



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
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www.nj.gov/pinelands



PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Gina A. Berg *gab*
Director, Land Use Programs

Date: February 19, 2025

Subject: February 28, 2025 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on Friday, February 28, 2025. We have also enclosed the following:

- The minutes from the Committee's January 31, 2025 meeting; and
- The Commission's existing Guidelines for Threatened and Endangered Species Surveys

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



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

February 28, 2025 – 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: **870 3041 4536**

Agenda

1. Call to Order
2. Adoption of minutes from the January 31, 2025, CMP Policy & Implementation Committee Meeting
3. Fourth Round Affordable Housing Update
4. Presentation on Threatened and Endangered Species Survey Protocols
5. Public Comment
6. Adjournment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:
www.youtube.com/c/PinelandsCommission

Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
January 31, 2025 – 9:30 a.m.

MINUTES

Members in Attendance: Alan W. Avery, Jr., Mark S. Lohbauer, Jessica Rittler Sanchez

Members in Attendance (Zoom): Douglas Wallner

Members Absent: Jerome Irick, Theresa Lettman, Chair Laura E. Matos

Staff Present: Gina Berg, John Bunnell, April Field (Zoom), Lori Friddell, Susan R. Grogan, Brad Lanute (Zoom), Paul Leakan and Stacey P. Roth. Also in attendance was Alexis Franklin with the Governor's Authorities Unit (Zoom).

1. Call to Order

Vice Chair Avery called the meeting to order at 9:33 a.m.

2. Adoption of minutes from the November 22, 2024 CMP Policy & Implementation Committee Meeting

Commissioner Lohbauer moved the adoption of the November 22, 2024 meeting minutes. Commissioner Rittler Sanchez seconded the motion. All Ayes. The motion passed.

3. Review of Executive Director's report on Barnegat Township Ordinance 2024-32 Amending the C-N Zone West of the Parkway

Attachment A to these minutes

Executive Director (ED) Susan Grogan reviewed the Executive Director's report on Barnegat Township Ordinance 2024-32 amending the C-N (Neighborhood Commercial) Zone West of the Parkway. She explained the ordinance affects a specific portion of the Township's Regional Growth Area (RGA) that has seen significant development in the past five to ten years of both mixed use and residential development. ED Grogan said the ordinance establishes conditional use standards for mixed-use developments that include a Continuing Care Retirement Community (CCRC), assisted living, nursing, convalescent homes, congregate care facilities or long-term care facilities. She said that the Township already conditionally permitted these uses in the C-N Zone West, but the standards were not written in a way that easily allowed for traditional mixed-use development to be developed in conjunction with a CCRC on a single property.

ED Grogan said the ordinance harmonizes and clarifies standards related to things like residential density and Pinelands Development Credits (PDC) requirements. She noted that these new standards would allow for a maximum density of 17 units per acre and would require the

redemption of PDCs for 25% of the apartment units and 20% of independent living and assisted living units associated with the CCRC. She explained that the amendments put forth much easier means of calculating PDC and density requirements for such developments. She also noted that other siting standards and lot size requirements would limit such development to an existing 22.5-acre parcel.

She said that the amendments would lead to an overall reduction in residential zoning capacity by about 68 units, however, PDC potential would increase by about three-quarter credits. She said staff is recommending certification of Ordinance 2024-32 to the full Commission.

Vice Chair Avery opened the floor to questions.

Commissioner Lohbauer said it was a positive development of mixed-use on the site and will potentially benefit seniors in assisted living and CCRC facilities with closer commercial use, reducing car travel. He said it was very forward thinking.

Commissioner Rittler Sanchez agreed and inquired about water supply, wastewater provision and proximity to hospitals.

Vice Chair Avery responded that the Community Medical Center and Southern Ocean Hospital were in close proximity. Regarding water and sewer, he said that Southern Ocean wastewater treatment plant has more than enough capacity and the water supply is sufficient.

Gina Berg, Director of Land Use Programs, added that Barnegat has existing wells and that additional water supply may be available from sources outside the Pinelands.

Vice Chair Avery inquired how much developable land was left in the Regional Growth Area.

