



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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Acting Executive Director

Date: July 21, 2022

Subject: July 29, 2022 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on July 29, 2022. We have also enclosed the following:

- The minutes from the Committee's June 24, 2022 meeting; and
- Draft resolutions and reports on the Pemberton Township and Southampton Township ordinance amendments listed on the agenda

The Committee meeting will be conducted in-person and via teleconference. Specific access information will be provided to all Committee members in a separate email. The public is invited to attend the meeting in-person or view and participate in the meeting through the following YouTube link:

www.youtube.com/c/PinelandsCommission



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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

July 29, 2022 – 9:30 a.m.

This meeting will be held in-person and virtually

Richard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel:

www.youtube.com/c/PinelandsCommission

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 861 7042 1150

Agenda

1. Call to Order
2. Adoption of minutes from the June 24, 2022 CMP Policy & Implementation Committee meeting
3. **Executive Director's Reports**

Pemberton Township Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan

Southampton Township Ordinance 2022-05, adopting a Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area
4. Review of forestry policy proposals to be submitted to the Forest Stewardship Task Force
5. Continued discussion of FY23 P&I Committee work plan
6. Public Comment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:

https://www.youtube.com/watch?v=B6n_Y2H1q1U

Meeting ID: 810 2764 7456
Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
June 24, 2022 - 9:30 a.m.

Members in Attendance – Alan W. Avery, Jr., Jerome H. Irick, Edward Lloyd, Mark Lohbauer, Laura E. Matos

Commission Staff in Attendance (TDM Room) – Gina Berg, Ernest Deman, Susan R. Grogan, Charles Horner, Brad Lanute, Jessica Lynch, Trent Maxwell, Jessica Noble, Stacey Roth, and Steve Simone. Also in attendance was Dorian Smith with the Governor’s Authorities Unit

Commission Staff in Attendance (Zoom) – Tony McNichol

1. Call to Order

Chair Matos called the meeting to order at 9:31 am.

2. Adoption of the Minutes from the May 27, 2022, CMP Policy and Implementation Committee Meeting

Chair Matos asked for a motion to adopt the minutes from the May 27, 2022, meeting of the CMP Policy and Implementation Committee. Commissioner Lloyd made the motion. Commissioner Lohbauer seconded. Commissioners Avery, Lloyd, Lohbauer, and Chair Matos voted in favor. Commissioner Irick abstained.

3. Executive Director’s Reports

Egg Harbor Township Ordinance 10-2022, adopting the Timber Ridge Redevelopment Plan

Planning Specialist Brad Lanute presented staff findings on Egg Harbor Township Ordinance 10-2022 (see attached slides). Mr. Lanute described the existing conditions of the Timber Ridge Redevelopment Area stating that it applies to a 48.5-acre area in the Township’s Regional Growth Area (RGA). It is bounded by the Black Horse Pike, Fork Road and Spruce Avenue and consists of four vacant wooded lots that are zoned within the Township’s Highway Business District (HB) and Residential Growth-4 (RG-4) District. He said the goal of the plan is to redevelop the area with commercial uses fronting the Black Horse Pike and garden apartments on the rear of the lots.

Mr. Lanute described the land use standards of the redevelopment plan, noting that a mix of commercial uses and garden apartments are permitted. He noted that any potential development must substantially adhere to the concept plan included in the Timber Ridge Redevelopment Plan. He also noted that the plan incorporates the minimum environmental standards of the Pinelands Comprehensive Management Plan (CMP).

Mr. Lanute then reviewed the plan's compliance with the CMP's density and Pinelands Development Credit (PDC) requirements for RGAs. Under CMP regulations, the zoning for the redevelopment area must allow for at least 196 units. The plan is meeting that requirement by allowing for a maximum 226 units. Additionally, the plan mandates that PDCs are acquired and redeemed for 25% of all residential units, excepting the eight affordable housing units. This would allow for the use of up to 55 PDC rights.

Mr. Lanute stated that no comments were received during the public hearing or public comment period and concluded that staff finds the ordinance consistent with the CMP and recommends its certification.

Commissioner Lloyd said the area looks very forested and asked if there would be opportunities to cluster development to preserve the trees.

Acting Executive Director Susan Grogan said the triangular lot on the left of the map (Block 1305, Lot 7) would remain forested and undeveloped. She also noted there would be areas of open space in the area designated for garden apartments, though the buildings are not part of a formal cluster development.

Commissioner Lloyd asked if the Commission could encourage clustering if a development application is received.

Ms. Grogan said CMP rules do not require cluster development in the RGA. It is encouraged and permitted, but CMP clustering rules are more suited to detached single-family homes. The Commission can advise against excessive clearing, although this is subjective. She asked Mr. Lanute if there was anything else in the development plan to address open space.

Mr. Lanute said the plan did not include clustering standards, but that the concept plan includes substantial buffers between the proposed development and existing developments in the vicinity. Although there are spaces in the plan that are not explicitly slated for development, it is unclear how much forested land would remain. He continued that there is an intention to maintain open space, and Ms. Grogan noted this would include the forested edges of the district.

Ms. Grogan referred to the aerial map of the redevelopment area, and noted that it is surrounded by existing development, the Black Horse Pike, and the Atlantic City Expressway. The area is already zoned for commercial and residential development, and an interested redeveloper wants to build in the area. There would also be some amount of forested area in the back of the lot that would not be cleared.

Ms. Grogan continued that the concept plan included in the redevelopment plan is not a formal development application. The Commissioners will be asked to vote on the redevelopment plan only, not any specific development application.

Commissioner Lohbauer said he echoed Commissioner Lloyd's concern about preserving the maximum number of trees when development occurs on the site. He realizes that this is not a

development application and acknowledged that the change in zoning is appropriate. He wants to signal to developers in the future that they should demonstrate how their approach to development will optimize the preservation of trees in the area. He also wanted to know if developers were interested in installing solar panels on the residential units.

He asked Mr. Lanute about the guarantee of PDCs, and mentioned the Commission is accepting less in PDCs than it would typically be entitled to. He asked if the developer would guarantee redeeming the 55 rights for the project, regardless of whether the project is built out.

Mr. Lanute said the 25% PDC rate is guaranteed. If the developer does the full buildout, they will redeem 55 PDCs. If they develop less units, it would still be 25% of the units constructed on site. This differs from typical base-density/bonus density, which only requires PDC redemption once bonus densities are reached.

Ms. Grogan said normally the CMP would require Egg Harbor Township to zone its Regional Growth Area to allow for 2.5 units per acre and permit bonus density of up to 3.75 units per acre using PDCs. Under this traditional approach, it is the developer's prerogative to build at the bonus density, and they often choose not to. More recently, the Commission has asked municipalities to include a mandatory requirement for PDCs that would take effect regardless of unit number or density. The Commission would no longer need to worry about density threshold because the 25% PDC rate would apply universally.

Ms. Grogan said this redevelopment plan would ensure PDC redemption no matter how many residential units are developed on the site.

Commissioner Lohbauer thanked Ms. Grogan for the explanation and concurred that this would be a good outcome.

Mr. Lanute added that the existing, underlying RG-4 zone has the same mandatory 25% PDC requirement, and this is consistent with the rest of the Township's RGA.

Commissioner Lloyd asked if the Commission could include language about minimizing the loss of forest and encouraging cluster development should it send an approval letter to the developer.

Ms. Grogan said the Commission could convey that to the Township's planning board if it approves the ordinance at the July meeting. She added that the concerns expressed over the redevelopment plan are appropriate topics for the Climate Committee: cluster development, solar panels on residential developments, and limits on tree clearing. The Commission can alert developers that Commissioners are interested in incorporating these features but cannot require them unless the standards are codified in the CMP.

Commissioner Lohbauer agreed that the Climate Committee should be working on developing new language in the CMP that reflects these considerations.

Commissioner Lloyd asked if the Commission would permit a developer to install solar panels on all buildings in their development.

Ms. Grogan said yes, but that the Commission cannot currently mandate it.

Commissioner Avery asked if the four lots of the redevelopment plan are owned by the same entity. Ms. Grogan said they are privately owned, and that there is a single redeveloper that the Township has been working with for a while.

Chair Matos asked for a motion to recommend certification to the full Commission. Commissioner Lohbauer made the motion and Commissioner Lloyd seconded. He added a note for the redeveloper to minimize the number of trees cleared for the project and consider solar panels.

Ms. Grogan suggested the Commission instead convey that message to the Township, who will have greater ability to influence the development.

Chair Matos asked for a vote on moving the matter forward. All Commissioners voted in favor.

Evesham Township's 2021 General Reexamination and Master Plan Amendment and Ordinance 5-3-2022, amending Chapter 160 (Zoning) of the Township's Code by creating new zoning districts and adopting an amended zoning map

Mr. Lanute presented staff findings on Evesham Township's 2021 Master Plan Reexamination Report and Ordinance 5-3-2022 (see attached slides). He described the contents of the report including various recommendations involving zoning changes in the Pinelands Area portion of the Township. He noted that the recommendations of the report would implement strategies from the Southern Medford-Evesham Regional Natural Resource Protection Plan (M-E Plan).

