



# 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

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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director



Pinelands  
Comprehensive  
Management Plan  
*Four Decades of Protection*

## NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, February 12, 2021 - **9:30 a.m.**

Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrio7ppxs3Uw>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 833 5477 1666

### 1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag

### 2. Adoption of Minutes

- January 8, 2021

### 3. Committee Chairs' and Executive Director's Reports

### 4. Matters for Commission Consideration *Where the Record is Closed*

#### A. Permitting Matters

- Office of Administrative Law
  - None
- Review of Local Approval
  - None
- Public Development Projects and Waivers of Strict Compliance

Resolution Approving with Conditions (1) Application for a Waiver of Strict Compliance:

- Application No. 2019-0143.001 - Eric & Ashley Schoeneberg  
Single Family Dwelling  
Lacey Township

B. Planning Matters

- Municipal Master Plans and Ordinances
  - Issuing an Order to Certify Medford Township Ordinance 2020-21, Adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, Amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area
  - Issuing an Order to Certify Monroe Township Ordinance O:27-2020, Adopting the Second Amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, Adopting the St. Mary's Redevelopment Plan
- Other Resolutions
  - None
- CMP Amendments
  - None

5. Public Comment on Public Development Applications and Waivers of Strict Compliance *Where the Record is Not Closed.*

A. Public Development Projects

- Application No. 1988-0706.022 – Town of Hammonton  
Installation of 3,205 linear feet of sanitary sewer main on Block 4204, Lot 9 and within the Boyer and Sewell Avenue rights-of-way  
Town of Hammonton
- Application No. 2000-0088.007– National Energy Partners OBO the Town of Hammonton BOE  
Installation of a 5.35 acre ground mounted accessory solar energy facility at the Hammonton High School and the Hammonton Early Childhood Center  
Town of Hammonton

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Hamilton Township Ordinance 1940-2020
- Stafford Township Ordinances 2020-38, 2020-39, 2020-40 & 2020-41

7. Other Resolutions

- Celebrating the 40<sup>th</sup> Anniversary of the Pinelands Comprehensive Management Plan

8. General Public Comment

9. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters (*The Commission reserves the right to reconvene into public session to take action on closed session items.*)

10. Adjournment

### Upcoming Meetings

Fri., Feb. 26, 2021	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., March 12, 2021	Pinelands Commission Meeting (9:30 a.m.)

### Upcoming Office Closures

Monday, February 15, 2021 Presidents Day

### 40<sup>th</sup> Anniversary of the Pinelands Comprehensive Management Plan (CMP):

**Throughout February:** Daily messages/postings that chart the history, implementation and success of the CMP. The messages or postings will be shared via the Pinelands News Alert e-mail mailing list and on the Commission’s Facebook page and Instagram site.

To ensure adequate time for all members of the public to comment, we will respectfully limit comments to three minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.

Pinelands Commission and Committee meeting agendas are posted on the Commission’s Website and can be viewed at [www.nj.gov/pinelands/](http://www.nj.gov/pinelands/) for more information on agenda details, e-mail the [Public Programs Office](mailto:PublicProgramsOffice@pinelands.nj.gov) at [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov).

PINELANDS COMMISSION MEETING

MINUTES

**January 8, 2021**

*The January 8, 2021 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=hIO74j0rBHc>*

Commissioners Participating in the Meeting

Alan W. Avery Jr., Daniel Christy, Shannon Higginbotham, Jordan P. Howell, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky and Chairman Richard Prickett. Also participating were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Joy-Michelle Johnson and Rudy Rodas.

Commissioners Absent

Jerome H. Irick, Gary Quinn and D'Arcy Rohan Green.

Call to Order

Chairman Prickett called the meeting to order at 9:33 a.m.

DAG Miles read the Open Public Meetings Act Statement (OPMA).

DAG Miles swore-in Burlington County's new representative, Shannon Higginbotham.

Chairman Prickett welcomed Commissioner Higginbotham.

Executive Director Wittenberg called the roll and announced the presence of a quorum.

The Commission pledged allegiance to the Flag.

### Minutes

Chairman Prickett presented the minutes from the Commission's December 11, 2020 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Avery seconded the motion.

Chairman Prickett noted that there was a missing word on page 87. Jessica Noble advised that she would correct the December 11, 2020 minutes.

The minutes from the December 11, 2020 Commission meeting were adopted by a vote of 9 to 0.

### Committee Reports

There were no Committee meetings held in December. Commissioners discussed scheduling conflicts related to the Land Use, Climate Impacts and Sustainability Committee.

### Executive Director's Report

ED Wittenberg said the Commission offices lost power during a storm in late December. The storm also caused some trees to fall down, one of which caused minor damage to a gutter. The tree will be removed. She also reported that one staff member tested positive for Covid-19. The staff member quarantined and the buildings were thoroughly cleaned, since the staff member had been in the office along with other staff. Employees who were in the building on that day were notified.

Chuck Horner, Director of Regulatory Programs, provided information on the following regulatory matters:

- Staff members have been working with Galloway Township officials regarding a violation matter. Development occurred in the Tilton Road area of the township without application to the Commission or receiving municipal permits. The matter will be in municipal court on January 14<sup>th</sup>.
- Staff continues to spend time on an application for a communications tower in Chatsworth. A public hearing has been scheduled for the application because it has not been demonstrated that the proposed tower qualifies as an accessory use to an existing EMS/ Fire Company. A communications tower is only permitted if it is determined to be an accessory use or if the tower is sited as part of the Comprehensive Management Plan's (CMP) cellular plan rules.
- Staff worked with an applicant to resolve an issue regarding language in the threatened and endangered (T&E) deed restriction at the Legler Landfill solar development site in Jackson Township. The applicant provided a draft T&E deed restriction to the Commission staff that proposed a utility company easement through a portion of the T&E deed restricted area. The Commission staff advised

the applicant that the proposed utility company easement was not consistent with the Commission's regulations. The applicant and staff worked together to come up with a revised T&E deed restriction. Construction of the solar facility is expected to begin shortly.

- Staff participated in a virtual meeting to resolve a zoning issue in Egg Harbor Township. A residential development application received approvals many years ago, lots were created and over time the zoning changed on the created lots.

Commissioner Howell asked Director Horner to provide more details about the zoning matter in Egg Harbor Township.

Director Horner said the Municipal Land Use Law (MLUL) provides development approvals with protection from zoning changes for a certain number of years. He said in this instance a residential development project was approved in the early 2000's, many years passed and the zoning protection under the MLUL expired. The residential development no longer meets current density and lot size requirements. He said in most instances staff find a resolution to the matter, sometimes requiring the applicant to purchase Pinelands Development Credits (PDCs).

Stacey Roth, Chief of Legal and Legislative Affairs, said the MLUL established a very specific time period for protection of local approvals. She said zoning changes aren't a problem for the developers who continue to work on their projects. She said from a legal perspective a developer can argue vested rights, because they have spent a large amount of money on the project. It becomes an equitable estoppel argument against the state and it is very case-specific.

Susan R. Grogan, Director of Planning, said when working with a municipality on zoning changes related to zoning boundaries and lot size, staff tries to identify projects that may have old approvals. Staff request municipalities do their own research regarding old approvals in order for them to be aware of potential situations like Director Horner just described.

Director Grogan provided an update on the following items:

- Notification for possible designation of the Pine Barrens Byway as a National Scenic Byway has been delayed.
- The CMP amendments for the septic pilot program took effect on December 21, 2020. The next step is to prepare model ordinances for Pinelands municipalities. Municipalities will have one year to adopt the ordinance.
- Staff continues to work on draft stormwater management policies. The New Jersey Department of Environmental Protection's (NJDEP) stormwater regulations take effect in early March. The NJDEP recently emailed all municipalities in New Jersey a model ordinance that caused confusion for Pinelands towns. Staff will be advising Pinelands Area municipalities to disregard NJDEP's email as it does not apply to them.

- Staff met virtually with the New Jersey Board of Public Utilities (BPU) to discuss BPU's community solar pilot program which is currently in round two. Staff shared the Commission's application process and the CMP's standards for solar facilities. The BPU has plans to incorporate the community solar pilot program as permanent rules.
- The Pinelands Development Credit Bank remains busy processing sales and redemptions. A recent sale was for \$15,000 per right.

Commissioner Howell asked if the PDC price increase could be attributed to anything in particular.

Director Grogan said she believes the price has increased because there is a higher demand for PDCs right now. She said development has picked up over the last couple of years and it has helped the price become more competitive.

Commissioner Avery asked if a community solar project could proceed without subsidies from the BPU.

Director Grogan said she asked that question during the meeting with BPU and confirmed that community solar projects not selected by BPU as part of its pilot program can still be constructed. They would not be eligible for subsidies or incentives from BPU.

Stacey Roth said the Commission was notified that Atlantic County completed its acquisition of a property for the South Jersey Transportation Authority's new Grassland Conservation Management Area (GCMA). The acquisition was required under the 2019 First Amendment To The February 26, 2004 Memorandum Of Agreement (MOA) Between The New Jersey Pinelands Commission And The South Jersey Transportation Authority.

Paul Leakan, Communications Officer, provided information on the messaging campaign created to celebrate the CMP's 40<sup>th</sup> Anniversary. The CMP turns 40 on January 14<sup>th</sup>, and the Commission will celebrate the milestone by sharing 10 newly filmed video interviews with former Commissioners and staff members who created and/or adopted the plan. As part of the celebration and messaging campaign, the Commission will also create and share dozens of posts that chart the history, implementation and success of the plan on the Commission's Facebook page and Instagram site during the next few months. Mr. Leakan also said the Commission is once again hosting free, educational webinars. Lastly, he said the Commission just shared a link to a newly created Pine Barrens Byway website that was created by a consultant for the New Jersey Department of Transportation.

Commissioner Avery said it's a shame that some very instrumental people who were involved in the success of the CMP are no longer with us.

#### Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval of recreational improvements at West End Park in Pemberton Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1982-3514.004) (See Resolution # PC4-21-01). Commissioner Jannarone seconded the motion.

Director Horner said staff and the township worked for some time to come up with the approach outlined in the public development report for the construction of several recreation fields. He said the site is a fallow farm field but under the CMP, a portion is considered a wetland. Chairman Prickett asked what percentage of wetlands would be disturbed. Director Horner said the pilings for the boardwalk will be the only disturbance to wetlands and it is expected to be about 1,100 square feet.

Commissioner Lloyd said he was concerned about the possibility of heavy construction equipment disturbing the wetlands.

Director Horner said he didn't think there would be any heavy machinery but staff would raise the concern with Pemberton Township officials.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Prickett presented a resolution recommending approval of a Waiver of Strict Compliance for the development of a single family dwelling.

Commissioner Lohbauer made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1989-0219.001) (See Resolution # PC4-21-02). Commissioner Lloyd seconded the motion.

Director Horner said this application is for a Waiver of Strict Compliance that was approved in 2007. He noted that Waivers are only valid for five years. He said the Waiver is for the minimum depth to the season high water table for a septic system and the minimum buffer to wetlands. He noted that an alternate design septic system would be required, just as it was in the 2007 Waiver.

The Commission adopted the resolution by a vote of 9 to 0.

#### Public Comment on Public Development Applications and Items where the record is open

Chairman Prickett said there were no Public Development or Waiver of Strict Compliance applications on the agenda.

#### Ordinances Not Requiring Commission Action

Chairman Prickett read the list of ordinances not requiring Commission action.

- Berkeley Township Ordinances 19-44-OAB & 20-37-OAB
- Southampton Township Ordinances 2020-08, 2020-09 & 2020-11
- Wrightstown Borough Ordinance 2020-08



No questions were raised.

Presentation

Chief Scientist John Bunnell outlined the importance of studying snake species in the Pinelands. He reviewed each of the five snake research projects the Commission's science office is working on and described some of the preliminary results. Some of the research is accomplished through radio telemetry, which involves surgically implanting radio transmitters into snakes and using a receiver and antenna to locate the snakes on a regular basis. The research focuses primarily on corn snakes, kingsnakes, and pine snakes (for further details see attached the presentation slides). The entire presentation can be viewed on YouTube : [www.youtube.com/watch?v=hIO74j0rBHc](http://www.youtube.com/watch?v=hIO74j0rBHc)

General Public Comment

While waiting for public comment, Commissioner Lohbauer invited Commissioner Higginbotham to join the LUCIS Committee.

Rhyan Grech, of the Pinelands Preservation Alliance (PPA), said she looks forward to the videos and postings that the Commission staff will share for the 40<sup>th</sup> Anniversary of the CMP. She said she hopes the Commission will consider protecting the Black Run headwaters and focus on stopping Off-Road Vehicle (ORV) destruction in 2021. She said it's important for the Commission to work with the NJDEP and adopt a map of roads.

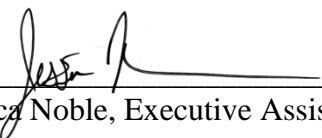
Commissioner Lohbauer said he would be sharing a YouTube video of Jeeps causing damage in the Pinelands.