ED Grogan said most of the land has been developed or preserved in the Township's Regional Growth Area.

Commissioner Lohbauer moved to recommend certification of Barnegat Township Ordinance 2024-32 to the full Commission. Commissioner Rittler Sanchez seconded the motion. All Ayes. Motion passed.

4. Review of Executive Director's report on Berlin Township's Master Plan Reexamination Report and Amendment and Ordinance 2024-15 amending the zoning map and C-3 Zoning District Regulations

Attachment B to these minutes

ED Susan Grogan presented the report on Berlin Township's Master Plan Reexamination report and amendment and Ordinance 2024-15 amending the zoning map and C-3 zoning district regulations. She noted that the reexamination report provides several recommendations that are implemented by Ordinance 2024-15. She described the rezoning of approximately 22 acres from the Highway Commercial (C-2RD) Zone to the Regional Commercial Growth (C-3) Zone, which would require a change to the underlying Pinelands management area from a Rural Development Area to a Regional Growth Area. She stated that Township was seeking to bring public sewer to this area.

Ms. Grogan went on to describe how the ordinance amends the district regulations of the C-3 Zone, noting that it provided an updated mix of permitted non-residential uses while also conditionally permitting continuing care retirement communities (CCRC), and light industrial

uses. Warehouse facilities are also changed from a permitted use to a conditionally permitted use. Ms. Grogan said that CCRCs would be permitted on lots of at least 10 acres, with a maximum residential density of 18 units per acre. PDCs would be required for 20% of the independent living units.

She discussed the ordinance's revisions to the PDC requirements in the C-3 zone. She said the ordinance would replace the existing PDC requirement for non-residential uses based on a base/bonus FAR (Floor Area Ratio) structure, with a mandatory PDC requirement of one quarter-credit per acre developed. Ms. Grogan said that it is simpler to calculate and ensures PDC redemption for non-residential development. She further explained that Berlin Township has limited lands within the Pinelands Area and less opportunity for offsetting management area changes so the mandatory PDC obligations provides some measure of offset. She also noted that the ordinance requires all development in the C-3 Zone be connected to public water and sewer systems.

Ms. Berg said the public water that would service this area is sourced from wells located outside of the Pinelands Area and drawdown from those wells is not expected to impact wetlands in the Pinelands Area.

Commissioner Rittler Sanchez inquired what the water use differential was for independent living facilities and continued care facilities versus single family residence.

Ms. Berg said that NJDEP (New Jersey Department of Environmental Protection) regulations on drinking water supply set water use standards. She said Rutgers University has conducted an analysis of water demand by unit type and that study may inform the NJDEP standards.

Commissioner Lohbauer supported the idea and requirement to sewer any development. With regard to the change to PDC calculation per acre, he inquired if it might open the door to development of mid- to high-rise units.

ED Grogan responded that the PDC calculation per acre only applies to non-residential.

Brad Lanute, Chief Planner, added that the ordinance language specifies that any associated improvements including stormwater facilities and parking is counted towards the mandatory non-residential PDC requirement.

Commissioner Lohbauer moved to recommend certification of Berlin Township's Master Plan Reexamination Report and Amendment and Ordinance 2024-15 to the full Commission. Commissioner Wallner seconded the motion. All Ayes. Motion passed.

5. Presentation on Preliminary State Plan

Attachment C to these minutes and posted on the Commission's website at the following address:
https://www.nj.gov/pinelands/home/presentations/2025.01.31_PI_State%20Plan%20Update.pdf

ED Grogan provided background information on the State Development and Redevelopment Plan (State Plan) and the process for revising the State Plan. She noted that the State Planning Commission adopted the Preliminary State Plan in December of 2024, which started the cross-acceptance process. She said that leading up to the adoption of the Preliminary State Plan, Commission staff participated in an interagency work group convened by the Office of Planning Advocacy (OPA) and was provided the opportunity to review and comment on the draft Preliminary Plan prior to its adoption.