Mr. Lanute described the M-E Plan stating that it was the result of a multi-year planning effort in the mid-2000s.

The Commission worked with officials from both communities to envision ways to protect the natural resources of the Black Run watershed. The plan created a framework to promote more efficient use of land, a more predictable permitting process, and land stewardship. The Commission originally endorsed the plan in 2006 and prioritized it once more in 2014. Much of the plan's contents have still not been implemented.

The Township's Reexamination report recommends rezoning a contiguous area of permanently preserved forest area from the Township's Rural Development (RD-2) Zone to the Township's Forest Agricultural Zone. Mr. Lanute referred to a map of the proposed rezoning (attached). The land is primarily forested and borders permanently preserved land in Medford Township and Wharton State Forest. This rezoning would necessitate a change in Pinelands management areas from Rural Development Area (RDA) to Forest Area (FA).

The report also recommends establishing two new zoning districts that recognize the Barton Run and Kings Grant residential areas. Mr. Lanute referred to a map of the two communities, which are sewerred and situated in the RDA. While the existing zoning is consistent with the CMP, the existing development patterns do not align with the CMP's standards for RDAs, including the existence of sanitary sewer. The Commission approved the two communities in the early 1980s via waivers of strict compliance.

The Township has struggled with non-conforming structures and lots in these developments, as adjustments to these properties usually require variances. The M-E Plan recommended the Kings Grant community be redesignated as RGA to lessen the administrative costs associated with non-conforming structures. Barton Run was not included in the study area but is subjected to the same procedural dilemmas.

Mr. Lanute summarized Ordinance 5-3-2022 noting that it implements the recommendations of the Master Plan Reexamination Report by adopting a revised zoning map and establishing new zoning districts for the Barton Run and Kings Grant Communities. He noted that the boundaries of the new Regional Growth-2 Kings Grant (RG-2KG) and Regional Growth-1 Barton Run (RG-1BR) districts were delineated to include only the developed portions of these communities. He then described the permitted uses, densities, and bulk standards of the new zones. He noted that some of the existing preserved open space within Kings Grant was included in the RG-2KG District but will not be developed in the future. He also noted that bulk/lot standards were carefully established to align with existing development based on extensive surveys by the Township. Mr. Lanute added that a small portion of the Links Golf Club was included in the plan, which would allow for the reconstruction and sewerage of the course's existing clubhouse.

Ms. Grogan said many years have passed since the M-E Plan was drafted, and the new Evesham administration was not aware that the rezoning project related to the original M-E Plan. The Township was interested in resolving the zoning issues in Kings Grant, and the Commission used this as an opportunity for Evesham to consider other rezonings described in the plan.

She added there was very little potential for new development opportunity in either Kings Grant or Barton Run, unless an older site is redeveloped. There is an abandoned swim club within Barton Run that has generated some limited redevelopment interest in recent years, but the site is rather small and would not support many units. Still, the new zoning ordinance could conceivably permit such a project and PDCs would also come into play. There are generally few opportunities to redeem PDCs in Evesham.

Ms. Grogan said there are larger and more significant rezoning recommendations in the M-E Plan that were not part of this ordinance. These changes are so significant that they can only be implemented by the Commission through the rulemaking process because they involve large management area changes.

A CMP amendment to implement the Black Run management area changes is part of the workplan for FY23. The Commission has discussed the plan with the current Evesham administration and consultants and shared draft CMP rule proposals and land capability map changes. Ms. Grogan mentioned that the topic is likely to come before the Committee again in upcoming meetings.

Commissioner Lloyd said he is delighted that this proposal is in front of the Committee, as some have been dealing with this area for decades. This is an important first step, and both the Commission and Township should be congratulated for proceeding with this portion of the plan.

Chair Matos asked for a motion to recommend certification to the full Commission.

Commissioner Lloyd made the motion. Commissioner Lohbauer seconded. All voted in favor.

4. Update on Kirkwood-Cohansey Water Management CMP Amendments

Ms. Grogan provided an update on the progress of the Kirkwood-Cohansey (K-C) water management amendments to the CMP. The Commission submitted the proposal to the Governor's Office in May and has received verbal approval for the Commission to proceed with

the formal proposal of the rules. Once the full Commission approves the resolution at the July meeting, the formal rulemaking process will begin.

5. Overview of Long-Term Economic Monitoring Program Work Plan

Resource Planner Gina Berg and Cultural Resources Planner/Commission archaeologist Tony McNichol gave a joint presentation on the federal fiscal year work plan projects associated with the Long-Term Economic Monitoring Program funded by the National Park Service (NPS) (attached). Ms. Berg discussed the planned five-year update of long-term economic monitoring statistics, the economy of parks and open spaces, and the Pinelands annual calendar. She noted that as a result the 2017 re-evaluation of the long-term economic monitoring program the frequency for reporting on the economic variables changed from an annual report to a five-year basis.

Ms. Berg described the economic monitoring report as a gauge to the health of the Pinelands economy. The 2017 re-evaluation process identified the economy of open space as a new parameter that is important to the Pinelands Area and should be included in the economic monitoring report. However, additional study is required to find the available sources and types of data that can be used. A study to identify and select appropriate parameters related to the economic benefits or impacts of preserving parks and open space will be part of the next federal fiscal year work plan. For reference, Ms. Berg noted that Mercer County recently completed a similar study and that studies had been prepared by the Delaware Valley Regional Planning Commission for some areas in Pennsylvania.

Mr. McNichol discussed the Cultural Resources projects to be included in the NPS work plan for the upcoming federal fiscal year. He described recent archaeological projects on behalf of the Commission, including trenching at the Brotherton Reservation in Shamong and using Ground Penetrating Radar (GPR) to survey historic cemeteries in the Pinelands. Mr. McNichol surveyed St. Mary's in the Pines Cemetery in Hammonton in October 2020 and has another cemetery project scheduled for the new federal fiscal year. He then mentioned the Pinelands Archaeology and Anthropology Symposium in November and talked about planned development of a Pine Barrens Byway mobile phone app.

Ms. Berg concluded the presentation on the NPS work plan projects by talking about the production and distribution of the Pinelands annual calendar, which is assembled by Communications Officer Paul Leakan.

6. Discussion of FY23 P&I Work Plan

Ms. Grogan presented a slide show on the FY23 P&I Committee Work Plan (attached) and asked for comments from the Commissioners. The presentation provided the Committee with updates on projects, initiatives, and staff activities during the new fiscal year. Most of the projects are tied to the state fiscal year which begins on July 1, while the federal fiscal year begins on October 1.

One of the main responsibilities of the P&I Committee is reviewing municipal conformance matters. Ms. Grogan shared a slide of upcoming conformance matters expected to require formal action by the Commission in the new fiscal year. She noted that some of the plans are far along in the process, while others are only in the discussion stage. Municipalities tend to move quickly with redevelopment plans, which often allows them to accommodate new construction projects.

Many communities are busy with rezoning plans to make room for mixed-use development, affordable housing, warehouses, and cannabis facilities; Ms. Grogan added that many of these will show up as reports for the Committee soon. She also noted that the stormwater rules took effect in January, and the Commission is finalizing its Pinelands model ordinance that will be sent to municipalities shortly. This will launch an adoption process for all communities and does not necessitate the Committee's review. The Committee may get involved in circumstances where communities take a more creative approach to stormwater management.

Ms. Grogan transitioned to a slide of CMP amendments that the Commission is focused on this fiscal year. Assuming the Commission moves forward with authorizing the K-C rule amendments at the July meeting, the formal rulemaking process will begin. She said she is hopeful the Commission can recommend the adoption of the amendments in December or January 2023, depending on the amount of public comment received.

Regarding other potential amendments, Commission staff is working to bring a final version of the Electric Transmission Right-of-Way pilot program to the Committee. Ms. Grogan also mentioned the Black Run rules and adjustments to cluster development rules in certain Pinelands management areas. More CMP amendments are necessary to address expiration of waivers and Certificates of Filing (CFs), the gap approval process, and application fees for violations. Lastly, Ms. Grogan mentioned the need to incorporate CMP amendment recommendations from the Climate Committee into the work plan.

Ms. Grogan then spoke briefly about other rulemaking activities. The Commission has not heard any response from Bill Wolfe on his CMP amendment petition since sending him an incomplete letter in May. The New Jersey Department of Environmental Protection (NJDEP) is planning to draft the Protecting Against Climate Threats (PACT) Rules soon, with a wide range of rules for state agencies to review and implement. Additionally, the NJDEP may soon implement emergency stormwater rules. Ms. Grogan also mentioned the need to monitor emerging rules for solar and soil disturbances.