Mr. Bunnell said he recently spoke with NJDEP representatives and they plan to resume blocking individual sites that need protection from ORVs.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Jannarone seconded the motion. The Commission agreed to adjourn at 11:34 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: January 15, 2021



# **PINELANDS COMMISSION SNAKE RESEARCH**

**January 8, 2021**

**Pinelands Commission Meeting**

# WHY STUDY SNAKES?

Rare snakes often a regulatory issue for development, forestry, and vegetation and habitat management

Many species rely on upland landscapes and these activities mostly occur in uplands

Know little about most species because many are small and secretive and available funding is limited

# 18 PINELANDS SNAKE SPECIES

Snake Species	Current Status	New Status*	Concern
Corn snake	E	E	—
Timber rattlesnake	E	E	—
Pine snake	T	T	—
Eastern kingsnake	SC	SC	—
Northern scarlet snake	U	T	↑
Hognose snake	S	SC	↑
Rough green snake	S	SC	↑
Smooth earth snake	U	SC	↑
Eastern worm snake	U	U	—
Garter snake	S	S	—
Ribbon snake	S	S	—
Dekay's brownsnake	S	S	—
Water snake	S	S	—
Ringneck snake	S	S	—
Northern redbelly snake	S	S	—
Eastern milk snake	S	S	—
Northern black racer	U	S	↓
Black ratsnake	U	S	↓

\*not yet promulgated



# COMMISSION SNAKE RESEARCH

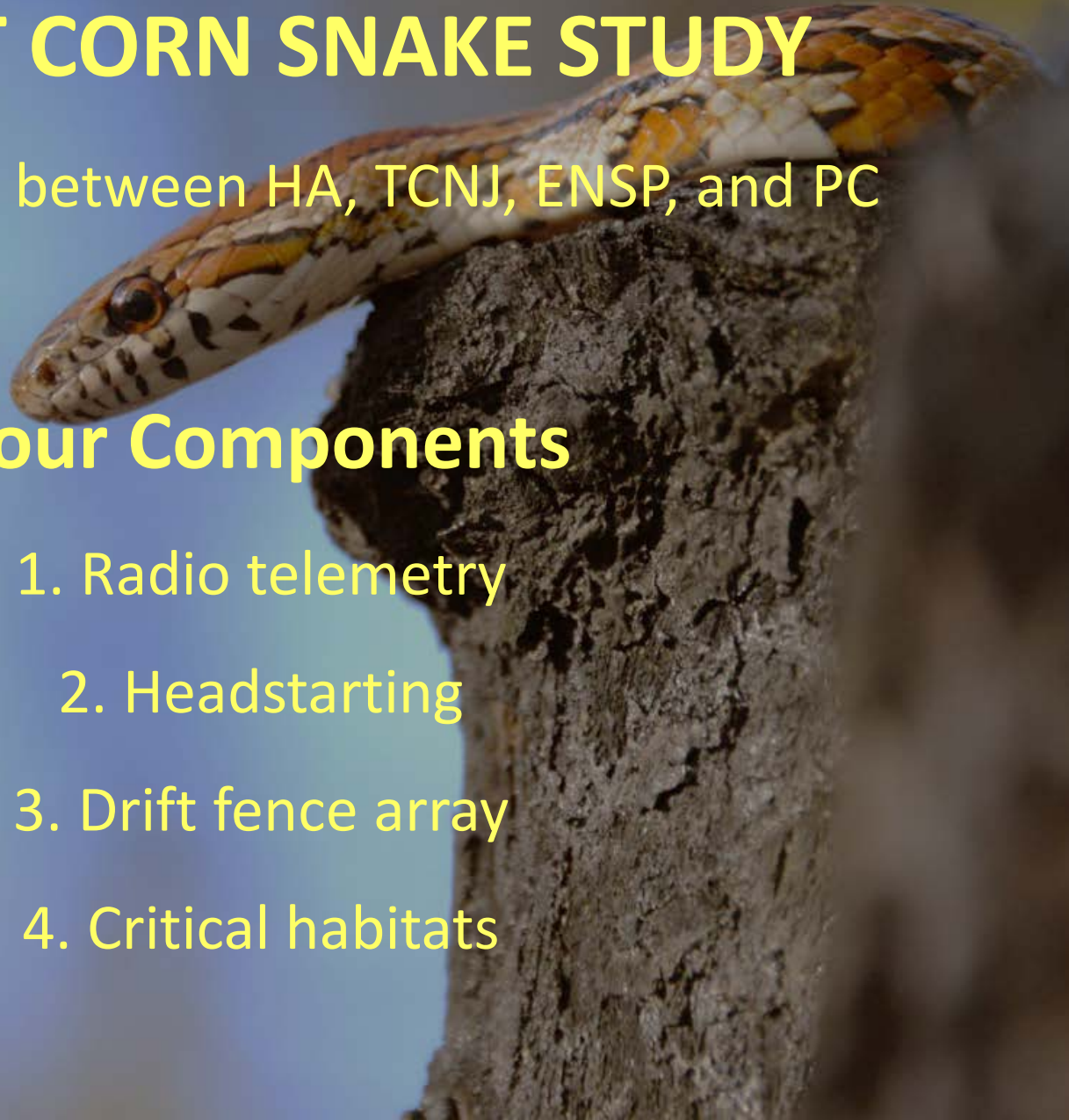
- I. Joint Corn Snake Study (PCF)
- II. Long-term Rare Snake Monitoring (NPS)
- III. EPA Kingsnake Study (EPA)
- IV. Snake Fungal Disease (NPS)
- V. Snake Genetics (PCF)

# I. JOINT CORN SNAKE STUDY

Collaboration between HA, TCNJ, ENSP, and PC

## Four Components

1. Radio telemetry
2. Headstarting
3. Drift fence array
4. Critical habitats



# I. JOINT CORN SNAKE STUDY

## 1. Radio telemetry

Capture snakes

Surgically implant radio transmitters



# I. JOINT CORN SNAKE STUDY

## 1. Radio telemetry

Located snakes 2 – 3x per week in 2017 – 2019

Environmental, habitat, and behavioral data

Activity range and habitats used

Timing of nesting, shedding, and denning

Location of dens, nests, and shed sites

Before and after prescribed burning





# **I. JOINT CORN SNAKE STUDY**

## **2. Headstarted vs cold released hatchlings**

Collected eggs from nest areas and hatched in the laboratory

Cold release group released back to nest area

Headstarted group kept over winter and fed

A close-up photograph of a person's hand holding a corn snake. The snake has a complex pattern of brown, black, and tan spots and bands on its body. The background is a blurred natural setting with green foliage and brown ground.

# I. JOINT CORN SNAKE STUDY

## 2. Headstarted vs cold released hatchlings

Performed lab experiments on headstarted hatchlings

Substrate, cover, temperature preferences

Headstarting was done 2017 – 2020

Goal is to compare survivorship of the two groups

Recaptured 6 headstarted and 5 cold released so far

Need to find more of both groups

# I. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study

Drift fences: 800 ft, 1800 ft, 255x255 ft, 150x225 ft

83 box traps, 83 plywood, 83 metal

Spring – Fall of 2019 – 2022

Goal: capture hatchlings and assess survey methods

# I. JOINT CORN SNAKE STUDY

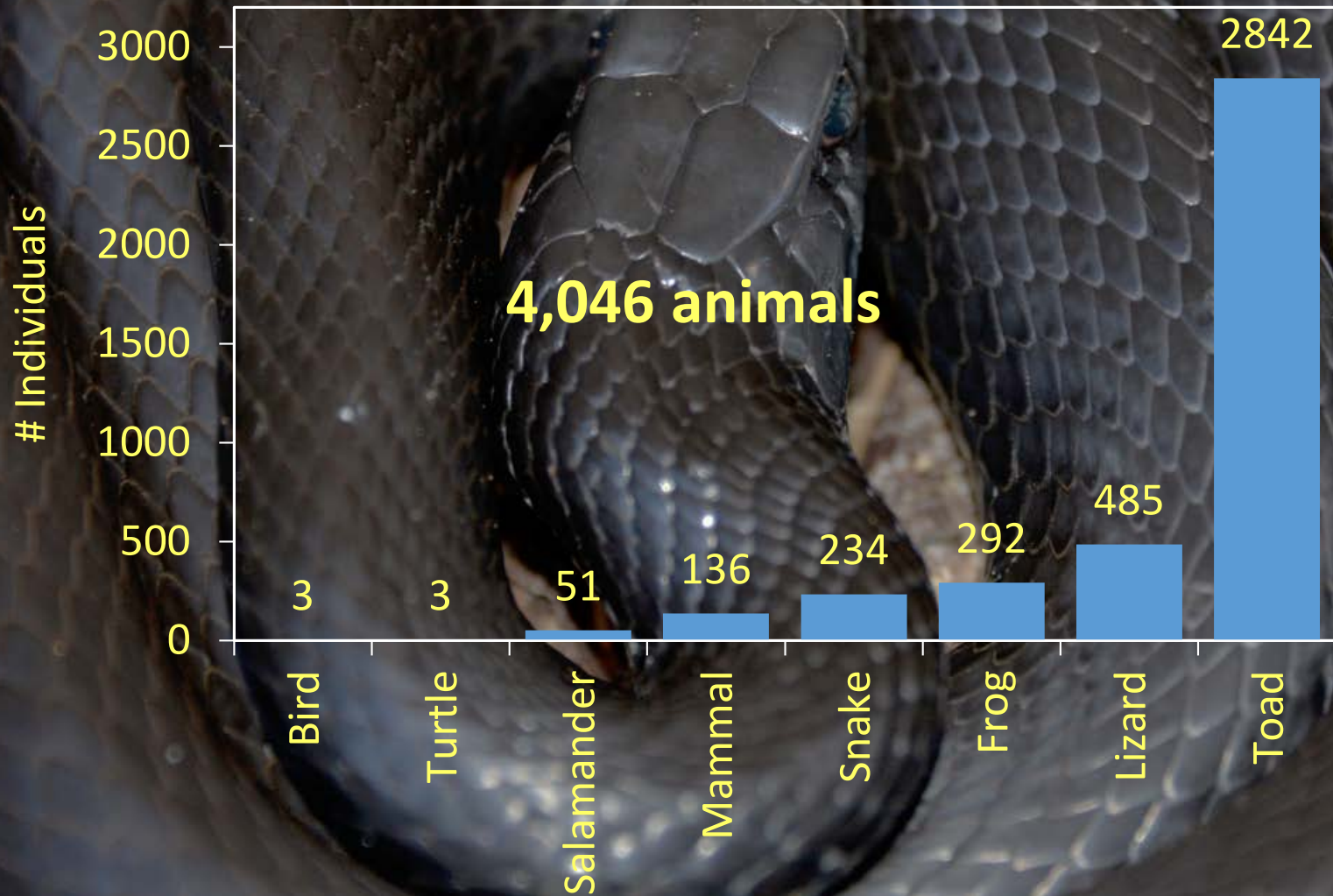
## 3. Drift Fence trapping and cover study

Box trap



# I. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study



# I. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study

234 snakes

15 species

Eastern kingsnake	1
Eastern worm snake	1
Northern brown snake	1
Northern scarlet snake	1
Timber rattlesnake	1
Eastern hognose snake	3
Northern pine snake	4
Northern water snake	4
Eastern garter snake	13
Eastern ribbon snake	16
Northern black racer	29
Rough green snake	30
Corn Snake	31
Southern ringneck snake	32
Northern redbelly snake	67

# I. JOINT CORN SNAKE STUDY

## 3. Drift Fence trapping and cover study



Fence successfully captured large and small snakes

Tracked four corn snakes around the fence

The tracked corn snakes climbed over the fence

Moved them back and climbed over the fence again

# I. JOINT CORN SNAKE STUDY

## 4. Locating dens, nests, and shed areas

2017 – 2020

Critical habitats

Maintain some fidelity

Critical habitats are often communal

Camera monitoring network



## II. LONG-TERM RARE SNAKE MONITORING

Little data exists on rare snake trends in the Pinelands

54 corn snake dens (50 are corralled)

27 kingsnake dens (13 corralled)

10 pine snake dens (8 corralled)

Add more pine snake dens and find hognose snake dens

Corral is non-invasive method to census snakes

No physical disturbance to dens or hibernating snakes

### III. KINGSNAKE STUDY

Listed as SC for threats, declines, and unknown status

2019 tracked 13 snakes to prepare for a study

2020 PC, HA, and TCNJ started study

Radio tracked 30 snakes total so far

6 killed, one died mysteriously, one went missing

Roughly equal # of males and females

Activity range and habitat use

Timing of denning and nesting

# IV. SNAKE FUNGAL DISEASE

Emerging fungal disease found in snakes

Caused by *Ophidiomyces ophiodiicola* (Oo)

