



New Jersey Pinelands Commission NEWS RELEASE

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Commission Approves Ocean Acres Ordinance, Authorizes Sanctuary Agreement *Measures will protect endangered Pine Snakes at two Pinelands housing developments*

SOUTHAMPTON, NJ - At its monthly meeting today, the Pinelands Commission approved plans for two Pinelands housing developments in Burlington and Ocean Counties, where construction activities have been held up due to the presence of endangered northern pine snakes.

Ocean Acres

In the Ocean County matter, the Pinelands Commission voted to certify an amendment to the Barnegat Township land use ordinance that will implement an innovative plan to protect important natural resources in the Ocean Acres subdivision. The Plan will permanently protect about 350 acres of critical habitat in the roughly 810-acre subdivision through a combination of conservation and zoning measures. An on-site transfer-of-development rights program provides some relief to people whose lots are in the critical habitat areas and can not be developed.

Development of a conservation plan was prompted by the discovery last year of endangered northern pine snakes and other rare plant and animal species in the area where a developer plans to construct hundreds of new homes. Ocean Acres is in a Pinelands Regional Growth Area, a zone designated for moderate density residential development. At the request of the Pinelands Commission, the developer agreed to conduct an extensive survey to determine if additional snakes inhabit the area and, if so, to what extent. Five snakes were radio-tracked over several months to determine the extent of their habitat and ranges. This snake data was combined with information on other natural resources, including the location of other protected plant and animal species and wetlands, to delineate conservation areas within the Ocean Acres subdivision that would be off-limit to future development.

The Barnegat Township portion of Ocean Acres was sub-divided prior to the Pinelands protection program and approximately 850 of the area's 2,015 lots are below the Pinelands minimum lot size standards for the area. The proposed conservation plan sets forth mitigation options that allow owners of undersized lots to protect land in the conservation area in exchange for building approvals. This also provides dispensation for property owners who will not be able to build because of the presence of wetlands and threatened and endangered plants and animals. Under the proposal, approximately 730 vacant building lots in the subdivision will be located within the protected conservation area.

“Ocean Acres posed several unique challenges due to sub-standard lot sizes and the fact that the lots are owned by hundreds of individuals and a handful of developers,” explained Stokes. “We came up with a solution that protects important natural resources and provides some financial return for those who are impacted by restrictive zoning.”

The Sanctuary

The Commission authorized a settlement agreement regarding The Sanctuary in Evesham Township, Burlington County. The agreement, to be signed by Pinelands Commission Executive Director John C. Stokes resolves litigation between the Pinelands Commission and Ivelin L.P., an owner of property in the Sanctuary. Ivelin sued the Pinelands Commission in the US District Court of New Jersey in December 2003 after the Commission advised Evesham Township that it would not allow certain subdivision and construction approvals to take effect until measures are implemented to protect endangered pine snakes in the development.

Development at the Sanctuary has been largely delayed for more than two years due to the presence of endangered northern pine snakes, including the discovery of a pine snake nest within the subdivision in June 2002. The Sanctuary was the subject of a previous court settlement in 2000 over endangered eastern timber rattlesnakes which also inhabit areas within and around the subdivision.

The proposed agreement would allow the completion of the unfinished portion of Georgia O'Keefe Way, a road that will connect two main areas of development which are separated by a large deed-restricted conservation area. The agreement directs the road to be built over 12-foot-wide box-type culverts that will allow pine snakes and other animals to pass beneath the road to minimize mortalities by motor vehicles.

Under this agreement and a previous agreement reached with another Sanctuary developer in April 2004, two building lots which comprise a pine snake nesting site will be permanently protected through a deed restriction. These lots are contiguous to a 350-acre conservation area which serves as a wildlife corridor to areas of undisturbed forests to the east of the subdivision. In addition, the two building lots on either side of the two protected lots will each have a development easement to serve as a buffer to the protected area.

Ivelin has also agreed to contribute \$75,000 to the Pinelands Commission for natural resource monitoring and planning activities. These funds can be used to support Pinelands sub-regional conservation planning efforts, such as the one that is underway in southern Evesham and Medford Townships. That effort was launched to resolve potential conflicts among Pinelands development and resource protection objectives in the 22-square-mile area surrounding the Sanctuary. Much of this area is zoned for low-density rural development. However, in recent years, the Commission has gained new information on the area's rich natural resources, including threatened and endangered species as well as high-quality water resources and habitat.

On Tuesday, November 9th, Stokes held a public information session in Evesham Township to bring local residents up to date on the proposed settlement.

“Bringing this longstanding matter to closure accomplishes three things,” said Stokes. “First, more effective measures to protect the pine snake population will be incorporated into the development plans for the Sanctuary. These will also have added benefits to the rattlesnake population. Second, it will allow the Commission to focus its attention on the preparation of a comprehensive conservation plan for the surrounding region in cooperation with the Townships of Evesham and Medford. Third, it will allow the Sanctuary development to be completed as a cohesive community, in keeping with the Township's and residents' expectations.”

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