She then detailed Memoranda of Agreement (MOAs) and agency plans expected to come before the P&I Committee for discussion and recommendation. These include the Stockton Master Plan and MOA, Lake Lenape MOA in Atlantic County, and the MOA with South Jersey Transportation Authority (SJTA) regarding the Atlantic City Airport. SJTA is seeking a new amendment to the MOA to move forward with new projects at the airport. Ms. Grogan said she did not have a timeline for these items but expects it to emerge in the new fiscal year. She also spoke of the Joint Land Use Study for the Joint Base McGuire-Dix-Lakehurst and the need to revisit and update old MOAs with NJDEP.

Ms. Grogan expanded on other projects and initiatives that would involve the Committee. The Committee has already been recently briefed on Pinelands Conservation Fund (PCF) land acquisition projects and grants, and the deadline for new projects is July 15. Additional projects on the docket include cell tower plan amendments, recommendations for the Forest Stewardship

Task Force, and PDC supply and demand estimates. She said the Commission needs to develop routine and easy ways to update the supply of PDCs and the demand among the public. There is currently a high demand for PDCs that is attracting property owners interested in severing and selling their PDCs.

The Commission also wants to tackle off-road vehicle (ORV) damage in Wharton State Forest during the new fiscal year. Staff is working cooperatively with the NJDEP, which is about to embark on new programs in Wharton State Forest this summer. Ms. Grogan said she is hopeful Commission can take actions of its own soon.

Commissioner Lloyd asked how the Commissioners should rank the priorities in the list. Ms. Grogan said that is difficult to determine, since much of the municipal work is compulsory. There are some tasks that the agency is obligated to do, while others the Commission chooses to address. She said she hopes the Commissioners will decide on priorities of their own for staff to pursue.

Commissioner Lloyd said Ms. Grogan's assessment of discretionary and non-discretionary activities is appropriate. If a task takes up a substantial amount of time, that makes it more challenging to complete others.

Commissioner Irick said that several potential CMP amendments were identified in 2020, and that there has still been very little discussion about incorporating regulations for Horizontal Directional Drilling (HDD) into the CMP. He would like to see how the Commission can divide its time to efficiently deal with the non-discretionary tasks so that it can focus on discretionary assignments.

Commissioner Lohbauer suggested identifying which priorities have deadlines, and possibly assigning constructive deadlines for tasks that do not have deadlines. He noted that the Commission had trouble in the past reaching consensus on deadlines for certain projects.

Ms. Grogan said that many of the Commission's projects are multifaceted and require many steps to fully manifest. She added that her priority for CMP amendments was to finalize proposals and not necessarily implement them during the fiscal year. She suggested the use of benchmarks rather than hard deadlines, which might allow the Commission to focus on accomplishing specific steps during the fiscal year rather than the entire process.

Commissioner Avery said there should also be an unknown category listed in the workplan, as unexpected issues arise that Commission staff did not anticipate. Ms. Grogan agreed and said there would likely be a category for unanticipated projects in the formal work plan.

Commissioner Avery asked about the NJDEP emergency rules, and if they may affect the Commission's stormwater amendments.

Ms. Grogan said staff has discussed the emergency rules with the NJDEP, but the actual rule language has not been released yet. The NJDEP did not file the rules on its initial June 14 deadline. She added that there would inevitably be an impact on stormwater rules, as the Commission's rules cross reference NJDEP rules. New rules would affect the Commission and its applicants, and the Commission has asked for more information on how the emergency rules would impact the Commission's application procedures.

Commissioner Avery pointed to municipal conformance on the FY23 work plan and addressed the problems that would arise if municipalities adopted the Commission's new stormwater rules before the DEP imposes the updated rules.

Ms. Grogan said the Commission has held off on distributing model ordinances for that reason. She wanted to review the new NJDEP stormwater rules to ensure that any necessary amendments were incorporated into the Pinelands model ordinance prior to distribution, so that the communities do not have to adopt new stormwater rules twice. Still, the Commission cannot do that until the NJDEP shares its new stormwater rules.

Commissioner Avery said the worst possible outcome would be the Commission needing to amend its recently adopted stormwater management rules.

Chief of Legal and Legislative Affairs Stacey Roth added that staff has also asked for the new timeline on the emergency rule language.

Commissioner Lohbauer referenced the economic monitoring program and asked Ms. Berg a question about the review completed in 2017. He said Commissioners were invited to sessions with the NJDEP and Rutgers to generate recommended changes based on findings from that review. He asked if the same opportunity would be presented this year.

Ms. Berg said there is no requirement to do a reevaluation every five years, and that that was the only reevaluation since the program's inception in 2003.

Commissioner Lohbauer asked if there was a way for Commissioners to suggest additional parameters to the analysis, the same way that they could in 2017.

Ms. Grogan said the new LTEM report referenced in the NPS workplan will take the 2017 recommendations for new or revised variables into consideration. She said there may be other roles for the Commissioners to play in the study of the economy of parks and open space.

Commissioner Lohbauer said it may be appropriate to factor in the economic impact of damage to public lands by ORVs and how this hurts Pinelands economies.

Ms. Grogan said she has been looking for grant funding opportunities to deal with such issues, and she thinks this could allow the Commission to look more specifically at the impacts of damage to the Pinelands, including its economy.

Commissioner Avery said he was not sure he understood Mr. Lanute about the Forest Area inclusion in the Evesham rezoning ordinance. He asked if most of the land being rezoned from RD-1 to FA was already permanently preserved. Ms. Grogan said yes, and that all lots except one are already protected by the state, homeowner's associations (HOAs), and nonprofits.

7. Public Comment

Rhyan Grech of the Pinelands Preservation Alliance (PPA) thanked the staff for the thoughtful presentation on project priorities for the new fiscal year, specifically the M-E Plan. She reiterated PPA's concerns about the K-C water management amendments, saying they are supportive of the draft but have two points of concern. One centers around the exemption for horticultural uses, which the Commission should address before cannabis facilities arise in larger numbers.

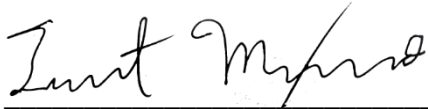
She also expressed concern over the parameters for viable alternative water sources. The draft amendment allows significant cost and timing issues as valid reasons for developers to use the resources of the K-C aquifer. PPA believes the unclear definition of a viable alternative will allow developers and other entities to justify excessive withdrawals from the aquifer.

Fred Akers of the Great Egg Harbor Watershed Association (GEHWA) said that he hoped everyone was doing well and offered commentary on the economic monitoring program. He said he found it very interesting that the value of open space is being considered and suggested the economic value of ecosystem services and natural capital could be part of the analysis. He added that the NJDEP conducted similar work in 2006.

Chair Matos closed public comment at 11:12 am.

Chair Matos asked for a motion to adjourn the meeting at 11:23 am. Commissioner Lohbauer made the motion. Commissioner Lloyd seconded. All voted in favor.






Certified as true and correct:



Trent Maxwell, Planning Technical Assistant

Date: July 13, 2022

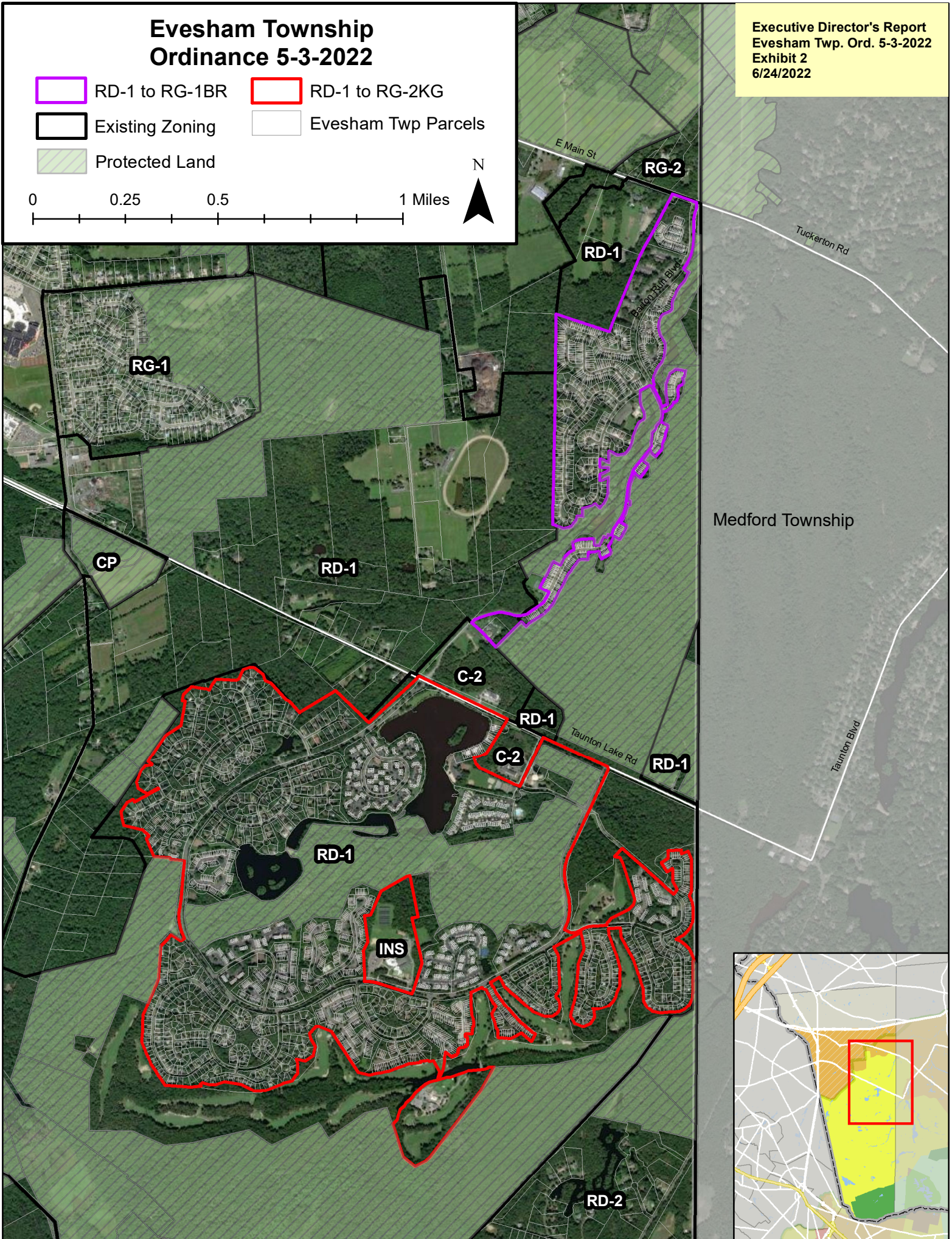
Evesham Township Ordinance 5-3-2022

-  RD-1 to RG-1BR
-  RD-1 to RG-2KG
-  Existing Zoning
-  Evesham Twp Parcels
-  Protected Land

0 0.25 0.5 1 Miles



Executive Director's Report
Evesham Twp. Ord. 5-3-2022
Exhibit 2
6/24/2022



Medford Township

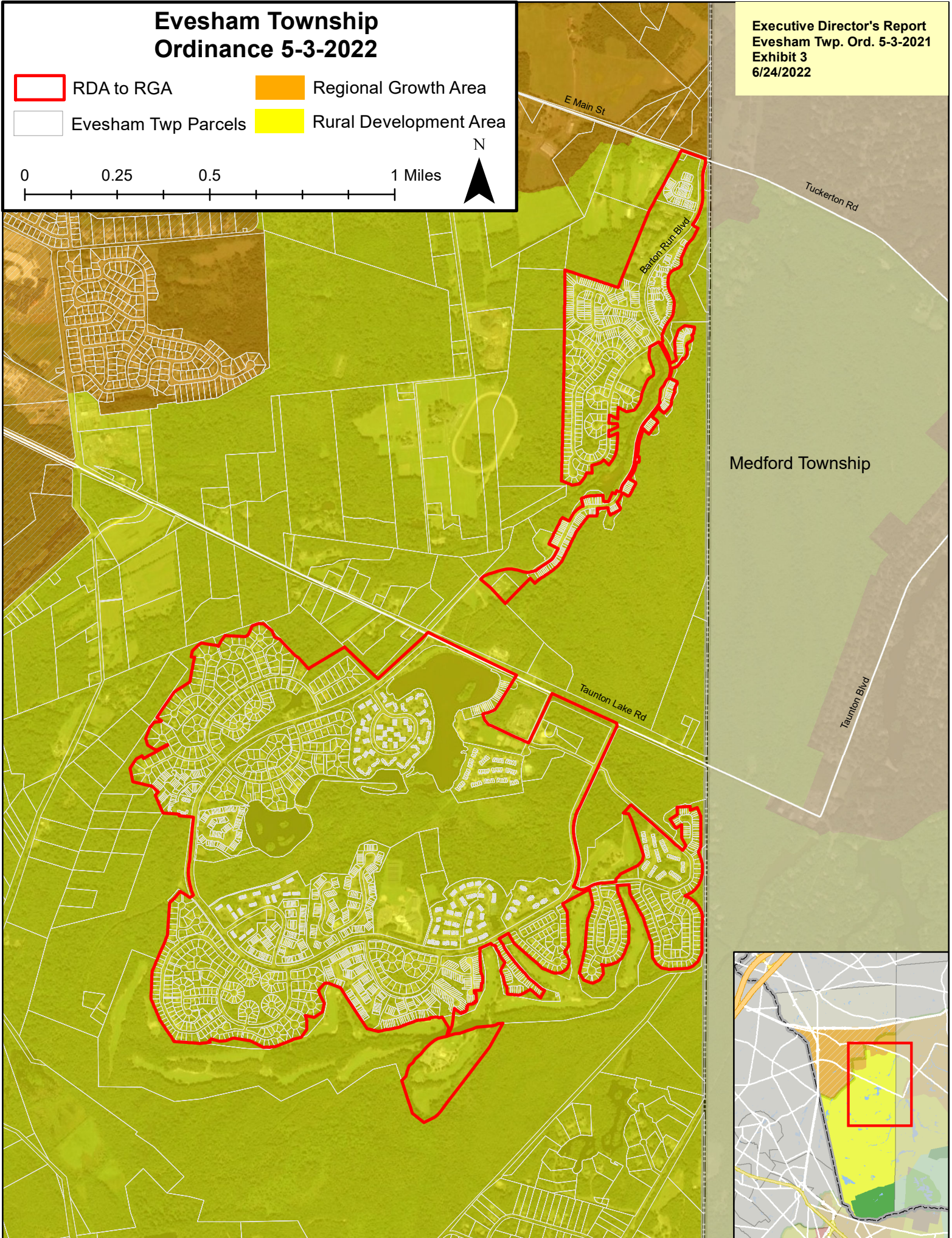
Evesham Township Ordinance 5-3-2022

-  RDA to RGA
-  Regional Growth Area
-  Evesham Twp Parcels
-  Rural Development Area