Rutgers and HA has been excavating dens for 35+ years

Collaboration between Rutgers, HA, USGS, and PC

Opportunity to sample for Oo inside dens

Pilot sampling in 2018 and all snakes in 2019

Oo only in den soils and not in soil with other microbes

Manuscript being submitted for publication

# V. CORN SNAKE & KING SNAKE GENETICS

Collaboration between Arcadia, TCNJ, ENSP, and PC

Natural extension of the current research

Sampling snakes from our studies and other snakes

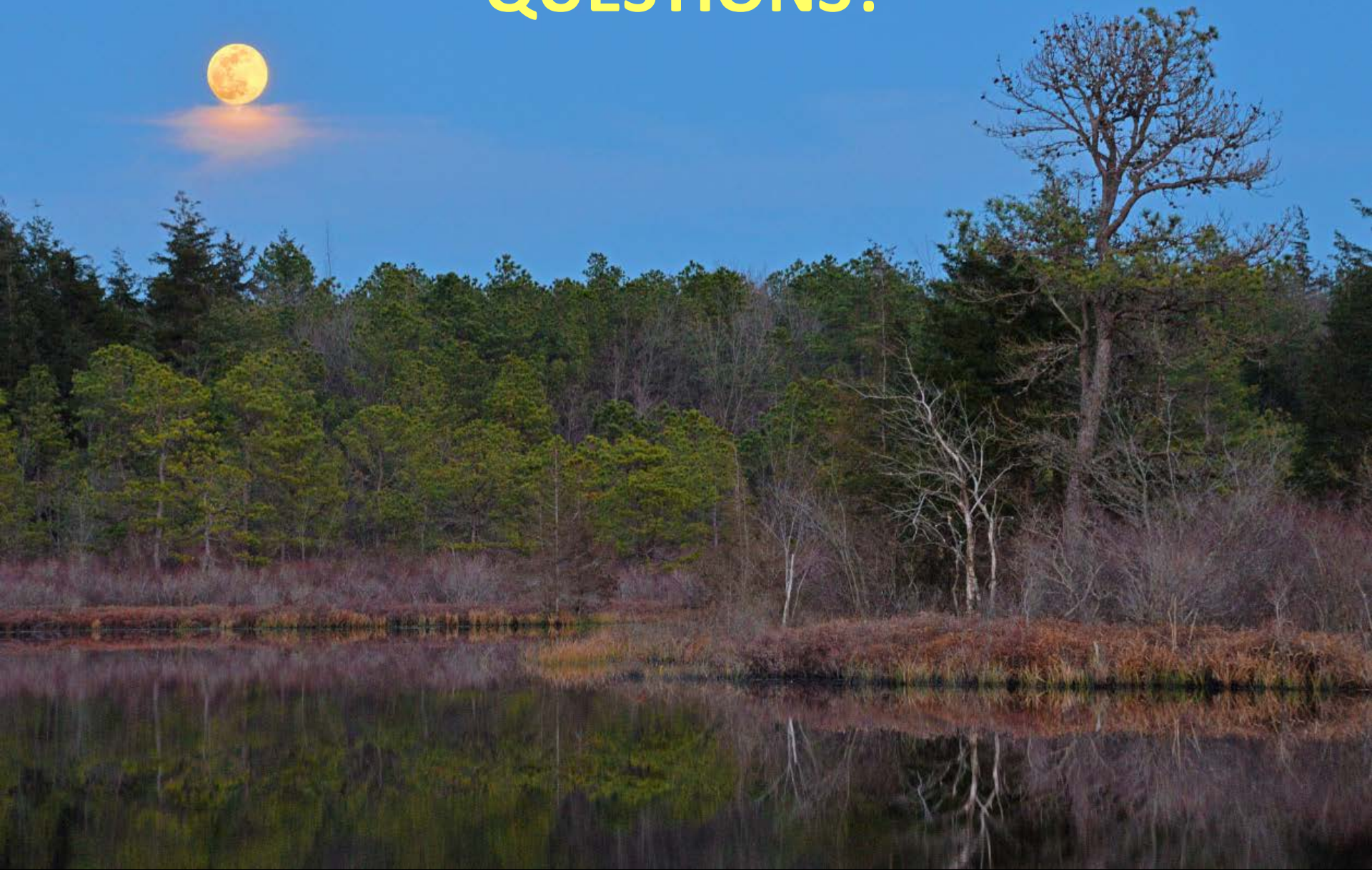
Genetic diversity of each species

Potential impact of barriers such as roads

NJDEP recent focus on habitat connectivity

NJDEP Connecting Habitat Across NJ (CHANJ)

**QUESTIONS?**





# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 01

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1982-3514.004)

Commissioner Lohbauer moves and Commissioner Jannarone 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:

**1982-3514.004**

<b>Applicant:</b>	<b>Pemberton Township</b>
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	December 18, 2020
Proposed Development:	Construction of recreational improvements at the Township's existing West End Park.

**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 1982-3514.004 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

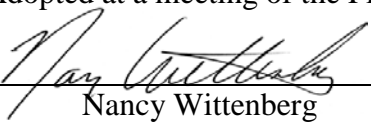
### Record of Commission Votes

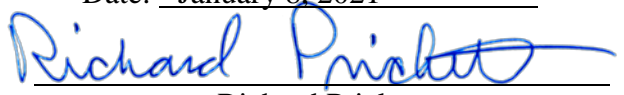
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Irick			X		Pikolycky	X			
Christy	X				Jannarone	X				Quinn			X	
Higginbotham	X				Lloyd	X				Rohan Green			X	
Howell	X				Lohbauer	X				Prickett	X			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 8, 2021

  
 \_\_\_\_\_  
 Nancy Wittenberg  
 Executive Director

  
 \_\_\_\_\_  
 Richard Prickett  
 Chairman



State of New Jersey

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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

December 18, 2020

David A. Patriarca, Mayor (via email)  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Re: Application # 1982-3514.004  
Block 827.01, Lots 7.03 & 7.04  
Block 827.03, Lot 1  
Block 1111, Lot 5.01  
Block 1112, Lot 1  
Block 1113, Lot 1  
Block 1114, Lot 1  
Block 1115, Lot 1  
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for construction of recreational improvements at the Township's existing West End Park. 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 January 8, 2021 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  
7/6/18 public comment

- c: Secretary, Pemberton Township Planning Board (via email)
- Pemberton Township Construction Code Official (via email)
- Pemberton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Marianne Risley (via email)
- Bob Fanucci (via email)





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Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

December 18, 2020

David A. Patriarca, Mayor (via email)  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Application No.: 1982-3514.004  
Block 827.01, Lots 7.03 & 7.04  
Block 827.03, Lot 1  
Block 1111, Lot 5.01  
Block 1112, Lot 1  
Block 1113, Lot 1  
Block 1114, Lot 1  
Block 1115, Lot 1  
Pemberton Township

This application proposes construction of recreational improvements at the Township's existing West End Park located on the above referenced 41.14 acre parcel in Pemberton Township.

The proposed improvements include the construction of four multipurpose athletic fields, a 440 square foot concession building, a 600 square foot gazebo, a 26 space paved parking lot, a 41 space expansion of an existing paved parking lot, 7,480 linear feet of six to ten foot wide paved walking paths and 1,510 linear feet of eight and ten foot wide elevated wooden walkways.

### **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)**

The proposed development 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. 7:50-6.13 & 6.6)**

There are wetlands located on the above referenced parcel.

This application proposes the development of approximately 1,510 linear feet of elevated wooden walkway over wetlands. The concerned wetlands are a fallow farm field. The application also proposes to develop approximately 277 linear feet of paved walking paths utilized as approaches to the elevated wooden walkway in the required buffer to wetlands.

The CMP permits the proposed elevated wooden walkway and paved walking paths (linear improvements) in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. To reduce proposed impacts to wetlands, the applicant has proposed to elevate the 1,510 linear feet of wooden walkway by installing support pilings. The support pilings for the proposed wooden walkway will disturb a total of 1,110 square feet of wetlands. All practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The proposed development will not result in substantial impairment of the resources of the Pinelands. The applicant has represented that the proposed walkways are necessary to provide safe walking conditions for pedestrians utilizing the recreational area. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to the wetlands and the required buffer to wetlands. The applicant has demonstrated that the need for the proposed elevated wooden walkway and paved walking paths overrides the importance of protecting the wetlands.

Based upon the location of existing development on the parcel, the fact that the majority of the wetlands on the parcel are a fallow farm field and the condition of the remaining wetlands, the application proposes a 50 foot wetlands buffer for the remainder of the proposed recreational improvements. The applicant has demonstrated that a 50 foot buffer to wetlands for the remainder of the proposed recreational improvements 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 occur within maintained grassed and wooded areas. The proposed vegetation clearing and 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. The applicant proposes to plant grasses suitable for an athletic field. The Commission staff has not required applicants to meet this CMP grass guideline for athletic fields. The applicant proposes to utilize a seed mixture which meets the recommendation for the remaining portions of the proposed development.

#### Water Quality Standard (N.J.A.C. 7:50-6.83)

The proposed development will be serviced by public sanitary sewer.

#### 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 stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing nine stormwater infiltration basins.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

A cultural resource survey was prepared for the above referenced parcel. The cultural resource survey determined that no significant cultural resources exist on the parcel.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 11, 2018 and December 4, 2020. Newspaper public notice was completed on June 15, 2018 and December 4, 2020. The application was designated as complete on the Commission's website on December 1, 2020. The Commission's public comment period closed on December 11, 2020. The Commission received one public written comment (enclosed) on July 6, 2018 regarding this application.

Comment: The commenter inquired as to whether there was a site plan available to be reviewed.

Staff Response: The staff responded by letter dated July 26, 2018 informing the commenter that the site plan was available for review at the Commission's office and provided information on how to schedule a file review. The commenter did not request to review the site plan. The commenter is copied on this Public Development Application Report containing the Executive Director's findings.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 11 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., all sheets dated May 2018 and revised to October 9, 2020.
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.
5. Except for the approximately 277 linear feet of proposed paved walkways in the required buffer to wetlands and the approximately 1,510 linear feet of elevated wooden walkway in wetlands, all other proposed development shall be located at least 50 feet from wetlands.
6. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
7. Appropriate measures shall be taken during construction to preclude sedimentation from

entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

### **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.

Public Comment

|  
From: Bob Fanucci <bfanucci@comcast.net>

Sent: Friday, July 06, 2018 7:38 AM

To: ApplInfo, PC

Subject: Pinelands Application # 1982-3514.004 West End Park Expansion

Hello. Where can I find out more about this? Is there a site plan available? Thank you.



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](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
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 the by 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 by the Commission's office no later than 5:00 PM on January 5, 2021 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. PC4-21- 02

**TITLE:** **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 1989-0219.001)

Commissioner Lohbauer moves and Commissioner Lloyd seconds the motion that:

**WHEREAS**, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Waiver of Strict Compliance be approved with conditions:

**1989-0219.001**

**Applicant:** Steven R. King  
**Municipality:** Shamong Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** December 18, 2020  
**Proposed Development:** Single family dwelling.

**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 Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

**WHEREAS**, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 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 1989-0219.001 for a Waiver of Strict Compliance 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*
Avery	X				Irick			X		Pikolycky	X			
Christy	X				Jannarone	X				Quinn			X	
Higginbotham	X				Lloyd	X				Rohan Green			X	
Howell	X				Lohbauer	X				Prickett	X			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 8, 2021

Nancy Wittenberg  
Executive Director

Richard Prickett  
Chairman



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

December 18, 2020

Steven R. King (via email)  
4 Cowpath Road  
Medford, NJ 08055

Re: Application # 1989-0219.001  
Block 20.01, Lot 1.13 (Former Block 20.01, Lots 1.06 & 1.07)  
Shamong Township

Dear Mr. King:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 8, 2021 meeting.

### FINDINGS OF FACT

This application is for the development of one single family dwelling, serviced by an onsite septic system, on the above referenced 0.99 acre parcel in Shamong Township. The parcel is located in a Pinelands Regional Growth Area and in Shamong Township’s RGA-R zoning district. In this zoning district, Shamong Township’s certified land use ordinance establishes a minimum lot size of 2.1 acres to develop a single family dwelling that is serviced by an alternate design onsite septic system.

A Waiver for the development of a single family dwelling on the parcel was approved by the Pinelands Commission on February 9, 2007. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)) specifies that a Waiver expires five years after the date of Commission approval unless all necessary construction permits have been issued within the five year period, the authorized work is commenced within 12 months after issuance of the construction permits and no such permit becomes invalid after the five year period. No information was provided to the Commission staff demonstrating that a construction permit was issued by February 9, 2012, the date that the approved Waiver expired, or if any such construction permit was issued before the expiration date, that permit remained valid.

Based upon the expiration of the Waiver on February 9, 2012, the applicant has completed this second application for a Waiver for the parcel.



The parcel has been site inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

The CMP (N.J.A.C. 7:50-6.84(a)4iv) requires that a septic system be located in an area where the depth to the seasonal high water table is at least five feet below the natural ground surface. The Burlington County Soils Survey indicates that there are Jade Run and Buddtown soils on this parcel. These soils may have a seasonal high water table of less than five feet below the natural ground surface. One soil boring was performed by the applicant's consultant for the Waiver application. That soil boring confirmed a seasonal high water table of less than five feet below the natural ground surface at the location of the boring. The applicant has submitted no information to demonstrate that the septic system could be located in an area on the parcel where the seasonal high water table is at least five feet below the natural ground surface. Since available information indicates the seasonal high water table on the parcel is less than five feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement contained in N.J.A.C. 7:50-6.84(a)4iv.

The CMP (N.J.A.C. 7:50-6.14) requires that the development proposed in this application maintain a 300 foot buffer to wetlands unless the applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. A portion of the parcel is wetlands as defined in N.J.A.C. 7:50-6.5(a)2. The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development will not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in N.J.A.C. 7:50-6.14.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The applicant has demonstrated that a proposed septic system could be located in an area on the parcel where the seasonal high water table at least two feet below the natural ground surface. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel required a municipal lot area or density variance pursuant to the Shamong Township land use ordinance. After public meetings held on April 11, 2006 and May 9, 2006, the Shamong Township Zoning Board of Adjustment adopted a Resolution (undated) denying an application (Petition No. 26-02) for the required variance. On October 24, 2006, the variance was granted by order of the Burlington County Superior Court of New Jersey, Law Division. The Court Order contains no expiration date.

If the conditions recommended below are imposed, a single family dwelling can be developed on the parcel without violating any of the substantial impairment and consistency criteria contained in the CMP (N.J.A.C. 7:50-4.65).

### **PUBLIC COMMENT**

The applicant provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on October 7, 2020. Newspaper public notice was completed on October 20, 2020. The application was designated as complete on the Commission's website on November 25, 2020. The Commission's public comment period closed on December 11, 2020. The Commission did not receive public comment regarding this application.

## CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the minimum depth to seasonal high water table standard and the required buffer to wetlands standard contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an alternate design onsite wastewater treatment system on a 0.99 acre (43,124 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights of way, and is located in a Pinelands Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. The Shamong Township certified land use ordinances required a lot area or density variance. After public meetings held on April 11, 2006 and May 9, 2006, the Shamong Township Zoning Board of Adjustment adopted a Resolution (undated) denying an application (Petition No. 26-02) for the required variance. On October 24, 2006, the variance was granted by order of the Burlington County Superior Court of New Jersey, Law Division. The Court Order contains no expiration date. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c), and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the minimum depth to seasonal high water table standard (N.J.A.C. 7:50-6.84(a)5vi) and the required buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

The CMP (N.J.A.C. 7:50-4.62(d)1ii)) also requires the acquisition and redemption of any PDCs that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.27(c)) provides that any local approval in a Pinelands Regional Growth Area which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling unit or lot has been approved by the Commission. Since the applicant qualifies for a Waiver, PDCs are not required for any local approval.