ED Grogan said the cross-acceptance process will include many public hearings and will require significant engagement between the OPA, counties and municipalities. She noted that the cross-acceptance process is not required for those municipalities entirely within the Pinelands Area. She highlighted the ten updated planning goals of the Preliminary Plan, including the newly added goals regarding climate change and equity.

She then described how the State Plan treats the Pinelands Area, noting that by law it must rely on the adopted plans and regulations of the Pinelands Comprehensive Management Plan (CMP) for the purposes of planning in the Pinelands Area. She noted that the Preliminary State Plan continues to appropriately acknowledge the Commission's statutory authority for planning in the Pinelands Area.

Ms. Grogan described the State Plan Policy Map, indicating it does not apply to the Pinelands Area. She discussed the existing Memorandum of Agreement (MOA) between the Pinelands Commission and the State Planning Commission, which provides equivalencies between State Planning Areas and designated centers and Pinelands management areas. The purpose of the MOA was to guarantee that lands in the Pinelands were eligible to receive various State benefits offered, such as grant opportunities.

She reviewed the next steps in the State Plan update process and the continuing efforts of the staff in attending the interagency work group, monitoring results of the cross-acceptance process and providing comments as needed. Staff is anticipating seeing drafts of the infrastructure needs assessment and impact assessment later this year and anticipates the final State Plan to be distributed in late fall of 2025.

Commissioner Rittler Sanchez said she was happy to see the climate change goal section added but was disappointed that it was focused on decarbonization and transportation and not local and land use initiatives.

Mr. Lanute said that the OPA passed rule changes to streamline the cross-acceptance process and has created a new manual.

6. 2024 Year-end Conformance Summary Presentation

Attachment D to these minutes and posted on the Commission's website at the following address:
https://www.nj.gov/pinelands/home/presentations/2025.01.31_PI_2024%20Conformance%20Review.pdf

ED Grogan provided an overview of the local conformance process, noting that it is a requirement of the Pinelands Protection Act that all counties and municipalities within the Pinelands Area update their master plans and land use ordinances to align with the objectives and standards of the CMP. She described the actions that municipalities had to take to attain initial certification, noting that as of 2013 all 53 Pinelands municipalities and seven Pinelands counties are certified as being in conformance with the CMP.

ED Grogan described the conformance process as an ongoing process. She provided examples of things that often trigger municipalities to amend their master plans and ordinances as well as common ordinance amendments and master plan updates that are submitted to the Commission for review. She explained the Commission process for reviewing submissions, describing those amendments that require formal review by the full Commission and those that can be handled administratively by Staff.

ED Grogan described the trends in master plans and ordinances reviewed and approved between 1981 and 2024.

Commissioner Rittler Sanchez inquired about the use of conditional certifications.

ED Grogan explained that conditional certifications are issued when a municipal ordinance is close to meeting requirements, but changes are still needed. She reviewed the process and timeline for conditional certification and remarked that they were more common in earlier years while towns were still seeking initial certification.

She said that there has been a decrease in the number of ordinances requiring the review of the full Commission, stating that this was in part due to staff working closely with municipalities to address questions and concerns prior to their submission as well as towns being more aware of the standards needed to be met.

Mr. Lanute added that spikes in the number of ordinances within a year are generally associated with CMP amendments and state legislation requiring municipal responses with ordinance amendments.

Vice Chair Avery remarked regarding the waiver process in earlier years and the significant impact on development that was resolved by the Commission.

ED Grogan reviewed 2024 trends and reiterated increased conformance activity reflecting responses to recent CMP amendments as well as other changes to state regulations and legislation. She highlighted Hamilton Township and Manchester Township's Redevelopment Plans that were reviewed by the full Commission. She also highlighted trends in ordinances that staff was able to review administratively, including those related to tree removal and replacement, solar energy standards, redevelopment plans related to warehouse development, cannabis regulations and various NJDEP changes, including salt storage facilities.

Commissioner Lohbauer remarked regarding reports on the impact of winter road salt application and salt storage facilities to water contamination. He suggested the Commission consider looking at CMP standards regarding the topic.

ED Grogan said the Commission's regulations generally apply to development and that the Commission's involvement would be for things like the construction of a salt storage facility. The NJDEP's MS4 permit program generally addresses the roadway application of salt.

