



New Jersey Pinelands Commission **PRESS RELEASE**

April 8, 2004

Contact: Francis Rapa

Phone: 609.894.7300

E-mail: info@njpines.state.nj.us

Commission authorizes settlement agreement for Ocean Acres *Conservation Plan will protect rare species in Barnegat Township subdivision*

WINSLOW, NJ - At its monthly meeting, the Pinelands Commission authorized its Executive Director, John Stokes, to enter into a settlement agreement with an Ocean County developer and to work with Barnegat Township to implement an innovative plan to protect important natural resources in Ocean Acres. The Plan, if fully implemented, will permanently protect about 350 acres of critical habitat in the roughly 810-acre subdivision through a combination of conservation and zoning measures.

“The Commission is pleased with the progress of these discussions, but there is still work to be done to see this effort through,” said Stokes. “We have drawn up a plan of action that allows development in appropriate locations while protecting threatened and endangered wildlife. Although this plan may not be viewed as perfect, it is an effective and workable solution to a very difficult situation.”

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 Mark Madison, LLC plans to construct hundreds of new homes. Ocean Acres is situated within a Pinelands Regional Growth Area, an area designated for moderate density residential development. At the request of the Pinelands Commission, the company agreed to conduct an extensive survey to determine if additional snakes inhabit the area and, if so, to what extent. The survey produced five snakes which were then 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.

To ensure that the natural resources were properly safeguarded, the Commission called up Madison development approvals for further review. In response, Madison requested that the matter be referred to the New Jersey Office of Administrative Law for adjudication. The settlement agreement approved today by the Commission authorizes an interim approach specific to the Madison development until the comprehensive plan is implemented. To enact the plan, Barnegat Township must amend its zoning ordinance, which would then require certification by the Commission.

“Today’s action by the Commission is a positive first step toward resolving the conflict between development and conservation objectives at Ocean Acres,” said Stokes. “We are committed to working with Barnegat Township Officials and the developer to make this plan a reality. “

Ocean Acres

Page 2

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 poses several unique challenges due to sub-standard lot sizes and the fact that the lots are owned by hundreds of individuals as well as a handful of developers,” explained Stokes. “Our goal here was to develop a solution that is fair and predictable and provides some compensation for those who are impacted by restrictive zoning.”

###