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Ott & Warren Land Engineering dated July 23, 2004 and last revised June 6, 2005.
2. All development, including clearing and land disturbance, shall be located as shown on the above referenced plan, with one exception. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the plan must be revised to relocate the proposed driveway and its associated clearing/land disturbance further to the west to maximize the buffer to wetlands adjacent to Tuckerton Road.
3. Sufficient drywells or comparable alternative shall be installed to contain all stormwater runoff from the house. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the plan must propose such drywells or a comparable alternative.

4. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands.
5. The driveway shall be constructed of crushed stone or other permeable material. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the plan must propose a crushed stone or permeable driveway.
6. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
7. The proposed dwelling must utilize an alternate design onsite wastewater treatment system authorized by the CMP for use on 1.0 acre parcels and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
8. The septic system shall be located in an area where the seasonal high water table is at least two feet below the natural ground surface. Sufficient fill shall be placed in the area of the septic system to meet the requirements of Chapter 9A.
9. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
10. This Waiver shall expire January 8, 2026 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after January 8, 2026 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a December 18, 2020 Pinelands Commission Report on an Application for a Waiver of Strict Compliance (“Waiver Report”) for Application # 1989-0219.001. The deed shall indicate that the conditions previously required by the January 22, 2007 Waiver Report for Application # 1989-0219.001 approved by the Pinelands Commission on February 9, 2007 are superseded by the conditions required by the December 18, 2020 Waiver Report approved by the Pinelands Commission on January 8, 2021. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Shamong Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.84(a)4iv, N.J.A.C.7:50-6.84(a)5vi and N.J.A.C. 7:50-6.14.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of a single family dwelling on the parcel, it is recommended that the Pinelands Commission APPROVE the requested Waiver of Strict Compliance subject to the above conditions.

**APPEAL**

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation 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 by the Commission's office no later than 5:00 PM on January 5, 2021 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. 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.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: \_\_\_\_\_



Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Shamong Township Planning Board (via email)  
 Shamong Township Construction Code Official (via email)  
 Secretary, Burlington County Planning Board (via email)  
 Burlington County Health Department (via email)



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-\_\_\_\_\_

**TITLE:** Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2019-0143.001)

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:

**WHEREAS**, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Waiver of Strict Compliance be approved with conditions:

**2019-0143.001**

**Applicant:** Eric & Ashley Schoeneberg  
**Municipality:** Lacey Township  
**Management Area:** Pinelands Village  
**Date of Report:** January 22, 2021  
**Proposed Development:** Single family dwelling.

**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 Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

**WHEREAS**, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 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 2019-0143.001 for a Waiver of Strict Compliance 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*			
Avery				Irick				Pikolycky			
Christy				Jannarone				Quinn			
Higginbotham				Lloyd				Rohan Green			
Howell				Lohbauer				Prickett			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Richard Prickett  
Chairman



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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 AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE**

January 22, 2021

Eric & Ashley Schoeneberg (via email)  
 114 Mill Street  
 Forked River, NJ 08731

Re: Application # 2019-0143.001  
 Block 4108, Lots 12 & 13  
 Lacey Township

Dear Mr. & Mrs. Schoeneberg:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 12, 2021 meeting.

**FINDINGS OF FACT**

This application is for the development of one single family dwelling serviced by an individual on-site septic wastewater treatment system on the above referenced 0.92 acre parcel in Lacey Township. The parcel is located in a Pinelands Village Management Area and in Lacey Township’s VR zoning district. In this zoning district, Lacey Township’s certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling that is serviced by an individual on-site septic wastewater treatment system.

As no Commission approved individual on-site septic wastewater treatment system will meet the two parts per million average nitrogen concentration in the groundwater at the property line of the 0.92 acre parcel, the applicant is requesting a Waiver from the groundwater quality standard contained in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.84(a)5iv).

The appropriate resource capability maps and other information available to the Commission staff have been reviewed.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The proposed single family

dwelling will not result in a substantial impairment of the resources of the Pinelands Area as required by the CMP (N.J.A.C. 7:50-4.65(b)).

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on groundwater quality be minimized.

### **PUBLIC COMMENT**

The applicant provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on July 23, 2020. Newspaper public notice was completed on July 23, 2020. The application was designated as complete on the Commission's website on September 1, 2020. The Commission's public comment period closed on September 11, 2020. No public comment was received by the Commission for this application.

### **CONCLUSION**

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the groundwater quality standard contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an individual on-site septic wastewater treatment system on a 0.92 acre (40,075 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights of way, and is located in a Pinelands Village. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Lacey Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the VR zoning district, Lacey Township's certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling that is serviced by an individual on-site septic wastewater treatment system. On October 5, 2020, the Lacey Township Board



of Adjustment adopted a Resolution for Appeal # 20-07 approving a residential lot size variance to develop a dwelling on the parcel. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. The CMP (N.J.A.C. 7:50-4.65(b)) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c), and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the groundwater quality standard (N.J.A.C. 7:50-6.84(a)5iv.), a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

The CMP (N.J.A.C. 7:50-4.62(d)1ii)) also requires the acquisition and redemption of any PDCs that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.27(c)) provides that any local approval in a Pinelands Village which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling unit or lot has been approved by the Commission. Since the applicant qualifies for a Waiver, PDCs are not required for any such local approval.

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. The septic system must be located in an area where the seasonal high water table is at least five feet below the natural ground surface.

2. The proposed dwelling must utilize an alternate design onsite wastewater treatment system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
3. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
4. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a recorded copy of a deed consolidating Block 4108, Lots 12 & 13 into one lot must be submitted to the Pinelands Commission.
5. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
6. This Waiver shall expire February 12, 2026 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after February 12, 2026 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
7. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall also state that the conditions are enforceable by the Pinelands Commission, Lacey Township, the Ocean County Health Department and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.84(a)5iv.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission APPROVE the requested Waiver of Strict Compliance subject to the above conditions.

### **APPEAL**

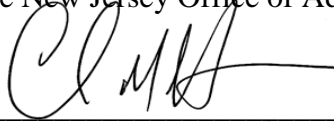
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted 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 by the Commission's office no later than 5:00 PM on February 9, 2021 and include the following information:

1. the name and address of the person requesting the appeal;

2. the application number;
3. a brief statement of the basis for the appeal; and
4. 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.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: \_\_\_\_\_



Charles M. Horner, P.P., Director of Regulatory Programs

- c:
- Secretary, Lacey Township Planning Board (via email)
  - Lacey Township Construction Code Official (via email)
  - Lacey Township Environmental Commission (via email)
  - Secretary, Ocean County Planning Board (via email)
  - Ocean County Health Department (via email)
  - Michelle Schoeneberg (via email)



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-21-\_\_\_\_\_**

**TITLE:** Issuing an Order to Certify Medford Township Ordinance 2020-21, Adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, Amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_  
seconds the motion that:**

**WHEREAS**, on May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Medford Township; and

**WHEREAS**, Resolution #PC4-83-37 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 #PC4-83-37 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 October 6, 2020, the Medford Township Council adopted Ordinance 2020-21, approving a Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area; and

**WHEREAS**, Ordinance 2020-21 also adopts a number of zoning changes, including the rezoning of approximately 7.5 acres of land from the Regional Growth Area to the Rural Development Area; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 2020-21 on November 4, 2020; and

**WHEREAS**, by email dated November 6, 2020, Commission staff informed the Township that revisions to the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area would be necessary for purposes of conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, by email dated November 9, 2020, Medford Township requested an extension of the Pinelands Commission's review period for Ordinance 2020-21 in order to provide an opportunity to adopt revisions to the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area prior to formal Commission action; and

**WHEREAS**, by letter dated November 12, 2020, the Executive Director notified the Township that an extension was granted through December 18, 2020; and

**WHEREAS**, on December 15, 2020, the Medford Township Council adopted Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 2020-23 on December 22, 2020; and

**WHEREAS**, by letter dated December 28, 2020, the Executive Director notified the Township that Ordinances 2020-21 and 2020-23 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Medford Township Ordinances 2020-21 and 2020-23 was duly advertised, noticed and remotely held on January 13, 2021 at 9:30 a.m. with live

broadcast on the Pinelands Commission’s public YouTube channel and opportunity for the public to call-in during the live broadcast; and

**WHEREAS**, the Executive Director has found that Medford Township Ordinances 2020-21 and 2020-23 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 Medford Township Ordinances 2020-21 and 2020-23 are 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 Medford Township Ordinances 2020-21 and 2020-23 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Medford Township Ordinances 2020-21 and 2020-23 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 Medford Township Ordinance 2020-21, Adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, Amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Medford 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*			
Avery				Irick				Pikolycky			
Christy				Jannarone				Quinn			
Higginbotham				Lloyd				Rohan Green			
Howell				Lohbauer				Prickett			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
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](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

**REPORT ON MEDFORD TOWNSHIP ORDINANCE 2020-21, ADOPTING THE REDEVELOPMENT PLAN FOR THE TAUNTON & TUCKERTON REHABILITATION AREA, AND ORDINANCE 2020-23, AMENDING THE REDEVELOPMENT PLAN FOR THE TAUNTON & TUCKERTON REHABILITATION AREA**

January 29, 2021

Medford Township  
17 North Main Street  
Medford, NJ 08055

**FINDINGS OF FACT**

I. Background

The Township of Medford is located in central Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Medford Township include the Township of Waterford in Camden County as well as the Borough of Medford Lakes and the Townships of Evesham, Shamong, Southampton and Tabernacle in Burlington County.

On May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Development Ordinance of Medford Township.

On October 6, 2020, the Medford Township Council adopted Ordinance 2020-21, approving the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, which is located in a Pinelands Regional Growth Area. Ordinance 2020-21 also adopts a number of zoning changes, including the rezoning of approximately 7.5 acres from the Regional Growth Area to the Rural Development Area. The Pinelands Commission received a certified copy of Ordinance 2020-21 on November 4, 2020.

On November 6, 2020, Commission staff advised the Township that the redevelopment plan would need to be amended in order to conform to the standards of the Pinelands Comprehensive Management Plan. On November 9, 2020 the Township requested an extension of the Commission's review period for Ordinance 2020-21 until such time that amendments could be adopted. By letter dated November 12, 2020, the Executive Director granted said extension until December 18, 2020.

On December 15, 2020, the Medford Township Council adopted Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area. The Pinelands Commission received a certified copy of Ordinance 2020-23 on December 22, 2020.

By letter dated December 28, 2020, the Executive Director notified the Township that Ordinances 2020-21 and 2020-23 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 2020-21, adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, adopted October 6, 2020; and
- \* Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, adopted on December 15, 2020.

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 Master Plans and Land Use Ordinances Relating to Development Standards**

Ordinance 2020-21 adopts the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area. The rehabilitation area is comprised of 28 lots and is located in the vicinity of the intersection of Taunton Road and Tuckerton Road (see Exhibit 1). Existing development within the rehabilitation area includes a mix of residential uses, non-residential uses, and vacant land. The rehabilitation area includes approximately 123 acres of which 113 acres were previously zoned CC (Community Commercial) and 10 acres were previously zoned GD (Growth District). The entirety of the rehabilitation area is located within a Pinelands Regional Growth Area.

The purpose of the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area is to facilitate an attractive, walkable, and vibrant commercial area. To that end, the plan establishes the Taunton & Tuckerton Rehabilitation Area (TTRA) Zone. The TTRA Zone permits a variety of commercial and institutional uses that closely align with the schedule of permitted uses of the existing CC Zone. Those uses include, among others, general offices, child-care centers, places of worship, medical and professional offices, general services, and full-service and limited-service restaurants. The TTRA zone does not permit residential uses. The redevelopment plan includes additional design and performance standards within the zone related to building and site design, sustainable practices, landscaping, and lighting.

The redevelopment plan implements zoning changes within the designated rehabilitation area. As summarized in Table 1 below, most of the rehabilitation area is rezoned from the CC Zone to the

new TTRA Zone. One commercially developed lot is rezoned from the GD Zone to the TTRA Zone. Additionally, three lots are rezoned from the CC Zone to the GD Zone. Two of these lots are undersized and in common ownership with adjoining, developed lots in the GD Zone. The third lot contains a single-family dwelling unit, and its rezoning to the GD Zone would render it a conforming use. Similarly, two lots containing single-family dwelling units are rezoned from the CC Zone to the RS-2 (Rural Suburban-2) Zone. The RS-2 Zone is located in a Rural Development Area; therefore, this rezoning constitutes a change in Pinelands management area designation from Regional Growth Area to Rural Development Area. Both lots are contiguous with the existing RS-2 Zone, contain single-family dwelling units with on-site wastewater treatment (septic systems) and have acreages slightly larger than 3.5 acres. Therefore, in recognition of the existing development, it is appropriate for these lots to be redesignated as Rural Development Area.

Table 1. Summary of Zoning Changes

<b>Rezoning</b>	<b>Number of Lots</b>	<b>Total Area (in acres)</b>
CC to TTRA	21	105
GD to TTRA	1	.75
CC to GD	3	.25
CC to RS-2	2	7.5
<b>Total</b>	<b>27</b>	<b>113.5*</b>

*\*Note: One lot, approximately 9.5 acres, within the rehabilitation area maintained its pre-existing GD Zone designation.*

Ordinance 2020-23 amends the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area in response to concern raised by Commission staff. The ordinance amends the plan to include a provision that all development in the newly established TTRA Zone must comply with the minimum environmental standards of the CMP. Provisions were also added that require the use of Pinelands Development Credits for any municipal variances or approvals that authorize residential development in the TTRA Zone. Lastly, Ordinance 20020 adds language to clarify that the Township's existing infill wetlands standards continue to be applicable to properties within the TTRA Zone, as they are for all of the Township's Regional Growth Area zones.