Stacey Roth, Chief of Legal and Legislative Affairs, suggested NJDOT (New Jersey Department of Transportation) involvement on roadway application.

Executive Director Grogan reviewed the issues that will likely impact conformance review in 2025, including the 4th Round Affordable Housing, redevelopment plans for solar, landfill and warehouse development and pending legislation addressing accessory dwelling units (ADUs) and reuse of malls and office parks.

Mr. Lanute said that the pending legislation would allow office parks and malls that reach certain vacancy rates to be redeveloped as residential units, if the overall square footage is not expanded. He also noted that the pending ADU legislation requires the Department of Community Affairs (DCA) to publish model ordinances that must be adopted by New Jersey municipalities. He said that if the law is passed, Commission staff would engage with DCA to ensure that model ordinances distributed to Pinelands municipalities were consistent with the CMP.

Vice Chair Avery opened the floor to questions.

Commissioner Rittler Sanchez remarked on the discussion of road salt and said water samples will show that the salt may hold and release throughout the year, and she inquired on any standards developed.

Ms. Berg said that the MS4 permit addresses salt requirements, including roads and sidewalks at large multi-building campuses and that Rutgers had looked at identifying where salt was causing water quality impairment.

ED Grogan said the Commission can look at those requirements to discuss what is already in place in stormwater regulations.

Vice Chair Avery said the topic is a widespread discussion in the northeast.

Commissioner Rittler Sanchez said hot sand is used in some locations.

Vice Chair Avery expressed his concern regarding the large piles of stored salt that remain in parking lots during the post storm season, until it deteriorates.

7. Public Comment

Heidi Yeh of the Pinelands Preservation Alliance expressed support for continuing discussion of climate change topics at P&I meetings. She suggested an external advisory committee, as well as partnering with college and university student climate track internship programs.

Ms. Roth responded regarding internships and suggested caution in assigning responsibilities that take away from paid staff roles.

Ms. Yeh, on the topic of road salt, said that the EPA (U.S. Environmental Protection Agency) recommends calcium chloride for use as an alternative in vulnerable areas and suggested comparison on how Pinelands Commission reviews herbicide use.

Commissioner Lohbauer thanked Ms. Yeh for her comments and said he supported student internships and mentioned Rider University undergraduate student internships.

ED Grogan commented that student internships require staff time to manage and are most beneficial if assigned to a specific project in a short time frame. She said the Commission has applied for a summer intern for this year. She noted the Rutgers program is successful and the Commission is happy to educate students on our work.

In response to the road salt comments, Chief Scientist John Bunnell noted that recent stream monitoring has shown an increase in specific conductance and pH due to salt. He added that it also impacts amphibian breeding. Mr. Bunnell said water quality monitoring occurs between April and October and road salt impacts water quality beyond the winter season.

Vice Chair Avery noted increased use of brine as a pre-emptive attempt at road safety. He also thanked Alexis Franklin with the Governor's Authorities Unit for her attendance.

There being no further comments, Vice Chair Avery closed public comment.

8. Adjournment

There being no other business, Commissioner Lohbauer moved to adjourn the meeting. Commissioner Rittler Sanchez seconded the motion. All voted in favor. The meeting was adjourned at 11:08 a.m.

Certified as true and correct:

Handwritten signature of Lori A. Friddell in cursive script.

Lori Friddell
Land Use Programs Technical Assistant

Date: February 7, 2025



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Executive Director

Report on Barnegat Township's Ordinance 2024-32, Amending Chapter 55 (Land Use) of the Barnegat Township Code

January 22, 2025

Barnegat Township
900 West Bay Avenue
Barnegat, NJ 08005

Findings of Fact

I. Background

The Township of Barnegat is located in southern Ocean County, within the eastern portion of the Pinelands Area. Adjacent Pinelands municipalities include Lacey, Ocean, Stafford and Little Egg Harbor Townships in Ocean County, as well as Bass River and Woodland Townships in Burlington County.