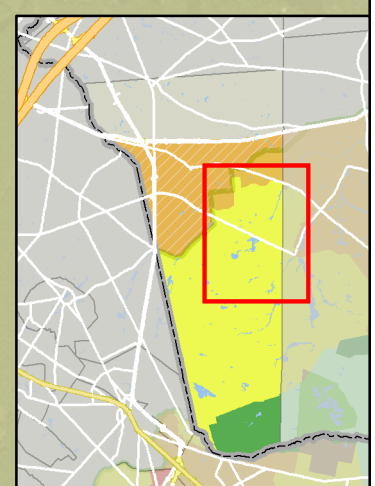
0 0.25 0.5 1 Miles



Executive Director's Report
Evesham Twp. Ord. 5-3-2021
Exhibit 3
6/24/2022







Medford Township

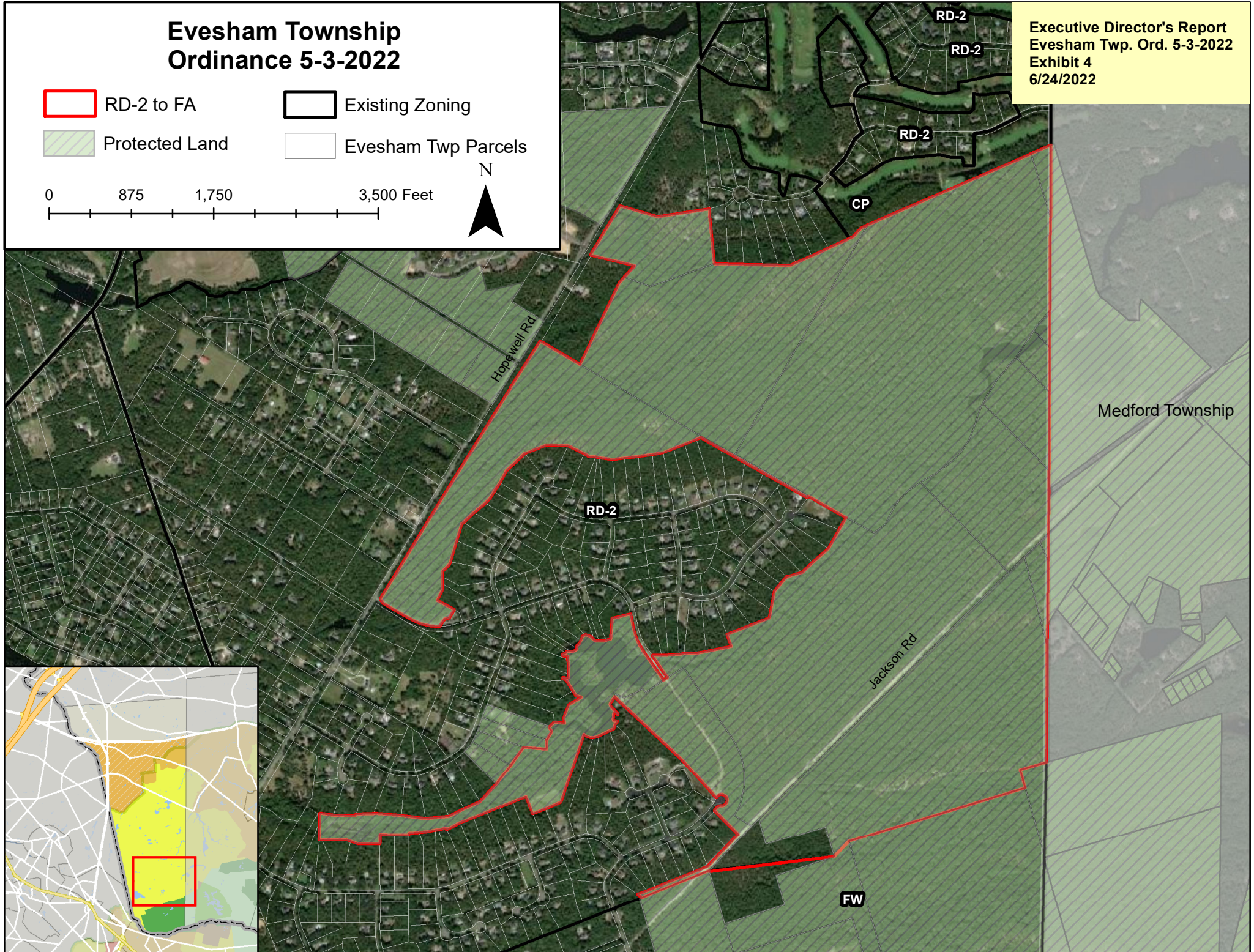


Evesham Township Ordinance 5-3-2022

Executive Director's Report
Evesham Twp. Ord. 5-3-2022
Exhibit 4
6/24/2022

-  RD-2 to FA
-  Existing Zoning
-  Protected Land
-  Evesham Twp Parcels

0 875 1,750 3,500 Feet

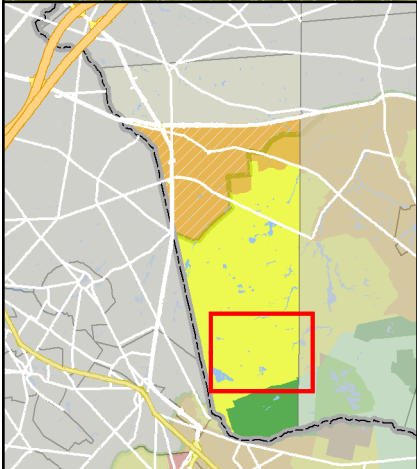
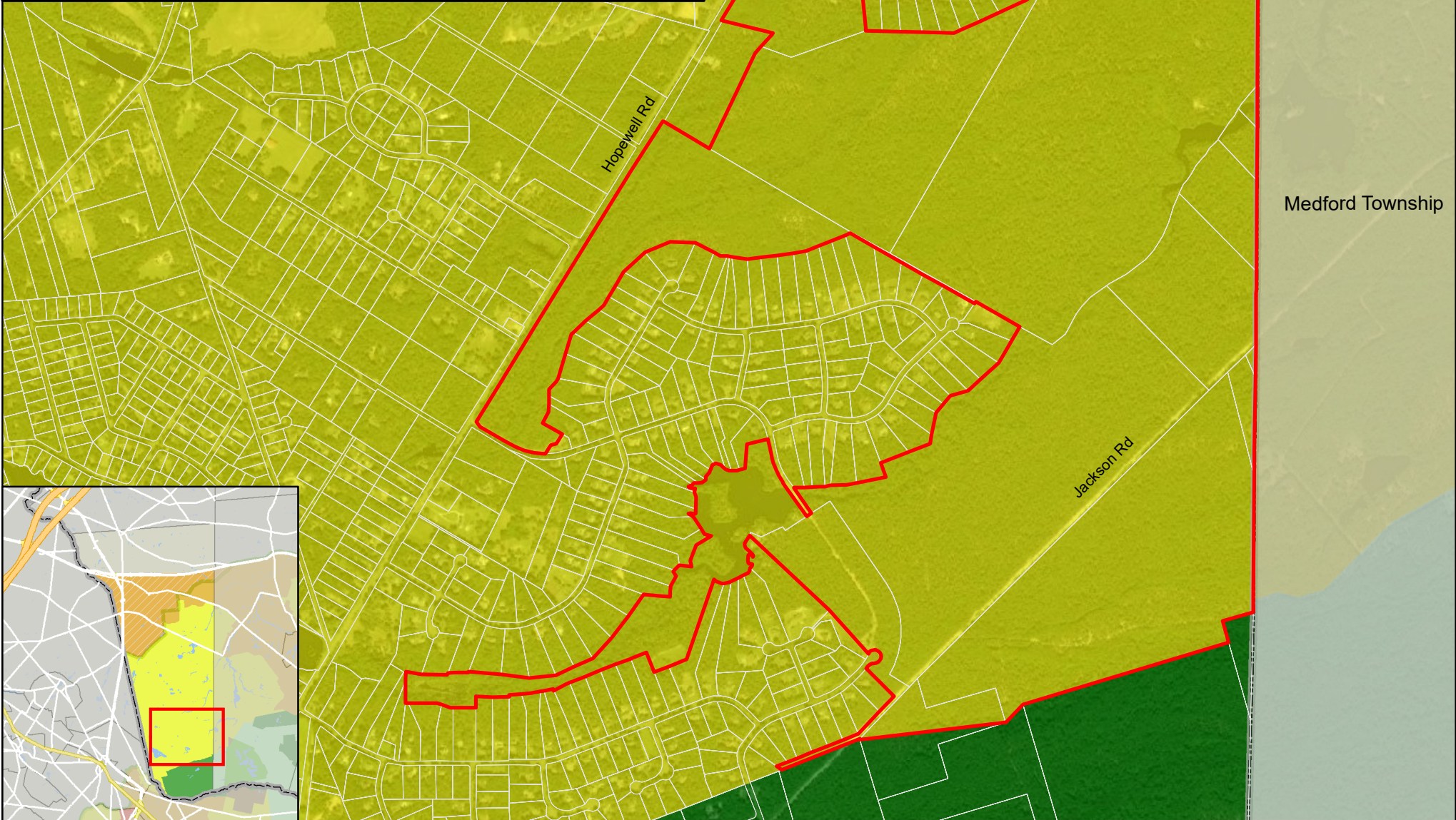


Evesham Township Ordinance 5-3-2022

Executive Director's Report
Evesham Twp. Ord. 5-3-2022
Exhibit 5
6/24/2022

-  RDA to FA
-  Rural Development Area
-  Evesham Twp Parcels
-  Forest Area

0 875 1,750 3,500 Feet





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Issuing an Order to Certify Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township; and

WHEREAS, Resolution #PC4-83-52 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 the certified municipal 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 #PC4-83-52 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 May 19, 2022, Pemberton Township adopted Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan, dated April 11, 2022; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 11-2022 on June 1, 2022; and

WHEREAS, by letter dated June 21, 2022, the Acting Executive Director notified Pemberton Township that Ordinance 11-2022 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 11-2022 was duly advertised, noticed, and remotely held on July 13, 2022 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 Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 11-2022 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Acting Executive Director's report and has recommended that Ordinance 11-2022 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 11-2022 and has reviewed the Acting Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Acting 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 that 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 Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Pemberton 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 | | | | | Lettman | | | | | Pikolycky | | | | |
| Christy | | | | | Lloyd | | | | | Quinn | | | | |
| Holroyd | | | | | Lohbauer | | | | | Matos | | | | |
| Irick | | | | | McCurry | | | | | | | | | |
| Jannarone | | | | | Meade | | | | | | | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Acting Executive Director

 Laura E. Matos
 Chair



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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

Report on Pemberton Township Ordinance 10-2022, Adopting the Lakehurst Road Redevelopment Plan

July 29, 2022

Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton, NJ 08068

Findings of Fact

I. Background

The Township of Pemberton is located in eastern Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Pemberton Township include the Townships of New Hanover, Springfield, Southampton and Woodland as well Wrightstown Borough in Burlington County and the Townships of Manchester and Plumsted in Ocean County.

On June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township.

On May 19, 2022, Pemberton Township adopted Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan, dated April 11, 2022. The Pinelands Commission received a certified copy of Ordinance 11-2022 on June 1, 2022.

By letter dated June 21, 2022, the Acting Executive Director notified the Township that Ordinance 11-2022 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan of Pemberton Township, introduced on April 20, 2021 and adopted on May 19, 2022.

This ordinance has been reviewed to determine whether it conforms 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 (CMP). The findings from this review are presented below. The numbers used to designate the sections below 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 11-2022 adopts the Lakehurst Road Redevelopment Plan. The redevelopment plan applies to an approximately 718-acre redevelopment area consisting of 66 lots in the vicinity of Lakehurst Road, Junction Road, and the existing Country Lakes Estates senior development (see Exhibit 1). There are some existing structures within the redevelopment area, but most of the area is vacant and wooded. The certified, underlying zoning of the redevelopment area is summarized in Table 1 below. The redevelopment area is located in a Pinelands Regional Growth Area and a Pinelands Forest Area.

