Pinelands Comprehensive Management Plan, the County agrees to either modify the proposal so that it is consistent or to file an application for the development. The County understands that no development may occur until formal approval from the Commission has been obtained.
- G. The Commission and the County agree that:
- 1. The following general classes of development will not require the filing of a formal application for the approval of the Commission:

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- a. the replacement-in-type of any bridge which involves less than 5000 square feet of disturbance;
  - b. the installation of storm water infiltration inlets and pipes for the infiltration of runoff from existing roadway pavement, provided that the results of soil borings are submitted with an estimation of the elevation of the seasonal high water table.
  - c. the extension of existing storm water drainage systems along existing roadways provided that:
    - i. no new discharges to wetlands or wetland buffers are proposed; and,
    - ii. the proposed storm water drainage systems will provide adequate infiltration volume to accomodate at least one and one-quarter (1 1/4") inches of runoff from the paved surfaces draining to the system.
  - d. the expansion or improvement of any street, road or pathway which is designated upon the attached Survey and Topographic Map, Exhibit B as currently "unused" or "underdeveloped," which results in the clearing of less than 1,500 feet over any five year period.
  - e. any activity which is defined in II.F. or II.G. which requires a statewide general permit authorization or individual freshwater wetlands permit under the Freshwater Wetlands Protection Act or any other permit required by the New Jersey Department of Environmental Protection for development in wetlands;
  - f. improvements to the structures identified in Exhibit A and Exhibit B to ensure that public facilities comply with "Barrier Free" requirement.
2. for all proposed projects defined in G.1., the County shall submit the following information to the Commission at least forty-five (45) days prior to the commencement of any of these activities:
- a. a narrative description of the proposed activity;
  - b. a copy of a U.S.G.S. quadrangle on which the location of the proposed development has been indicated or a site sketch which illustrates the relationship of the proposed activity to the Exhibit A.
  - c. a copy of the building or construction plans associated with the project.
3. Within thirty (30) days of the Commission's receipt of the notice and information provided for in II.G.2., the Commission will notify the County if the proposed activity is consistent with the terms of this Agreement.
4. If the Commission notified the County that the proposed activity does not meet the criteria established in II.G.1. or that it is inconsistent with the

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provisions of this agreement or the Comprehensive Management Plan, the county agrees to either modify the proposal so that is is consistent or to file an application for the development. The County understands that no development may occur until formal approval from the Commission has been obtained.

H. The County and the Commission agree that:

- 1. any activity not identified in II.E., F. and G. will require an application to the Commission; and
- 2. in accordance with N.J.A.C. 7:50-4.52(b), any such proposed development may not occur until an application has been completed and the Commission has approved the project.

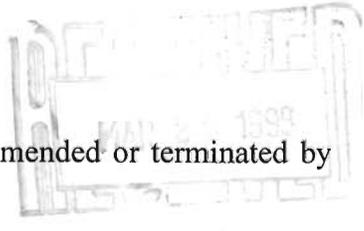
I. The County and the Commission agree that:

- 1. The County shall revise the Atlantic County Water Quality Management Plan and the Atlantic County Master Plan to reflect the proposed sewer service to this site.
- 2. The revised Atlantic County Water Quality Management Plan and Atlantic County Master Plan shall be submitted in the following manner for the review and approval of the Pinelands Commission:
  - a. A draft of the proposed amendment to the Atlantic County Water Quality Management Plan to extend sewer service to the Western Lakeshore Area for the development referred to in II.C.2., shall be submitted within 30 days of the execution of this agreement.
  - b. The adopted amendment to the Atlantic County Master Plan shall be submitted for certification by the Pinelands Commission within 2 years of the execution of this agreement.

J. The Commission and the County agree to meet annually, and more often if warranted, to discuss development, operations and maintenance activities at the Park.

III. EFFECTIVE DATE AND DURATION

A. This agreement shall take effect upon approval by the authorized representative of both parties and subsequent to the Governor's review for a period of ten (10) days.



B. This agreement shall remain in effect until otherwise amended or terminated by either party upon sixty (60) days written notice.

IV. SIGNATURES

*Thomas D'Amore* 1/28/98  
Executive Director Date  
NJ Pinelands Commission

*Richard E. Squires* 3/4/98  
County Executive, Atlantic County Date  
Richard E. Squires

Approved as to form by:  
*Valerie W. Hughes* 1/21/98  
Deputy Attorney General Date  
State of New Jersey

January 14, 1998

Approved as to form by:  
*Paul J. Gallagher* 3/3/98  
Paul J. Gallagher, Atlantic County, County Counsel Date