On April 8, 1983, the Pinelands Commission fully certified Barnegat Township's Master Plan and codified Land Use Ordinances.

On December 3, 2024, Barnegat Township adopted Ordinance 2024-32, amending Chapter 55 (Land Use) of the Barnegat Township Code. This ordinance revises district regulations for the Township's Neighborhood Commercial Zone West of the Garden State Parkway (C-N Zone West). It establishes conditional use standards for mixed-use developments containing a Continuing Care Retirement Community (CCRC), assisted living facilities, nursing and convalescent homes, congregate care facilities, or long-term care facilities. A certified copy of Ordinance 2024-32 was submitted to the Pinelands Commission on December 4, 2024.

By letter dated December 19, 2024, the Executive Director notified Barnegat Township that Ordinance 2024-32 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 2024-32, amending Chapter 55 (Land Use) of the Barnegat Township Code, introduced on November 7, 2024 and adopted on December 3, 2024.

This ordinance was 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 respective sections correspond to the numbers identifying 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 2024-32 amends Chapter 55 (Land Use) of the Barnegat Township Code by revising the district regulations for the Township's existing Neighborhood Commercial Zone West of the Garden State Parkway (C-N Zone West). The ordinance establishes conditional use standards for mixed-use developments that, in addition to commercial and residential uses, include a Continuing Care Retirement Community (CCRC), assisted living facilities, nursing and convalescent homes, congregate care facilities, or long-term care facilities. The C-N Zone West is located within a Regional Growth Area, a Pinelands Village, and a Forest Area.

In 2015, the Commission certified Barnegat Township Ordinance 2014-23, which conditionally permits mixed-use development (multi-family residential/commercial) in the portion of the C-N Zone West located in a Regional Growth Area. A maximum residential density of 11 units per acre is permitted, with Pinelands Development Credits (PDCs) required for 25% of all units.

In 2021, the Commission certified Barnegat Township Ordinance 2021-4, which conditionally permitted assisted living facilities, nursing and convalescent homes, congregate care facilities, and long-term care facilities in the Regional Growth Area portion of the C-N Zone West. This ordinance established a base density of 8 units per acre, a bonus density of up to 12 units per acre through the use of PDCs, and a maximum density of 20 units per acre. Long-term care beds within nursing and convalescent facilities are considered institutional uses under the CMP and are excluded from the density calculation.

In 2023, Barnegat Township adopted Ordinance 2023-23, which conditionally permitted CCRCs along with assisted living facilities, nursing and convalescent homes, congregate care facilities, and long-term care facilities in the Regional Growth Area portion of the C-N Zone West. The ordinance was found to raise no substantial issues with respect to the CMP since a CCRC is simply made up of a continuum of those previously certified uses.

Although both mixed-use development and CCRCs are conditionally permitted in the C-N Zone West, they have distinct conditional use standards. Applying these standards to a development proposal containing both a mixed-use component and a CCRC has proven challenging. Ordinance 2024-32 addresses this issue by clarifying how the standards apply to a development

that includes a mixed-use component (multi-family residential/commercial) and a CCRC component, which itself includes a mix of residential uses (independent living and assisted living units) and institutional uses (nursing and convalescent homes, congregate care facilities, or long-term care facilities). The ordinance now requires that any CCRC within the C-N Zone West must be part of a mixed-use development.

The maximum residential density for these uses is established at 17 dwelling units per acre. This includes multi-family residential units within the mixed-use component as well as independent living units and assisted living units within the CCRC component. The ordinance specifies that multi-family residential units cannot exceed 80% of the total residential units and that CCRC independent living units and assisted living units cannot exceed 25% of the total residential units.

As established under Ordinance 2021-4, such uses are limited to areas within 1,000 feet of the Garden State Parkway and with frontage on a county or state highway. This ensures that this type and intensity of development is limited to the Regional Growth Area portion of the C-N Zone West. The minimum lot area is increased from 5 acres to 10 acres. As was the case when Ordinance 2021-4 was adopted, only one parcel in the C-N Zone West meets these conditional use standards. This parcel is approximately 22.5 acres and consists of six contiguous lots in common ownership (see Exhibit 1).