The goal of the plan is to facilitate the development of an age-restricted community of single-family homes and townhouses in the Regional Growth Area portion of the redevelopment area. To that end, the plan establishes two new zoning districts: The Planned Community (PC) District and the Community Extension (CE) District (See Exhibit 2). The PC District accounts for approximately 692 acres of the redevelopment area, while the CE District contains approximately 27 acres. Both new zones include portions of RGA and Forest Area.

Table 1. Summary of Zoning Changes in Acres by Pinelands Management Area

| Certified Zoning | CE District | PC District | Total |
|--|--------------------|--------------------|--------------|
| Forest Area | | | |
| Very Low Density Single-Family Residential (R-17) | 10 | 329 | 339 |
| Regional Growth Area | | | |
| Infill Residential District with Planned Community Conditional Use (R-A) | 11 | 354 | 366 |
| Infill Single-Family Residential (R-I) | - | 7 | 7 |
| Neighborhood Commercial Pinelands (NCP) | 2 | 1 | 3 |
| General Commercial/Light Industrial (GCLI) | 3 | - | 3 |
| Very High Density Single-Family Residential (R-96) | - | 1 | 1 |
| Total | 26 | 692 | 718 |

Within the RGA portion of the new PC District, age-restricted, detached single-family dwellings and townhouses are permitted. The redevelopment plan requires that any planned community within the PC District contain a minimum 500-acre tract area and no more than 575 dwelling units. The RGA portion of the PC District also permits a variety of accessory uses complimentary to a planned community, including a community center, recreation areas, off-street parking, fences, storage sheds, decks, patios, porches, model homes, and sales offices. Planned communities within the PC District are also required to provide inclusionary housing affordable to low- and middle-income households. A minimum 20% of all for-sale dwellings must be set aside as affordable, and a minimum of 15% of all rental dwelling must be set aside as affordable. The plan includes a variety of bulk, yard, area and design standards, including a 100 foot minimum perimeter setback and 50 foot minimum perimeter landscaped buffer. In terms of site coverage, the redevelopment plan permits a maximum of 35% building coverage and 45% impervious coverage. The redevelopment plan also requires that requirement that at least 40% of the tract be set aside for open space and recreation. Notably, the redevelopment plan requires that where practical and feasible, all units should be designed to maximize passive solar heat gain through use of architectural treatments. In addition, the redeveloper is required to offer active solar photovoltaic energy system purchase and installation options for rooftop installation on single-family detached and townhouse units with appropriate solar orientation.

The redevelopment plan further specifies that primary vehicle access to the planned community is to be provided via a single egress driveway from Lakehurst Road (County Route 530). A secondary means of access is not required but, if necessary, may be permitted for temporary, permanent or emergency purposes only if fully consistent with all CMP environmental standards.

Within the Forest Area portion of the PC District, the redevelopment plan permits only accessory low intensity recreational facilities and necessary access/egress driveways. The plan expressly provides that all development of principal residences and accessory structures must be located within the RGA portion of the Redevelopment Area.

The new CE District contains various existing structures and uses. The redevelopment plan does not adopt any new standards applicable to this area; the CE District merely retains the permitted uses and requirements of the certified, underlying zoning.

As noted in the summary chart above, much of the RGA portion of the redevelopment area is currently located in the Township's R-A District. Residential development in the R-A District is permitted at a base net density of 0.33 units per acre. Pinelands Development Credits (PDC) may be used to increase this net density to 2.0 units per acre. Once all necessary PDCs have been used, age-restricted "bonus" density is permitted, up to a total maximum net density of 4.25 units per acre. This unique zoning plan was put in place 30 years ago with the hope of encouraging age-restricted housing and ensuring the use of Pinelands Development Credits. It allows for a total of 1,258 units, of which 181 are "base" units, 411 require the use of PDCs and 666 are age-restricted bonus units. The redevelopment plan establishes a maximum number of permitted units (575) that is well below what is permitted in the underlying R-A District. This represents a reduction in theoretical zoning capacity of 683 units. Ordinarily, a reduction of that magnitude might conflict with CMP requirements for RGAs and raise concerns. In this case, however, the R-A zoning plan provided an opportunity for nearly double the number of units required by the CMP. A strict application of CMP standards would require the Township to accommodate only

662 units, which is generally in keeping with the 575 units permitted under the redevelopment plan. It is also noteworthy that the Township has provided increased housing opportunities in other portions of its RGA over the past 30 years, largely through the adoption of redevelopment plans that permit higher density mixed use projects. This more than offsets the reduction in theoretical residential zoning capacity in the Lakehurst Road Redevelopment Area.

Ordinance 11-2022 is 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

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application submission requirements applicable to the underlying zoning districts. This includes the requirement that no local permitting agency shall determine an application for development in the Pinelands Area complete unless it is accompanied by a Certificate of Filing from the Pinelands Commission. Therefore, this standard for certification is met.

4. Requirement for Municipal Review and Action on All Development

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the review of all development within the redevelopment area by the Township Planning Board in accordance with the existing review procedures in the Township's certified land development regulations. Therefore, this standard for certification is met.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application review procedures applicable to the underlying zoning districts..This includes the requirement that no local permit or approval shall be effective until it is reviewed by the Pinelands Commission in accordance with the CMP. Therefore, this standard for certification is met.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Within Regional Growth Areas, Pinelands municipalities are required to provide a sufficient level of residentially zoned lands that are eligible for an increase in density through the use of Development Credits (N.J.A.C. 7:50-5.28(a)3).

In order to meet this requirement, Pemberton Township created its R-A District in 1992 and adopted zoning regulations that provided an opportunity for 1,258 total units, of which 411 would require the use of PDCs. These numbers, both in terms of total units and PDC opportunities, were well in excess of what the CMP required. In fact, it was recognized at the time that the Township's RGA was "overzoned"; however, the Township believed the higher permitted densities were necessary in order to facilitate development of a planned retirement community. For its part, the Commission determined that the number of permitted units was acceptable, largely because an extremely low threshold for PDC use had been incorporated into the R-A District regulations. For a planned retirement community, a base density of only 0.33 units per acre was established, effectively guaranteeing that PDC use would be necessary for the development of any sizeable project. If proposed at the maximum permitted density of 4.25 units per acre, a planned retirement community would have been entitled to 181 base units and 666 age-restricted bonus units. An additional 411 units would have been permitted through the use of PDCs, which equates to nearly 33% of the total.

The Lakehurst Road Redevelopment Plan retains the same goals as the underlying R-A District zoning plan: to facilitate development of a planned, age-restricted community while at the same time providing guaranteed PDC use. However, in recognition of the now known environmental limitations of portions of the zone, the redevelopment plan reduces the number of permitted residential units from 1,258 to 575. PDC use is accommodated through incorporation of a requirement for redemption of PDCs for 25% of the market-rate residential units within the redevelopment area, rather than through the retention of the low base density and bonus age-restricted housing density in the prior zoning plan. Furthermore, an exemption from the 25% PDC requirement is provided for residential units developed onsite and made affordable to low- and moderate-income households, up to the required set-aside percentages in the redevelopment plan. Any affordable units provided beyond the required set-aside amount will be required to redeem PDCs at the 25% rate. In addition, any units permitted above the 575 specified in the redevelopment plan will require the use of PDCs, as will any nonresidential development not permitted in the redevelopment plan.

Based on the standards adopted by the redevelopment plan, a maximum of 575 units will be permitted in the Lakehurst Road Redevelopment Area, of which as many as 20% will be affordable housing units. PDCs will be required for 25% of the market rate units, resulting in the need to redeem 115-122 rights (28.75-30.50 PDCs). While this is a significantly smaller number of PDC opportunities than was theoretically provided under the old R-A District requirements, it is also a much more reasonable and realistic obligation. Importantly, the redevelopment plan requires the use of PDCs in all projects, regardless of density, rather than leaving the use of PDCs to the option of a developer who may or may not choose to exceed permitted base density. This greater certainty, coupled with the adoption of more realistic requirements, offsets the loss of theoretical PDC opportunities. The Acting Executive Director therefore finds that the PDC requirements adopted by Ordinance 11-2022 are consistent with CMP standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 11-2022 is 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

Ordinance 11-2022 is 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

Ordinance 11-2022 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 Pemberton Township's application for certification of Ordinance 11-2022 was duly advertised, noticed and held on July 13, 2022, at 9:30 a.m. Mr. Lanute 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 Ordinance 11-2022 were accepted through July 15, 2022. However, no written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Acting Executive Director has concluded that Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan of Pemberton Township, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify Pemberton Township Ordinance 11-2022.