Ordinances 2020-21 and 2020-23 are consistent with the land use and development standards of the Comprehensive Management Plan. 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**

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

Ordinance 2020-21 does increase the amount of residentially zoned land in Medford's Regional Growth Area by rezoning several lots from a commercial zone in the Regional Growth Area (the CC Zone) to a residential zone (the GD Zone). However, the rezoned lots are either already residentially developed or significantly undersized. No additional development on these lots is expected.

Additionally, as discussed above, Ordinance 2020-21 includes the establishment of the TTRA Zone. The new TTRA Zone is composed of land that was previously within the CC Zone, a non-residential zone that does not permit residential development, and one commercially developed lot rezoned from the GD Zone. The use of PDCs in the TTRA Zone is required only if a residential use is approved by the Township through a use variance or other means. Ordinance 2020-23 amends the Redevelopment Plan to include this PDC requirement.

The zoning changes made by Ordinance 2020-21 in the Township's Regional Growth Area have no effect on residential zoning capacity or opportunities for the use of PDCs. This standard for certification is met.

**9. Referral of Development Applications to Environmental Commission**

Not applicable.

**10. General Conformance Requirements**

Ordinances 2020-21 and 2020-23 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Ordinances 2020-21 and 2020-23 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

The Redevelopment Plan adopted by Ordinance 2020-21 and amended by 2020-23 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

**PUBLIC HEARING**

A public hearing to receive testimony concerning Medford Township's application for certification of Ordinances 2020-21 and 2020-23 was duly advertised, noticed and held on January 13, 2021 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinances 2020-21 and 2020-23 were accepted through January 15, 2021. Comments were submitted by the following individual:

Judith D. Wert (see Exhibit 3)

**EXECUTIVE DIRECTOR'S RESPONSE**

Ms. Wert expressed concerns that the redevelopment or rehabilitation of the Tuckerton and Taunton Road intersection may have a negative impact on the surrounding residential areas, wetlands and lakes. Ms. Wert's concerns are appreciated as wetlands protection is of critical importance to the Pinelands Commission.

The area impacted by the redevelopment plan is located within a Pinelands Regional Growth Area. The CMP states that:

*Regional Growth Areas are areas of existing growth or lands immediately adjacent thereto which are capable of accommodating regional growth influences while protecting the essential character and environment of the Pinelands, provided that the environmental*

*objectives of Subchapter 6 are implemented through municipal master plans and land use ordinances (N.J.A.C. 7:50-5.13(g)).*

As such, the uses permitted in the new TTRA Zone have been evaluated and found to be consistent with the goals, objectives and permitted uses for Regional Growth Areas (N.J.A.C. 7:50-5.28(a)). In fact, they are largely uses that have been permitted in this location for decades, under the prior CC zoning designation. Furthermore, all development in the newly established TTRA Zone, as well as the existing GD and RS-2 zones discussed above, must comply with the minimum environmental standards of the CMP, including those that serve to protect wetlands and wetlands transition areas (N.J.A.C. 7:50-6.1 et seq.). This requirement is explicitly stated in the redevelopment plan.

Lastly, Ms. Wert described excessive tree removal within the Village at Taunton Forge shopping center, which is located within the new TTRA Zone. Commercial development was approved on this parcel in recent years. The removal of trees on the parcel was permitted as part of that approved development. At this time, Commission staff is not aware of any violations related to excessive tree removal.

### **CONCLUSION**





Based on the Findings of Fact cited above, the Executive Director has concluded that Medford Township Ordinance 2020-21, adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, comply with the 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 2020-21 and 2020-23 of Medford Township.

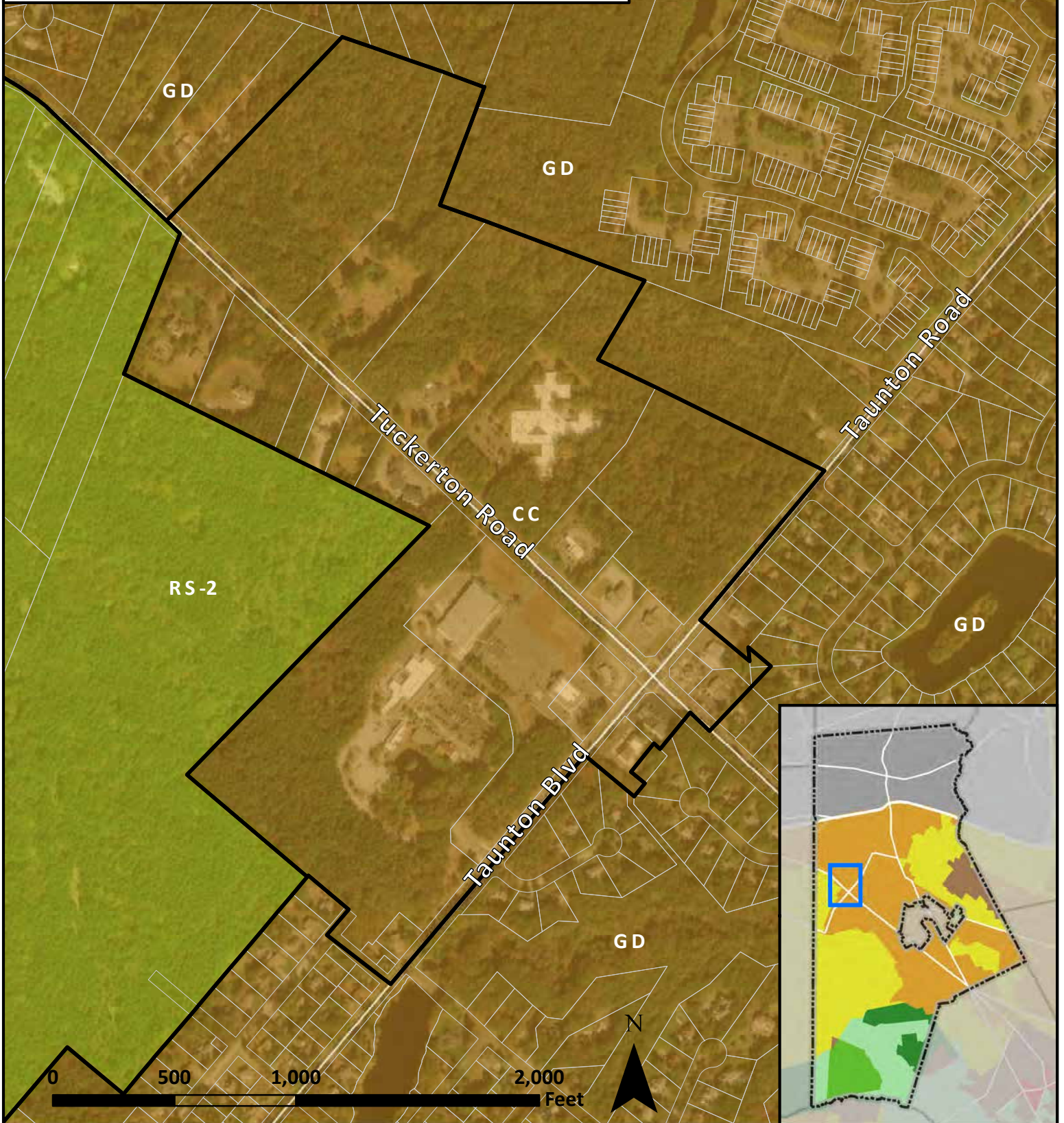
SRG/DBL/CME  
Attachments

# Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area Existing Zoning

Executive Director's Report  
Medford Ord. 2020-21, 2020-23  
Exhibit 1  
1/29/2021

## Pinelands Management Areas


-  Regional Growth Area
-  Rural Development Area
-  Existing Zoning
-  Existing Lots



# Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area Proposed Zoning

Executive Director's Report  
Medford Ord. 2020-21, 2020-23  
Exhibit 2  
1/29/2021


## Pinelands Management Areas


 Regional Growth Area


 Rural Development Area

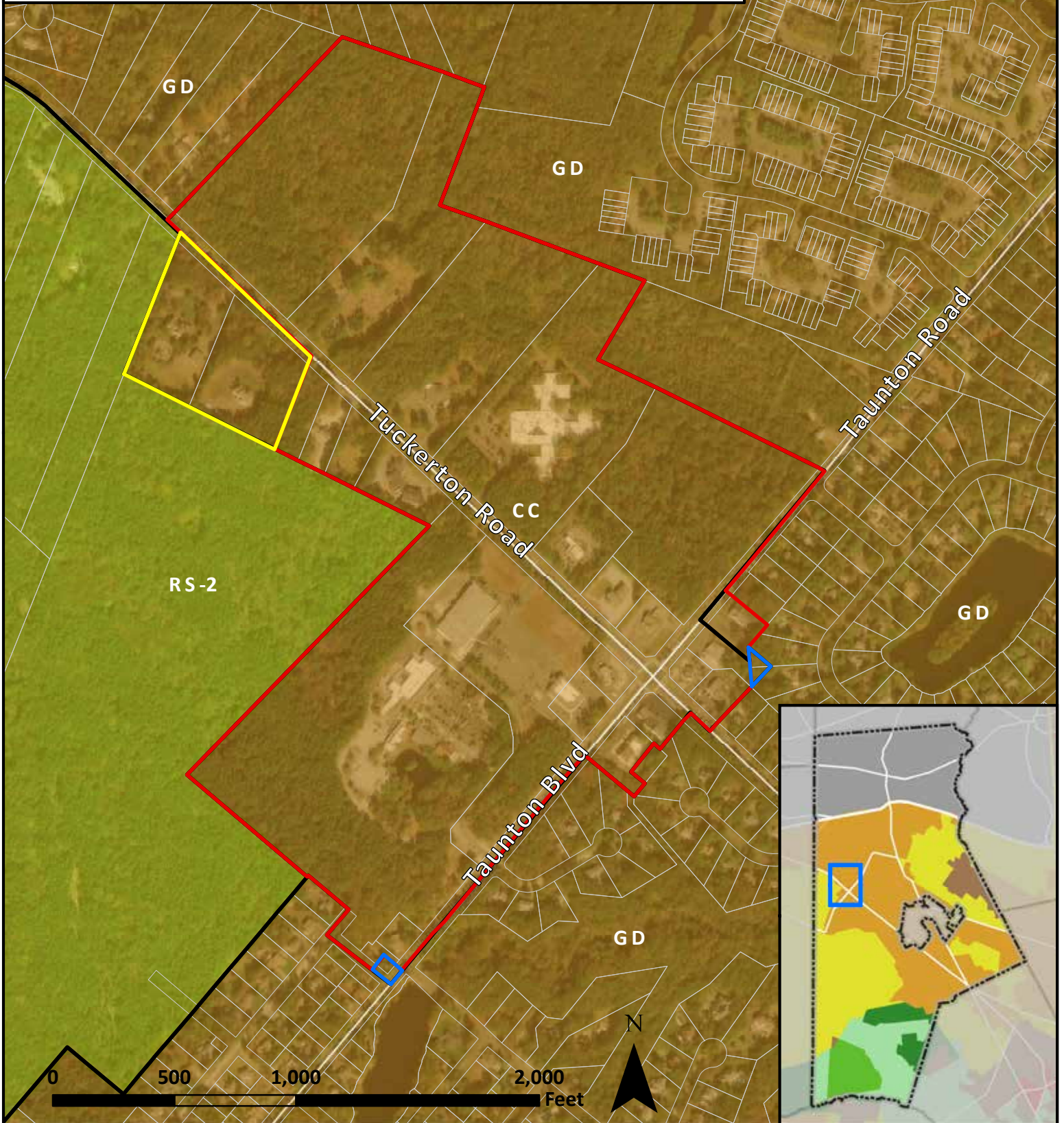
 Existing Zoning

 Existing Lots

 Rezoned TTRA

 Rezoned GD

 Rezoned RS-2



-----Original Message-----

From: Judith D. Wert [<mailto:judith.wert@comcast.net>]  
Sent: Thursday, January 14, 2021 4:30 PM  
To: Comments, PC  
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by Judith D. Wert (judith.wert@comcast.net) on Thursday, January 14, 2021 at 16:29:34

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email: judith.wert@comcast.net

subject: Public Comment Submissions

Name: Judith D. Wert

Mailing Address: 2 Kansas Court

Phone Number: 6096545414

Comment Topic: selected=

Message: If handled incorrectly, the redevelopment or rehabilitation of the Tuckerton Taunton Road intersection will have an extremely negative impact on the surrounding residential areas, wetlands, and lakes. Twenty-eight parcels have been included in the designated development area. Fifteen of those parcels are significantly impacted by wetlands. A planning board official pointed out at the September 23 meeting that money is being spent in the area on new construction and remodeling. He also noted 96% of the properties are well maintained and do not owe back taxes. It makes no sense to allow any action that would damage wetlands in the designated area. There has been enough destruction of wetlands in Medford; affecting our environment, recreation, water quality, wildlife, and character of our our town.

As an example of what can go wrong, I would like to use Taunton Forge as an example. It is located on one corner of the intersection. It was a small shopping center with an anchor grocery store. It was surrounded by trees which let it blend into the community. The DePetris family tried for years to get approval from the Pinelands Commission to make changes that would allow Taunton Forge to be more visible and attract more business. They finally got their approval around 2014. The result is an attractive buffer of trees is gone, the grocery store is gone, (lots of rumors about that), no landscaping was done, the parking lot is a disgrace, and 7 stores are empty. Plus, our community thinks that the number of trees removed was more than approved.

The Pinelands Commission was formed to protect our wetlands, forests, and lakes. I am asking you to honor that commitment when you review changes the new ordinance.

Thank you for your time.