SRG/DBL/KLE/CPE

Attachments

Pemberton Township

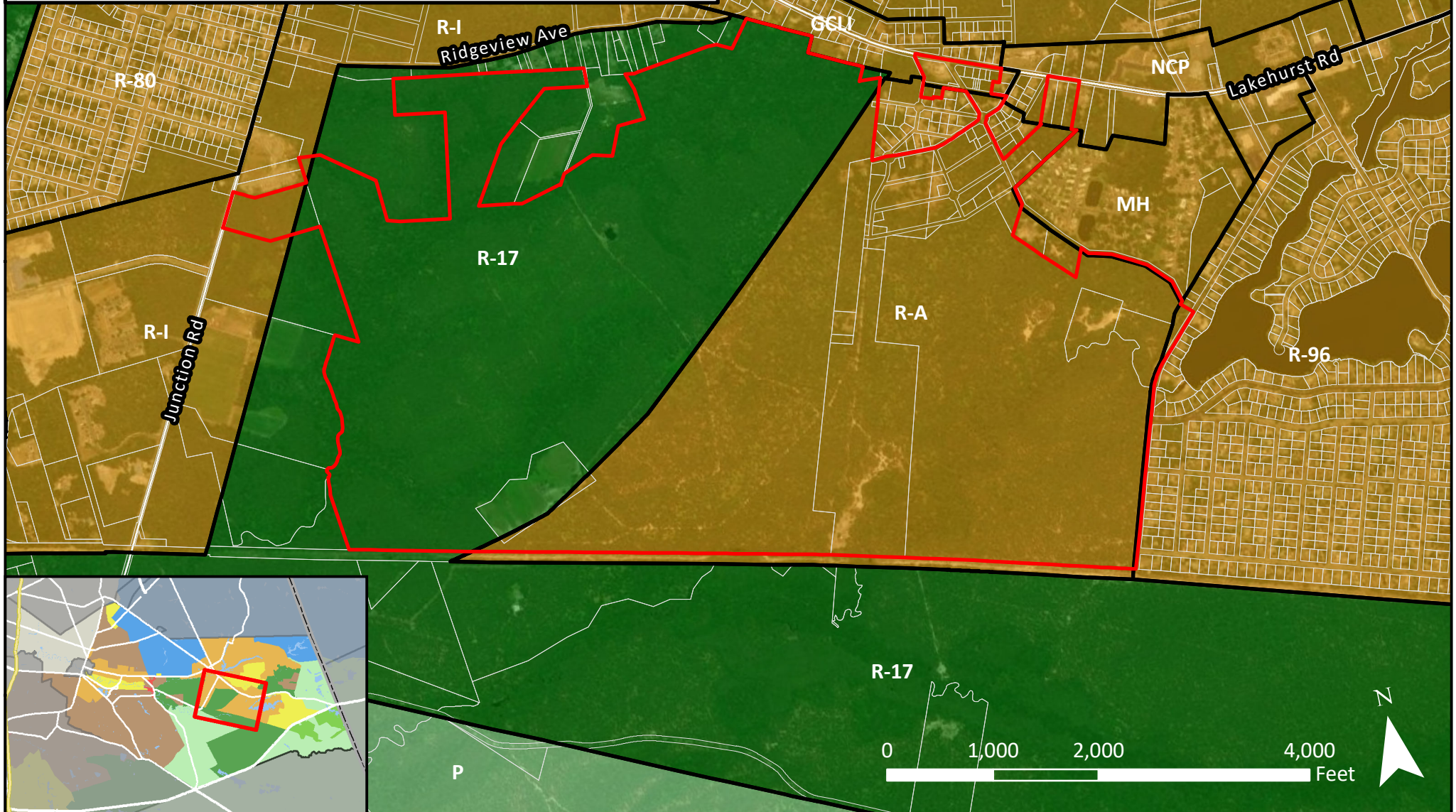
Lakehurst Road Redevelopment Plan - Existing Zoning

Pinelands Management Area

- Preservation Area District
- Forest Area
- Regional Growth Area
- Rural Development Area

- Redevelopment Area
- Existing Zoning
- Pemberton Twp Parcels

Executive Director's Report
Pemberton Twp. Ord. 11-2022
Exhibit 1
7/29/2022



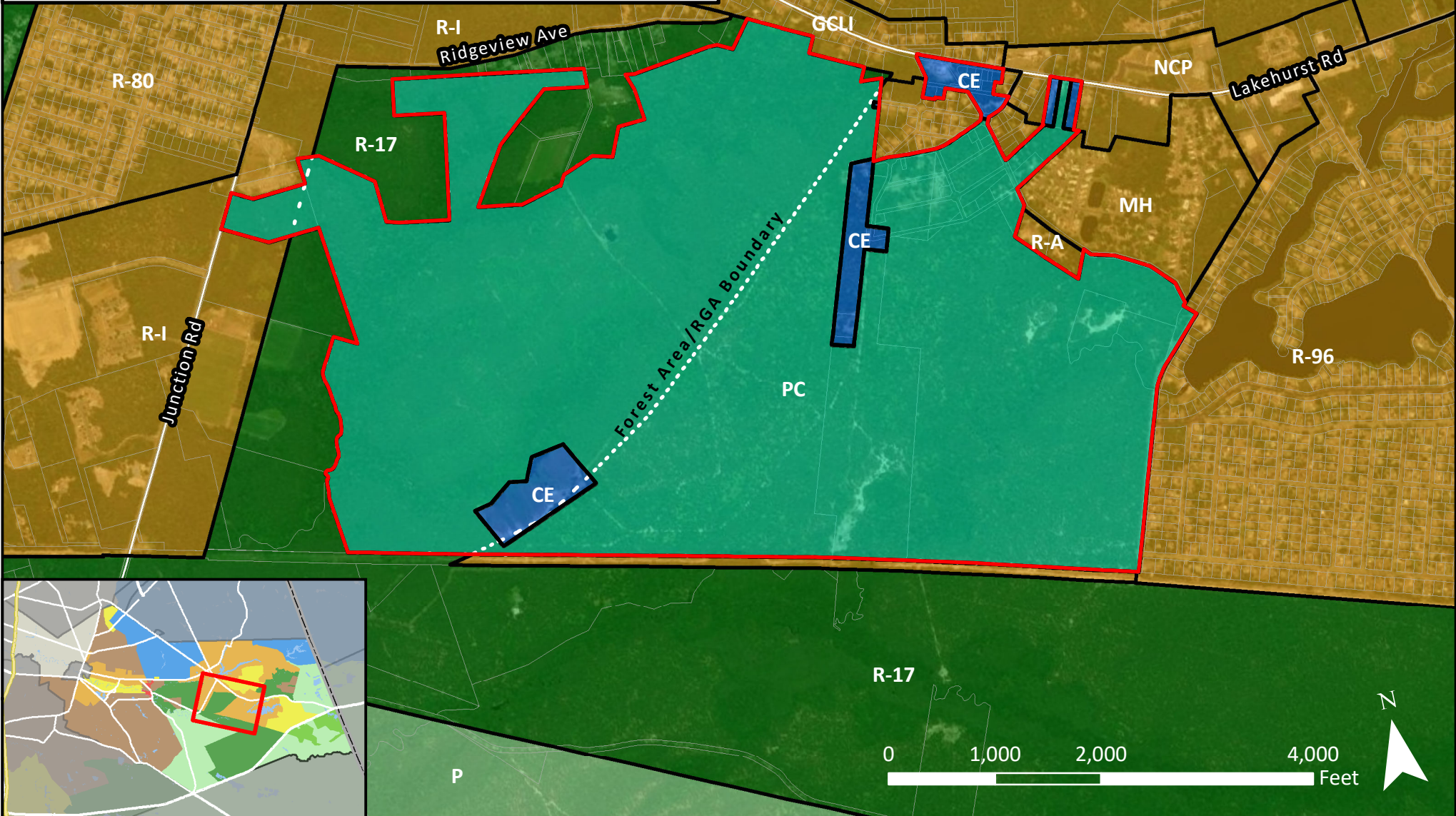
Pemberton Township Lakehurst Road Redevelopment Plan - Proposed Zoning

Executive Director's Report
Pemberton Twp. Ord. 11-2022
Exhibit 2
7/29/2022

Pinelands Management Area

- Preservation Area District
- Forest Area
- Regional Growth Area
- Rural Development Area

- Redevelopment Area
- Community Extension Zone
- Planned Community Zone
- Existing Zoning
- Pemberton Twp Parcels





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Issuing an Order to Certify Southampton Township Ordinance 2022-05, Adopting the Redevelopment Plan for the Red Lion Diner Redevelopment 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 Southampton Township; and

WHEREAS, Resolution #PC4-83-40 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 the certified municipal 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 #PC4-83-40 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 May 17, 2022, Southampton Township adopted Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condemnation Redevelopment Area, dated March 21, 2022; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2022-05 on June 1, 2022; and

WHEREAS, by letter dated June 21, 2022, the Acting Executive Director notified Southampton Township that Ordinance 2022-05 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2022-05 was duly advertised, noticed, and remotely held on July 13, 2022 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 Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2022-05 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Acting Executive Director's report and has recommended that Ordinance 2022-05 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2022-05 and has reviewed the Acting Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Acting 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 that 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 Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Redevelopment Area, is in conformance with the Pinelands Comprehensive Management Plan.