Submit: Submit

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# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-21-\_\_\_\_\_**

**TITLE:** Issuing an Order to Certify Monroe Township Ordinance O:27-2020, Adopting the Second Amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, Adopting the St. Mary's Redevelopment Plan

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_  
seconds the motion that:**

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

**WHEREAS**, Resolution #PC4-83-76 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 #PC4-83-76 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 October 26, 2020, the Monroe Township Council adopted Ordinance O:27-2020, approving the second amendment to the Williamstown Square Redevelopment Plan; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance O:27-2020 on October 29, 2020; and

**WHEREAS**, by email dated November 6, 2020, Commission staff informed the Township that review of Ordinance O:27-2020 could not be completed without the Township's adoption and submission of the St. Mary's Redevelopment Plan as the redevelopment plans require joint-review given their relationship in meeting the Pinelands Development Credit requirements of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, by email dated November 9, 2020, Monroe Township requested an extension of the Pinelands Commission's review period for Ordinance O:27-2020 in order to provide an opportunity to adopt and submit the St. Mary's Redevelopment Plan prior to formal Commission action; and

**WHEREAS**, by letter dated November 19, 2020, the Executive Director notified the Township that an extension was granted through January 29, 2021; and

**WHEREAS**, on December 14, 2020, the Monroe Township Council adopted Ordinance O:29-2020, approving the St. Mary's Redevelopment Plan; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance O:29-2020 on December 23, 2020; and

**WHEREAS**, by letter dated December 29, 2020, the Executive Director notified the Township that Ordinances O:27-2020 and O:29-2020 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Monroe Township Ordinances O:27-2020 and O:29-2020 was duly advertised, noticed and remotely held on January 13, 2021 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and



**WHEREAS**, the Executive Director has found that Monroe Township Ordinances O:27-2020 and O:29-2020 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 Monroe Township Ordinances O:27-2020 and O:29-2020 are 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 Monroe Township Ordinances O:27-2020 and O:29-2020 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Monroe Township Ordinances O:27-2020 and O:29-2020 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 Monroe Township Ordinance O:27-2020, Adopting the Second Amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, Adopting the St. Mary’s Redevelopment Plan, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Monroe 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*			
Avery				Irick				Pikolycky			
Christy				Jannarone				Quinn			
Higginbotham				Lloyd				Rohan Green			
Howell				Lohbauer				Prickett			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
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

**REPORT ON MONROE TOWNSHIP ORDINANCE O:27-2020, ADOPTING THE SECOND AMENDMENT TO THE WILLIAMSTOWN SQUARE REDEVELOPMENT PLAN, AND ORDINANCE O:29-2020, ADOPTING THE ST. MARY'S REDEVELOPMENT PLAN**

January 29, 2021

Monroe Township  
 125 Virginia Avenue  
 Williamstown, NJ 08094

**FINDINGS OF FACT**

I. **Background**

The Township of Monroe is located in the western section of the Pinelands Area in Gloucester County. Pinelands municipalities that abut Monroe Township's Pinelands Area include Franklin Township in Gloucester County, Winslow Township in Camden County and the Borough of Folsom and the Township of Buena Vista in Atlantic County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Comprehensive Land Management Ordinance of Monroe Township, now codified as Chapter 175 (Land Management) of the Township's Code.

On October 26, 2020, the Monroe Township Council adopted Ordinance O:27-2020, approving the second amendment to the Williamstown Square Redevelopment Plan. The Williamstown Square Redevelopment Area is located in a Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance O:27-2020 on October 29, 2020.

On November 6, 2020, Commission staff the Township that review of Ordinance O:27-2020 could not be completed without the Township's adoption and submission of the St. Mary's Redevelopment Plan as the redevelopment plans require joint-review given their relationship in meeting the Pinelands Development Credit requirements of the Pinelands Comprehensive Management Plan. On November 6, 2020, the Township requested an extension of the Commission's review period for Ordinance O:27-2020 until such time the St. Mary's Redevelopment Plan could be adopted. By letter dated November 19, 2020, the Executive Director granted the extension.

On December 14, 2020, the Monroe Township Council adopted Ordinance O:29-2020, approving the St. Mary's Redevelopment Plan. The St. Mary's Redevelopment Area is located in a Pinelands Regional

Growth Area. The Pinelands Commission received a certified copy of Ordinance O:29-2020 on December 23, 2020.

By letter dated December 29, 2020, the Executive Director notified the Township that Ordinances O:27-2020 and O:29-2020 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 O:27-2020, adopting the second amendment to the Williamstown Square Redevelopment Plan, adopted on October 26, 2020; and
- \* Ordinance O:29-2020, adopting the St. Mary's Redevelopment Plan, adopted on December 14, 2020.

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 Master Plans and Land Use Ordinances Relating to Development Standards**

#### *St. Mary's Redevelopment Area*

Ordinance O:29-2020 adopts the St. Mary's Redevelopment Plan, dated November 2020. The St. Mary's Redevelopment Area consists of a four-acre portion of an existing 18.42-acre lot (Block 11501, Lot 1), with frontage along Blue Bell Road (see Exhibit 1). The portion of the lot within the redevelopment area is vacant, wooded and does not appear to contain any wetlands or required wetlands buffers. The remainder of the lot outside of the redevelopment area contains a church, church offices, and a pre-k to 8<sup>th</sup> grade school, along with an affiliated parking area and storage shed. The lot is located within the Township's Regional Growth Planned Residential (RG-PR) District, where single-family detached units are permitted at a density of 1.25 units per acre. This density may be increased to 2.25 units per acre through the use of Pinelands Development Credits.

The purpose of the St. Mary's Redevelopment Plan is to facilitate the development of affordable housing in accordance with the Township's certified Housing Element and Fair Share Plan and the approved settlement agreement between Monroe Township and the Fair Share Housing Center. To that end, the redevelopment plan permits the development of age-restricted apartments at a maximum density of 20 units per acre. All units must be made affordable to low-

and moderate-income households. No other principal uses are permitted in the Redevelopment Area. The plan includes additional bulk requirements and design standards. Any development that occurs within the redevelopment area must comply with the Pinelands Comprehensive Management Plan (CMP).

*Second Amendment to the Williamstown Square Redevelopment Area*

Ordinance O:27-2020 adopts the second amendment to the Williamstown Square Redevelopment Plan. This existing redevelopment area totals 75 acres in size and is located on the north side of the Black Horse Pike (US Route 322), directly across from the Acme Shopping Center Redevelopment Area (see Exhibit 2). Aside from two vacant dwelling units and two billboards, the redevelopment area is vacant and wooded. It is located entirely within a Pinelands Regional Growth Area.

The certified Williamstown Square Redevelopment Plan, whose last amendment was certified by the Commission in August 2019, permits a planned, mixed-use center consisting of office, retail, commercial and residential uses. Residential units are permitted at a maximum density of 4.75 units per acre with permitted unit types that include apartments in free-standing or mixed-use buildings, townhouses and duplexes. Permitted nonresidential uses include retail businesses and services, business and professional offices, medical offices, restaurants, indoor recreation and day care facilities. A minimum of 350 residential units is required as part of any redevelopment project, as is a minimum of 60,000 square feet of non-residential floor area.

The second amendment to the Williamstown Square Redevelopment Plan increases the required minimum number of residential units from 350 to 425. It also replaces the maximum density of 4.75 units per acre in favor of establishing a maximum number of permitted residential units of 595 units. This is effectively an increase in maximum density from 4.75 dwelling units per acre to 7.9 dwelling units per acre. Additionally, the amendment adds assisted living facilities as a permitted use. The Pinelands Comprehensive Management Plan (CMP) expressly authorizes assisted living facilities as a permitted use in a Regional Growth Area provided that certain standards are met (N.J.A.C. 7:50-5.34). Among these standards is the establishment of a permitted residential density applicable to assisted living facilities. The amended redevelopment plan satisfies this requirement by considering assisted living units as residential units and expressly counting them towards the minimum and maximum number of residential units permitted within the redevelopment area.

In terms of affordable housing, the second amendment to the Williamstown Square Redevelopment Plan continues to require that 15% of all units be set aside as affordable housing units if the units are provided as rentals, and 20% of all units if the units are provided as for-sale units. However, the amended redevelopment plan applies the set-aside requirement to the net total of units less the additional 75 units that the amendment adds to the minimum required residential units. These 75 units were added to the Williamstown Square Redevelopment Plan to offset the lost PDC opportunities from the 100% affordable housing project to be facilitated by the St. Mary's Redevelopment Plan.

The second amendment to the Williamstown Square Redevelopment Plan also continues to require that Pinelands Development Credits be acquired and redeemed for 30% of all residential units in redevelopment area, including assisted living units. Units that are required to be made affordable for low- and moderate- income housing to meet the set-aside requirements of the redevelopment plan are exempt from the PDC requirement, up to a maximum of 70 units or 20%

of the total number of units, whichever is less. Any development that occurs within the redevelopment area must comply with the Pinelands Comprehensive Management Plan (CMP).

Ordinances O:27-2020 and O:29-2020 both increase the residential zoning capacity of Monroe Township's Regional Growth Area. Together, the ordinances allow for approximately 310 additional units, 71 in the St. Mary's Redevelopment Area and 239 in the Williamstown Square Redevelopment Area. In terms of density, the two redevelopment plans permit a total of 675 residential units on approximately 79 acres of land in the Regional Growth Area. The resulting 8.5 unit per acre density and residential zoning capacity are higher than that prescribed by the CMP for Monroe's Regional Growth Area. The CMP requires the Township to zone for a density of only 2.0 units per upland acre throughout its Regional Growth Area (N.J.A.C. 7:50-5.28(a)1 and 3). However, the CMP does provide municipalities with the ability to zone portions of their Regional Growth Areas for higher densities, provided that 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 (N.J.A.C. 7:50-5.28(a)7). The St. Mary's and Williamstown Square Redevelopment Areas meet these standards.

Ordinances O:27-2020 and O:29-2020 are consistent with the land use and development standards of the Comprehensive Management Plan. 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**

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

In order to comply with N.J.A.C. 7:50-5.28(a)3, the previously certified Williamstown Square Redevelopment Plan required that PDCs be acquired and redeemed for thirty percent of the residential units developed within the redevelopment area. Units that are required to be made affordable for low- and moderate- income housing to meet the set-aside requirements of the redevelopment plan are exempt from the PDC requirement, up to a maximum of 70 units or 20% of the total number of units, whichever is less. The amended redevelopment plan maintains this requirement.

As discussed in Section II.2 above, Ordinances O:27-2020 and O:29-2020 increase the intensity of permitted residential development in Monroe Township's Regional Growth Area by a total of approximately 310 additional units.

The St. Mary's Redevelopment Area accounts for 71 of the additional units. The CMP would normally require that opportunities for the use of PDCs be provided in association with such an increase in residential zoning capacity. In this case, however, the Township has provided for increased density as a means of facilitating development of the 100% affordable housing project called for in the municipality's settlement agreement with the Fair Share Housing Center. Rather than imposing PDC requirements on the 100% affordable housing development, the Township elected to shift the PDC obligation to the Williamstown Square Redevelopment Area. This was effectuated by increasing the minimum number of residential units required as part of any development in the Williamstown Square Redevelopment Area by 75 units. Given the PDC requirements included in the second amendment to the Williamstown Square Redevelopment, 30% of these additional 75 units will be required to acquire and redeem PDCs. This results in the potential use of an additional 23 rights (5.75 PDCs). It is important to note that these 75 units are part of the minimum required as part of any redevelopment project in the Williamstown Square Redevelopment Area. The amended Williamstown Square Redevelopment Plan makes clear that these 75 units are not exempt from the PDC requirements, even if made affordable. They represent new opportunities for PDC use in Monroe's Regional Growth Area to account for the increase in density and lack of PDC obligation for development at the St. Mary's site.

The amended Williamstown Square Redevelopment Plan accounts for 239 of the additional units, 30% of which would also be required to acquire and redeem PDCs. It also now includes assisted living facilities as a permitted use. With respect to assisted living facilities in the Regional Growth Area, the CMP specifies that PDC use must be accommodated when the density of such facilities exceeds 8 units per acre. Rather than establishing a base density of 8 units per acre, the amended Williamstown Redevelopment Plan requires that PDC use be a significant component of any assisted living project, regardless of density. Thirty percent of all assisted living facility units, excepting those that meet affordable housing provisions discussed above, will require the redemption of PDCs, whether an assisted living facility is constructed at a density that exceeds 8 units per acre or not. This approach is consistent with the intent of N.J.A.C. 7:50-5.34(a)(2) of the CMP.

As indicated in Section II.2 of this report, the permitted densities and other standards adopted by the two redevelopment plans allow for a total of 675 residential units. Thus, the PDC requirements adopted by Ordinances O:27-2020 could result in the use of as many as 157.5 rights (39.25 PDCs), if the maximum number of residential units is developed in the Williamstown Square Redevelopment Area. At minimum, 106.5 rights (26.5 PDCs) will be required.

While the 30% PDC requirement applied to Williamstown Square Redevelopment Area is not as high a number as would be provided through the more traditional zoning approach (where PDCs would account for 33% of the total number of permitted units), it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance O:27-2020 *guarantees* a certain level of PDC use in association with any development within the Williamstown Square Redevelopment Area, regardless of project density or number of units which are ultimately built. Given the greater certainty provided by this approach and its relationship with Ordinance O:29-2020, both ordinances should be viewed as consistent with the CMP requirements for accommodation of PDCs.

This standard for certification is met.

#### **9. Referral of Development Applications to Environmental Commission**

Not applicable.

#### **10. General Conformance Requirements**

Ordinances O:27-2020 and O:29-2020 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

#### **11. Conformance with Energy Conservation**

Not applicable.

#### **12. Conformance with the Federal Act**

Ordinances O:27-2020 and O:29-2020 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

#### **13. Procedure to Resolve Intermunicipal Conflicts**

The Redevelopment Plans related to Ordinances O:27-2020 and O:29-2020 do not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

### **PUBLIC HEARING**

A public hearing to receive testimony concerning Monroe Township's application for certification of Ordinances O:27-2020 and O:29-2020 was duly advertised, noticed and held on January 13, 2021 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinances O:27-2020 and O:29-2020 were accepted through January 15, 2021. Comments were submitted by the following individual:

Fred Akers, Administrator, Great Egg Harbor Watershed Association (see Exhibit 3)

### **EXECUTIVE DIRECTOR'S RESPONSE**

Mr. Akers thanked the Commission staff for its application of the Wetlands Buffer Delineation Model as it relates to the Williamstown Square Redevelopment Area and noted that the redevelopment plan included a very comprehensive and robust runoff mitigation plan. However, Mr. Akers expressed some concern with implementing such complicated stormwater management measures and Commission staff's reliance on engineers hired by developers to make sure stormwater management is well-financed and well-executed.

The Executive Director appreciates Mr. Akers' comments as the water quality and natural resources of the Squankum Branch subwatershed, and the Great Egg Harbor Watershed as a whole, are of importance to the Pinelands Commission. The Commission issued a Letter of Interpretation in 2010 confirming the extent of wetlands on some of the lots included in the Williamstown Square Redevelopment Area. Shortly thereafter, required buffers to the wetlands were established based on the results of the wetlands buffer delineation model referenced in the CMP. A buffer of 175 feet was deemed to be appropriate to a swale/ditch on the property as well as to a degraded wetland. A buffer of 240 feet was deemed necessary to the hardwood swamp at the rear of the property. These buffer requirements are noted in the Redevelopment Plan and are common for development in a Regional Growth Area. When and if new applications for development in the Redevelopment Area are submitted to the Commission, the appropriate wetlands buffers for that development will be determined, once again using the wetlands buffer delineation model.

With respect to stormwater management, the Commission does not have a licensed Professional Engineer (PE) on staff. However, a staff member in the Commission's Regulatory Programs Office is highly-trained, experienced and dedicated to the review of all stormwater plans submitted to the Commission as part of an application for major development. Importantly, a licensed PE does ultimately review all stormwater plans in his or her capacity as the municipal planning, zoning or land use board engineer. The Commission has discussed hiring a licensed PE to review stormwater management plans in the past, and if an opportunity arose in the future, it would be considered as an option. In the meantime, the Executive Director is confident that, in partnership with municipal







engineers, stormwater management plans are receiving the necessary diligent scrutiny to ensure they meet the minimum standards of the CMP.

### **CONCLUSION**

Based on the Findings of Fact cited above, the Executive Director has concluded that Monroe Township Ordinance O:27-2020, adopting the second amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, adopting the St. Mary's Redevelopment Plan of Monroe Township, comply with the 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 O:27-2020 and O:29-2020 of Monroe Township.

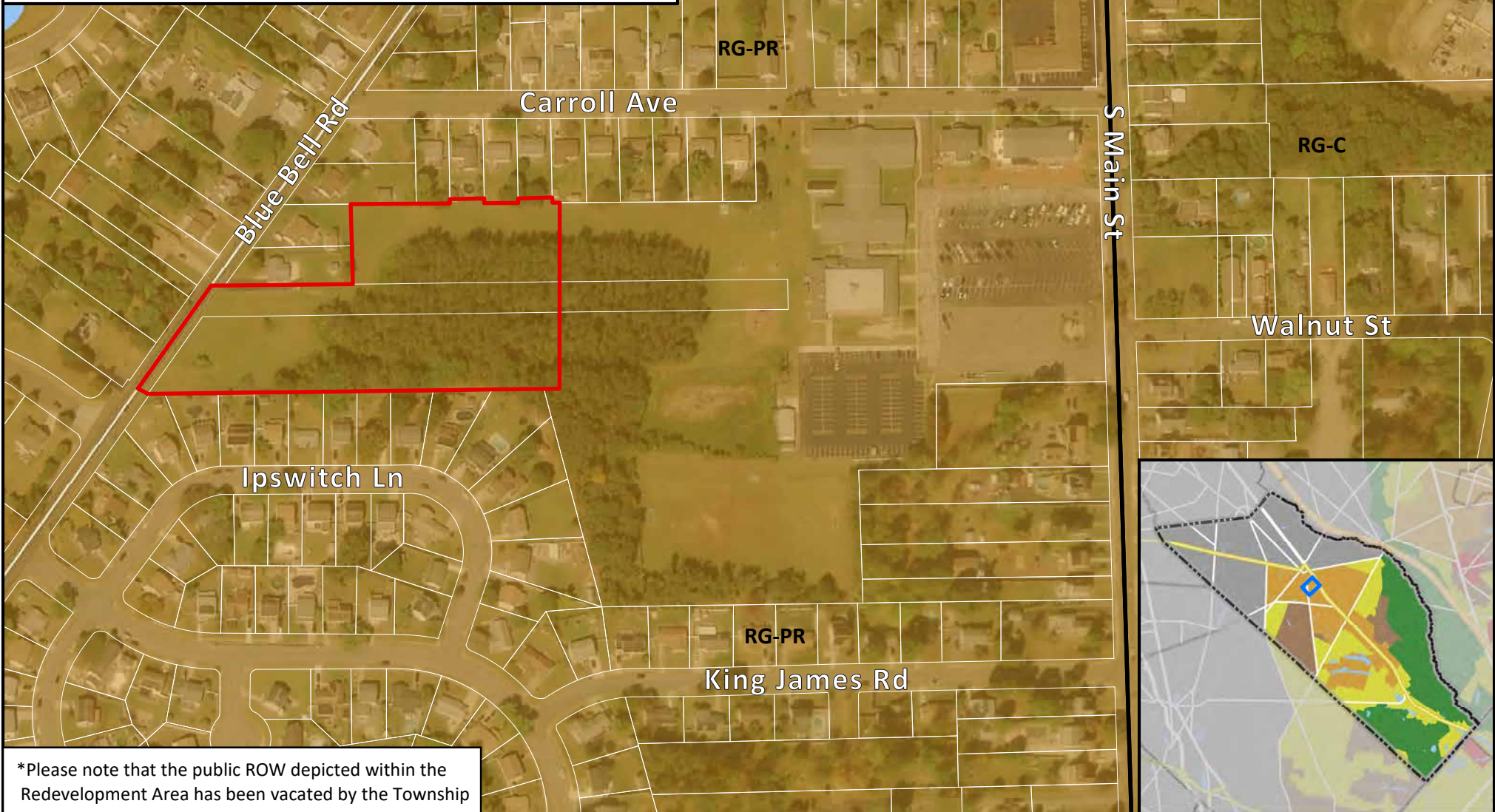
SRG/DBL/CMO  
Attachments

# Monroe Township St. Mary's Redevelopment Area

-  Regional Growth Area
-  Redevelopment Area
-  Existing Zoning
-  Monroe Twp Parcels




Executive Director's Report  
Monroe Ord. O:27-2020, O:29-2020  
Exhibit 1  
1/29/2021



\*Please note that the public ROW depicted within the Redevelopment Area has been vacated by the Township

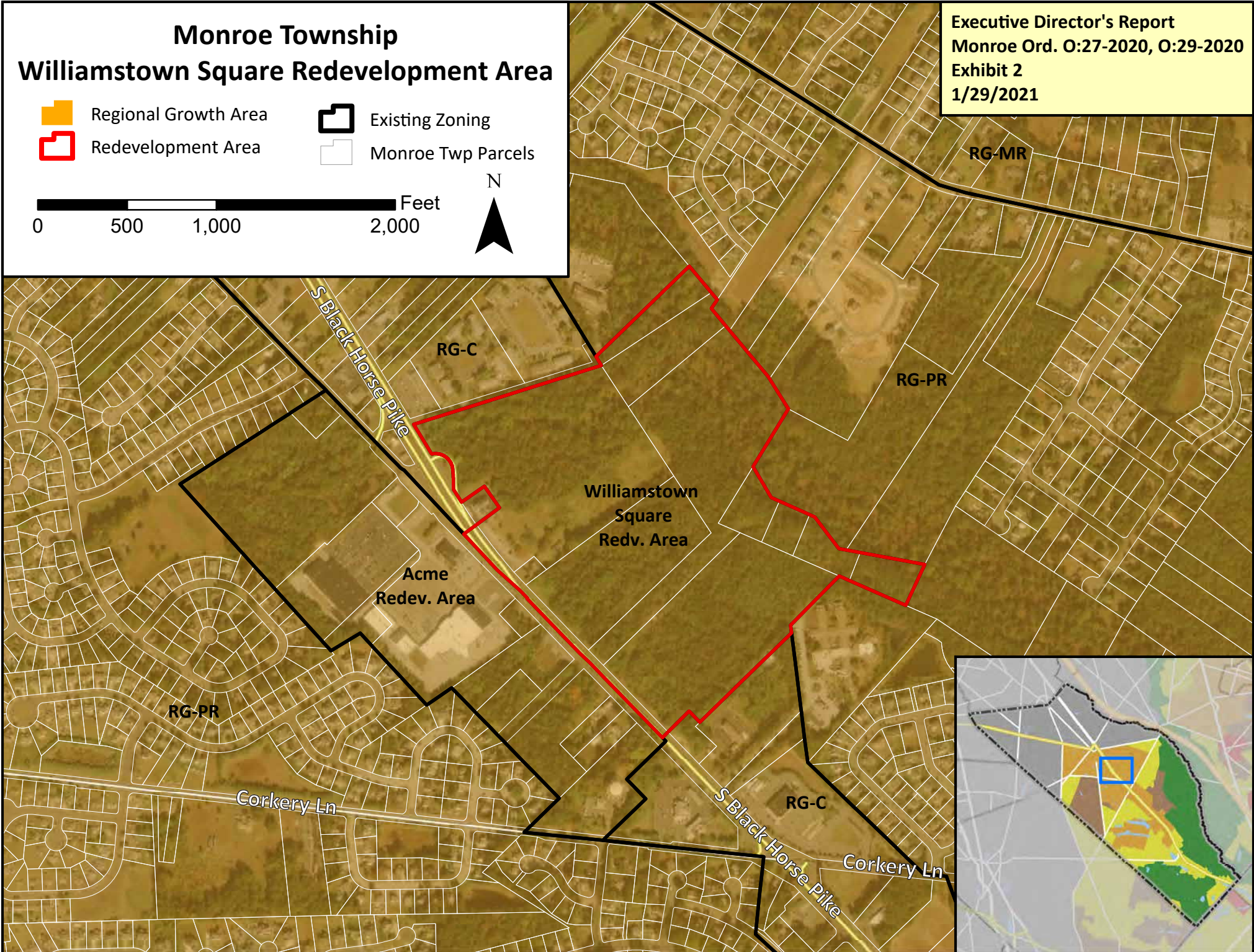
# Monroe Township Williamstown Square Redevelopment Area

-  Regional Growth Area
-  Redevelopment Area
-  Existing Zoning
-  Monroe Twp Parcels

0 500 1,000 2,000 Feet



Executive Director's Report  
Monroe Ord. O:27-2020, O:29-2020  
Exhibit 2  
1/29/2021





## The Great Egg Harbor Watershed Association

P.O. Box 109  
Newtonville, NJ 08346

**Fred Akers, Administrator**  
856-697-6114  
fred\_akers@gehwa.org

Executive Director's Report  
Monroe Ord. O:27-2020, O:29-2020  
Exhibit 3  
1/29/2021

January 14, 2020

Pinelands Commission Public Comments  
Sent via Email: [comments@pinelands.nj.gov](mailto:comments@pinelands.nj.gov)

RE: Monroe Township Ordinance 0:27-2020, Williamstown Square Redevelopment Plan

Dear Pinelands Commission:

One of the purposes for which the Great Egg Harbor Watershed was formed in 1990 was to protect and restore the natural, cultural and recreational resources of the Great Egg Harbor Watershed.

The Squankum Branch subwatershed (HUC14-02040302030050), in which the Williamstown Square Redevelopment Plan will be located, is significantly urbanized and developed in its headwaters upstream from the planned redevelopment area. (See Map 1, page 3).

In the "Impervious Cover Assessment for Monroe Township, Gloucester County, New Jersey", published by the Rutgers Cooperative Extension Water Resources Program dated 1/31/19, the Squankum Branch subwatershed had 11.6% impervious cover. (See page 9 here):  
[http://water.rutgers.edu/Projects/GEHWA/Monroe%20Township\\_ICA.pdf](http://water.rutgers.edu/Projects/GEHWA/Monroe%20Township_ICA.pdf)

According to the Center For Watershed Protection's updated Impervious Cover Model (see page 4 in the above referenced report), water quality in the Squankum Branch is already being impacted by impervious cover and upstream development at 11.6% impervious cover.

While we are concerned about negative impacts to water quality and natural resources in the Squankum Branch Subwatershed, and we recently invested in the Rutgers impervious cover assessment and analysis to help us better protect this subwatershed, we understand that most of the existing development pre-dates the Pinelands Comprehensive Management Plan (CMP), and that the CMP created the Regional Growth Area here to receive increased development and impervious cover transferred from the core of the Pinelands to better protect other areas.

(continued next page)

[www.gehwa.org](http://www.gehwa.org) – The Official Website of the Great Egg Harbor Watershed Assoc.

**Julie Akers**  
President

**Ed Curry**  
Vice President

**Dick Colby**  
Treasurer

### **TRUSTEES**

**Steve Eisenhauer**

**Jamie Cromartie**

**Clark Sprigman**

**Pat Sprigman**

**Clay Emerson**

**Paul Ludgate**

**Carol Jones**

### **STAFF**

**Lynn Maun**  
Secretary &  
Coordinator

**Fred Akers**  
Administrator

So given the regionally planned increased development in the Squankum Branch subwatershed under the Pinelands CMP and the PDC program, we thank the Pinelands Commission staff for its interpretation of the old Wetlands Buffer Delineation Model to establish 175ft. and 240ft. buffers to the wetlands of the Squankum Branch on this redevelopment site.