2. Any additional amendments to Southampton 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 | | | | | Lettman | | | | | Pikolycky | | | | |
| Christy | | | | | Lloyd | | | | | Quinn | | | | |
| Holroyd | | | | | Lohbauer | | | | | Matos | | | | |
| Irick | | | | | McCurry | | | | | | | | | |
| Jannarone | | | | | Meade | | | | | | | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Acting Executive Director

 Laura E. Matos
 Chair



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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Acting Executive Director

Report on Southampton Township Ordinance 2022-05, Adopting the Redevelopment Plan for the Red Lion Diner Redevelopment Area

July 29, 2022

Southampton Township
 5 Retreat Road
 Southampton, NJ 08088

Findings of Fact

I. Background

The Township of Southampton is located in the northeastern portion of the Pinelands Area, in Burlington County. Pinelands municipalities adjacent to Southampton Township include the Townships of Medford, Pemberton, Tabernacle, and Woodland in Burlington County.

On May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Southampton Township.

On May 17, 2022, Southampton Township adopted Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area, dated March 21, 2022. The Pinelands Commission received a certified copy of Ordinance 2022-05 on June 1, 2022.

By letter dated June 21, 2022, the Acting Executive Director notified the Township that Ordinance 2022-05 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area, introduced on April 19, 2022 and adopted on May 17, 2022.

This ordinance has been reviewed to determine whether it conforms 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 (CMP). The findings from this review are presented below. The numbers used to designate the sections below 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 2022-05 adopts the Redevelopment Plan for the Red Lion Diner Non-Condemnation Redevelopment Area. The 20-acre redevelopment area is located on the southwest corner of the Red Lion traffic circle at the intersection of US Route 206 and NJ Route 70 (Exhibit 1). The redevelopment plan applies to three lots currently under common ownership. One lot contains an existing 7,000 square foot restaurant (Block 3002, Lot 5.02), while the remaining lots are vacant and wooded (Block 3002, Lots 5 and 5.03). The entirety of the redevelopment area is within the Township's Highway Commercial (HC) District and within a Pinelands Rural Development Area (RDA).

The goal of the plan is to facilitate the coordinated redevelopment of the area for commercial uses while recognizing the existing use and environmental constraints of the tract. To that end, the redevelopment plan establishes a variety of permitted commercial uses, including retail stores, service stations with convenience stores, restaurants, banks, personal and household services, professional services, medical services, business offices, gyms, and self-storage facilities. The plan also provides various area, bulk and height standards as well as landscaping, design, signage and off-street parking requirements. The redevelopment plan limits the total gross floor area in the redevelopment area to 25,000 square feet. The plan incorporates the underlying land development regulations applicable to the HC District and the minimum environmental standards of the Pinelands CMP, except as modified by the plan and further described below.

An important component of the redevelopment plan is its requirements for water quality protection and land preservation. Drawing upon the CMP's municipal flexibility provisions, the Township's redevelopment plan puts forth an approach to developing the vacant portions of the redevelopment area in a manner that recognizes known environmental constraints and the existing use, while also meeting the objectives and minimum requirements of the CMP. The redevelopment area contains one of the few vacant, upland tracts remaining within the Pinelands Area portion of Southampton Township and prior development efforts have been hindered by the inability to site new onsite wastewater treatment systems due to seasonal high water table limitations (N.J.A.C. 7:50-6.84(a)4iv).

The redevelopment plan requires that the existing conventional septic system currently used by the restaurant on Block 3002, Lot 5.02 be replaced with an advanced wastewater treatment system that will serve all proposed and existing uses within the redevelopment area. Under the plan, no further development generating wastewater within the redevelopment area, including a change of the existing restaurant to another use, can occur until the existing septic system is replaced with an advanced treatment system. The advanced wastewater treatment system must be designed to ensure that the groundwater exiting from the entire redevelopment area will not exceed two parts per million nitrate/nitrogen. This is consistent with the CMP's overall water quality objectives.

Use of an advanced wastewater treatment system for nonresidential development in a Rural Development Area is normally permitted only for existing nonresidential uses that are currently not meeting CMP water quality standards. The CMP (N.J.A.C. 7:50-6.84(a)5ii(2)) provides that such uses may expand by up to 50% upon the installation of an advanced treatment system designed to reduce nitrogen. A strict interpretation of these standards would allow a 3,500 square foot expansion of the existing restaurant, but no new nonresidential development on the adjacent vacant lots included in the redevelopment area. The redevelopment plan allows for a total gross floor area of 25,000 square feet within the redevelopment area as a whole. This results in an opportunity for 14,500 square feet of nonresidential development potential beyond that provided by the CMP.

To offset the increased non-residential development potential in the Red Lion Diner Redevelopment Area, the redevelopment plan includes a land preservation requirement that will reduce the development potential of lands elsewhere in the Township's RDA. For every 1,000 square feet of existing and proposed floor area approved under the redevelopment plan, 1 acre of contiguous or non-contiguous land in the Township's RDA is required to be permanently preserved by deed restriction. The required deed restriction would impose the same limitations as required for lands preserved through the CMP's residential density transfer program (N.J.A.C. 7:50-5.30(b)4). The deed restriction would limit the use of the preserved lands to low-intensity recreation, ecological management, and forestry, provided no more than five percent of the land is cleared.

In Rural Development Areas, the CMP's septic dilution requirement serves not only as a water quality standard, but also as a limit on non-residential development potential. Whereas the CMP limits residential development in the RDA by imposing a 3.2-acre minimum lot size requirement, non-residential development intensity is limited by the ability of a given parcel of land to meet the CMP's septic dilution requirements, regardless of whether the use is connected to sewer. The Pinelands Septic Dilution Model was used to evaluate the parity between the amount of land preservation required compared to the level of additional development potential being allowed in the redevelopment area. The Pinelands Septic Dilution Model requires approximately 1 acre for every 800 square feet of floor area devoted to a restaurant in order to meet CMP water quality standards using a conventional septic system. Therefore, 14,500 square feet of restaurant development would need approximately 18 acres to meet the CMP's septic dilution requirements. Restaurants have somewhat higher septic flows compared to other commercial uses permitted in the redevelopment area. Since a maximum of 25 acres of land could be preserved under this redevelopment plan, the preservation requirement would not only balance out the increased non-residential development potential provided by the redevelopment plan but would likely exceed it.

The Township has provided evidence of sufficient vacant lands within its RDA to satisfy the preservation requirement of the redevelopment plan. An analysis by the Township identified approximately 250 acres of vacant land in the Township's RDA that is not preserved. The Township's analysis also indicated that these lands were held by 15 different property owners. Ultimately, it will be the redeveloper's obligation to ensure that the necessary deed restrictions have been recorded.

Staff finds that the water quality and land preservation requirements of the redevelopment plan are an appropriate exercise of the CMP's municipal flexibility provisions. The redevelopment plan effectively adapts the Commission's residential density transfer program for nonresidential use, while ensuring that CMP water quality standards will be met by all development in the redevelopment area. On balance, the redevelopment plan provides an opportunity for commercial development of one of the few vacant, upland sites in the Pinelands Area portion of the Township in a manner that ensures CMP water quality and land use intensity objectives are met.

Ordinance 2022-05 is 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

The redevelopment plan adopted by Ordinance 2022-05 incorporates the development application submission requirements applicable to the underlying zoning districts. This includes the requirement that no local permitting agency shall determine an application for development in the Pinelands Area complete unless it is accompanied by a Certificate of Filing from the Pinelands Commission. Therefore, this standard for certification is met.

4. Requirement for Municipal Review and Action on All Development

The redevelopment plan adopted by Ordinance 2022-05 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the review of all development within the redevelopment area by the Township Planning Board in accordance with the existing review procedures in the Township's certified land development regulations. Therefore, this standard for certification is met.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

The redevelopment plan adopted by Ordinance 2022-05 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the requirement that no local permit shall be effective until it is reviewed by the Pinelands Commission in accordance with the CMP. Therefore, this standard for certification is met.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2022-05 is 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

Ordinance 2022-05 is 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

Ordinance 2022-05 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 Southampton Township's application for certification of Ordinance 2022-05 was duly advertised, noticed and held on July 13, 2022, at 9:30 a.m. Mr. Lanute 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 Ordinance 2022-05 were accepted through July 15, 2022. However, no written comments were received.



Conclusion

Based on the Findings of Fact cited above, the Acting Executive Director has concluded that Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area of Southampton Township, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify Southampton Township Ordinance 2022-05.

SRG/DBL/KLE/CSO
Attachments

Southampton Township Red Lion Diner Redevelopment Plan

Executive Director's Report
Southampton Twp Ord. 2022-05
Exhibit 1
7/29/2022

-  Pinelands Management Area
-  Redevelopment Area
-  Existing Zoning
-  Lots