We suggest that the old Wetlands Buffer Delineation Model should be reevaluated for modern day effectiveness given how old it is. Also, downstream preserved open space and designated Wild and Scenic Rivers should be significant factors included in the Pinelands Commission's development analysis in the Regional Growth Areas. (See Maps 1 & 2, pages 3 & 4)

Finally, we know that the most important way to minimize degradation to downstream water quality from impervious cover is to keep the stormwater generated by the impervious cover on the site, and disconnected from downstream.

While the requirements in the Williamstown Square Redevelopment Plan, Amendment #2, Runoff Mitigation Plan, page 24 seem very comprehensive and robust, it also says that "Compliance with these standards will be determined through engineering review".

We know that the devil can be in the details of the actual implementation of complicated stormwater management. We know that the Pinelands Commission does not have an engineer on staff to review stormwater management implementation, and is therefore dependent on engineers hired by developers to make sure stormwater management is well financed and well executed.

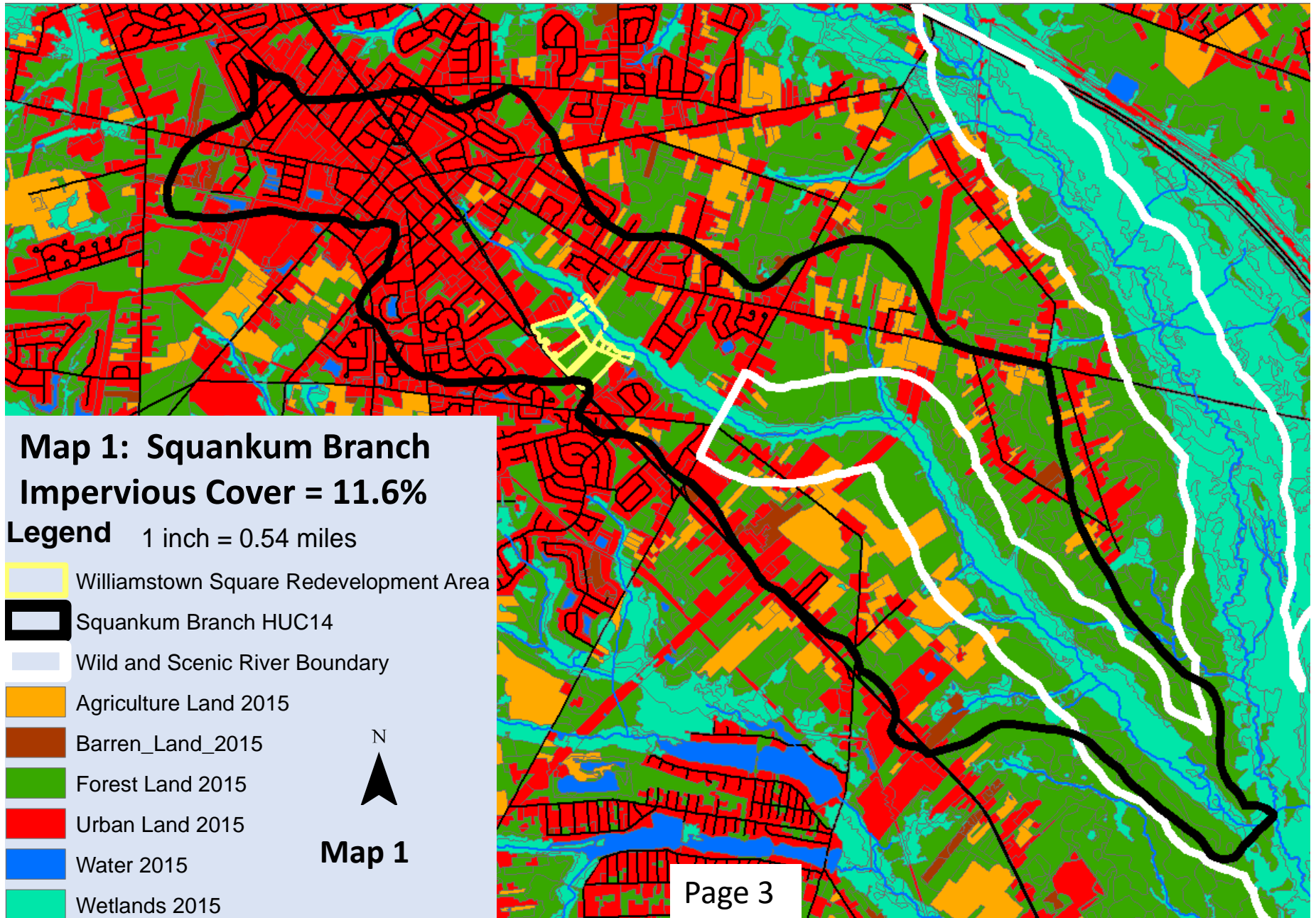
Given this deficiency of the Pinelands Commission, and the fact that NJPACT <https://www.nj.gov/dep/njpact/> is predicting a 35% increase in stormwater volume due to climate change, we suggest that it might be a good time for the Pinelands Commission to establish an independent stormwater engineer that can peer review the design and implementation of future stormwater management measures in the Pinelands Regional Growth Areas and other management areas.

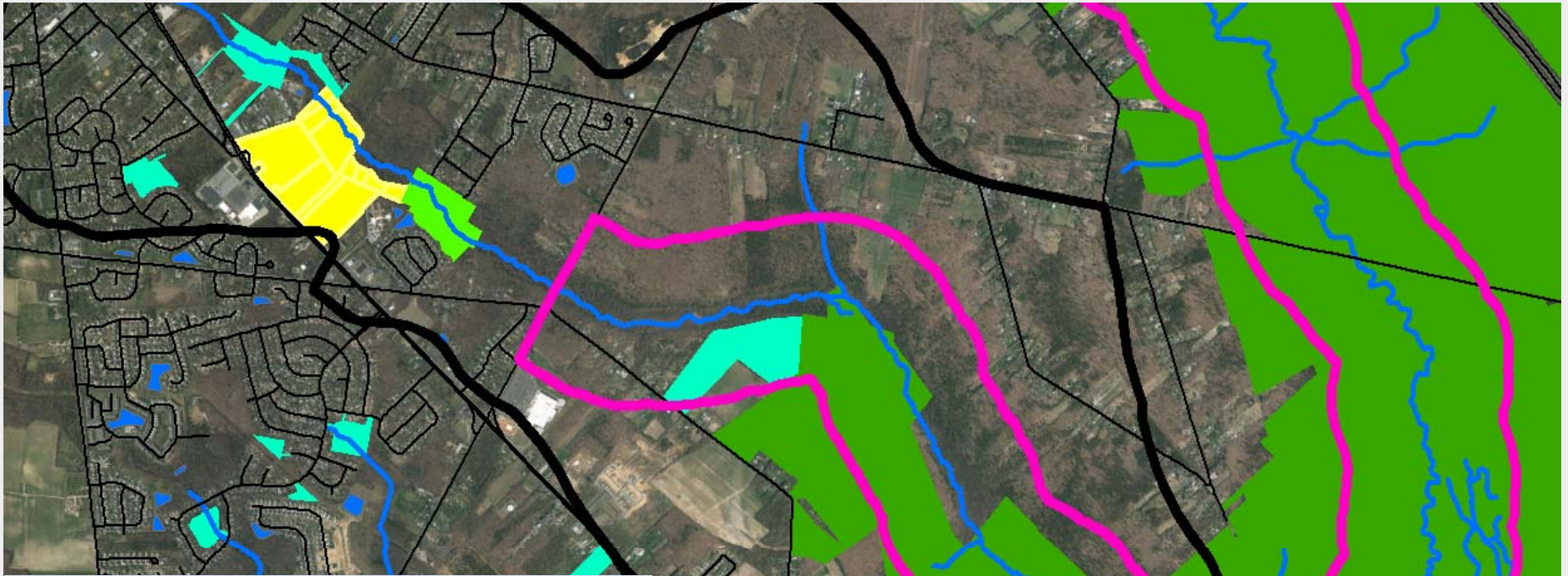
Thank You for the opportunity to comment on Monroe Township Ordinance 0:27-2020, Williamstown Square Redevelopment Plan.

Sincerely,





Fred Akers, Administrator  
Great Egg Harbor Watershed Association





## Map 2: Squankum Branch Preserved Open Space

**Legend** 1 inch = 0.38 miles

-  Williamstown Square Redevelopment Area
  -  Squankum Branch HUC14
  -  Wild and Scenic River Boundary
  -  New Jersey Natural Lands Trust
  -  Monroe Township Open Space
  -  Winslow Wildlife Management Area
- N  
▲



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-21-\_\_\_\_\_**

**TITLE:** Celebrating the 40<sup>th</sup> Anniversary of the Pinelands Comprehensive Management Plan

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:**

**WHEREAS**, the Pinelands Protection Act of 1979 recognized the significant natural, ecological, agricultural, scenic, cultural and recreational resources of the Pinelands Area of southern New Jersey; and

**WHEREAS**, the Pinelands Protection Act also directed the Pinelands Commission to prepare and adopt a comprehensive management plan designed to preserve, protect and enhance the resources of the Pinelands; and

**WHEREAS**, members of the Pinelands Commission staff showed tremendous determination by working seven days a week and often into the early morning hours while drafting the Comprehensive Management Plan (CMP) over many months in 1980; and

**WHEREAS**, members of the Commission are volunteers who devoted hundreds of hours of their time and expertise while discussing and reviewing the CMP in 1980; and

**WHEREAS**, members of the Commission convened more than 40 regular meetings as the plan was being developed and adopted in 1980, and many of these meetings were held weekly and would run from 9:30 a.m. until 5 p.m.; and

**WHEREAS**, the Commission adopted the CMP in two phases in 1980, and the plan became effective under state law on January 14, 1981; and

**WHEREAS**, since its adoption, the CMP has encouraged appropriate patterns of growth as a means to protect the Pinelands environment from the impacts of scattered and piecemeal development; and

**WHEREAS**, through its implementation of the CMP, the Pinelands Commission has successfully safeguarded the core of the Pinelands Area while channeling growth toward designated areas with the infrastructure needed to support it; and

**WHEREAS**, the Pinelands Development Credit (PDC) program contained in the CMP is one of the most successful regional transfer of development rights programs in the world. As of June 2020, 55,391 acres in the Pinelands Area have been preserved through the PDC program. The program has also served as a model. Over the years, representatives from Czech Republic, Japan, Russia and South Korea have contacted the Commission to learn more about the PDC program; and

**WHEREAS**, the CMP is considered one of the most successful models of large-scale, regional conservation planning in the world, and the Commission desires to raise awareness of the plan and its remarkable achievements in protecting a million-acre region that is located in the most densely populated state in the country; and

**WHEREAS**, the Commission will celebrate the 40<sup>th</sup> anniversary of the CMP this year by creating and sharing a series of informative video interviews with former Commissioners and former staff, and it will write and share social media postings that chart the history, implementation and success of the plan; 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) The Commission formally recognizes and extends its gratitude and appreciation to the former staff members and Commissioners for their tireless work to create the CMP 40 years ago.
- 2) The Commission formally recognizes and extends its gratitude and appreciation to all former and current Commissioners and all former and current staff members for their often challenging but critical work to implement and strengthen the plan.
- 3) The Commission formally recognizes and extends its gratitude and appreciation to representatives from municipal, county, state and federal entities that have been a critical part of the collaborative effort to implement the CMP during the past four decades.
- 4) The Commission is proud of the CMP and supports the staff’s efforts to celebrate and raise awareness about the history, implementation and success of the plan.
- 5) The current members of the Commission are committed to continuing the agency’s work to preserve, protect and enhance the Pinelands from perhaps even greater degradation than 40 years ago.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Richard Prickett  
Chairman



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 THE PINELANDS COMMISSION  
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 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

## MEMORANDUM

To: Members of the Pinelands Commission

From: Brad Lanute  
 Planning Specialist

Date: February 2, 2021

Subject: No Substantial Issue Findings

During the past month, the Planning Office reviewed five ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. They included the following:

**Hamilton Township Ordinance 1940-2020** – amends Ch. 245, Redevelopment Plans, of the Code of Hamilton Township by revising the Mill Complex Redevelopment Area Redevelopment Plan. This redevelopment plan was certified by the Commission in 2008. The ordinance revises the redevelopment plan to state that the acquisition of Block 730, Lots 5.02 and 6, as well as Block 732, Lot 66 may be necessary to effectuate the plan. Said lots are within the designated redevelopment area and are within the Township’s Regional Growth Area.

**Stafford Township Ordinance 2020-38** - amends Chapter 213, Zoning Permits, of the Code of Stafford Township by revising zoning permit requirements for decks.

**Stafford Township Ordinance 2020-39** - amends Chapter 211, Zoning, of the Code of Stafford Township by permitting outdoor showers as an accessory use in the rear yard of properties in the RR-1, RR-2, and RR-2A Zones. The RR-1, RR-2, and RR-2A Zones are located outside of the State-designated Pinelands Area, but within the Pinelands National Reserve (PNR).

**Stafford Township Ordinance 2020-40** - amends Chapter 130, Land Use and Development, of the Code of Stafford Township by revising provisions for preapplication conferences and concept plan review.

**Stafford Township Ordinance 2020-41** - amends Chapter 130, Land Use and Development, of the Code of Stafford Township by revising stormwater control regulations applicable to the portion of the Township outside of the State-designated Pinelands Area, but within the Pinelands National Reserve.