Previously, CCRCs were allowed at a maximum density of 20 dwelling units per acre, permitting up to 450 units on the parcel noted above. Reducing the maximum density to 17 units per acre lowers the potential total to 382 units, with no more than 305 multi-family residential units and no more than 95 independent living and assisted living units. It is important to note that when Barnegat Township adopted Ordinance 2021-4, it elected to zone for higher densities than required by the CMP. The Township has now elected to reduce this density slightly to reflect the changes in permitted housing types and non-residential development.

Ordinance 2024-32 specifies that PDCs are required for 25% of the multi-family residential units and 20% of the independent living units and assisted living units. This allows for the use of up to 93 rights (23.25 Pinelands Development Credits), representing a slight increase from the opportunity to use 90 rights that was provided by Ordinance 2021-4. Therefore, the reduction in residential zoning capacity is not expected to impact the PDC Program.

The previously certified minimum area, yard, and building requirements that applied to CCRCs remain unchanged. The maximum building height is increased from 35 feet to four stories (50 feet), provided that additional setback requirements are met for buildings over 40 feet. The mixed-use component must also comply with standards established in Ordinance 2014-23, including a requirement that multi-family residential units be age-restricted and that at least 90,000 square feet of retail/commercial space be included on the first floor of any mixed-use buildings or as separate pad sites on the parcel.

The amendments adopted by Ordinance 2024-32 slightly reduce the residential zoning capacity of the C-N Zone West while slightly increasing opportunities for the use of PDCs to enable the development of a mixed-use project containing a CCRC.

Ordinance 2024-32 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

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

As outlined in Section 2, Ordinance 2024-32 clarifies the conditional use standards for mixed-use developments containing a Continuing Care Retirement Community (CCRC). Under the standards established by this ordinance, such developments are permitted a residential density of 17 units per acre. Additionally, the use of Pinelands Development Credits (PDCs) is required for 25% of all multi-family residential units and 20% of the independent living units and assisted living units within a CCRC.

Prior to the adoption of Ordinance 2024-32, CCRCs and assisted living facilities were conditionally permitted at a base density of 8 units per acre, which could be increased to 12 units per acre through the use of PDCs. Once a density of 12 units per acre was reached, CCRCs and assisted living facilities were eligible for a bonus density of up to 20 units per acre without requiring additional PDCs. In comparison, mixed-use developments were permitted a residential density of 11 units per acre, with a requirement that PDCs be redeemed for 25% of all units.

Ordinance 2024-32 establishes a mandatory PDC requirement for mixed use developments containing a CCRC. The approach maintains an approximate equivalency of potential PDC rights as previously certified. As noted in Section 2, the ordinance allows for the use of up to 93 rights, representing a slight increase from the potential use of 90 rights under Ordinance 2021-4.

Although the PDC requirements in Ordinance 2024-32 are lower than those under the traditional zoning approach, where PDCs would account for 33% of the total number of permitted units, it is

important to note that the traditional base density/bonus density approach merely provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach for PDCs to be used in any development project. Ordinance 2024-32 ensures that PDCs must be purchased and redeemed as part of the approval of any mixed-use development containing a CCRC within the C-N Zone West, regardless of the final density or number of units constructed. Sufficient and appropriate opportunities for the use of PDCs remain available in the C-N Zone West and throughout Barnegat's Regional Growth Area.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2024-32 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 2024-32 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

The Neighborhood Commercial Zone West of the Parkway (C-N Zone West) does not border any neighboring municipalities of Barnegat Township. As such, no intermunicipal conflicts are expected.

Therefore, this standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Barnegat Township's application for certification of Ordinance 2024-32 was duly advertised, noticed and held on January 15, 2025 at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcast 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 provided.

Written comments on Ordinance 2024-32 were accepted through January 17, 2025. No written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Executive Director has concluded that Barnegat Township's Ordinance 2024-32, complies 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 Ordinance 2024-32 of Barnegat Township.

SRG/DBL/CBA
Attachments

Barneгат Township Neighborhood Commercial (C-N) Zone West of Parkway

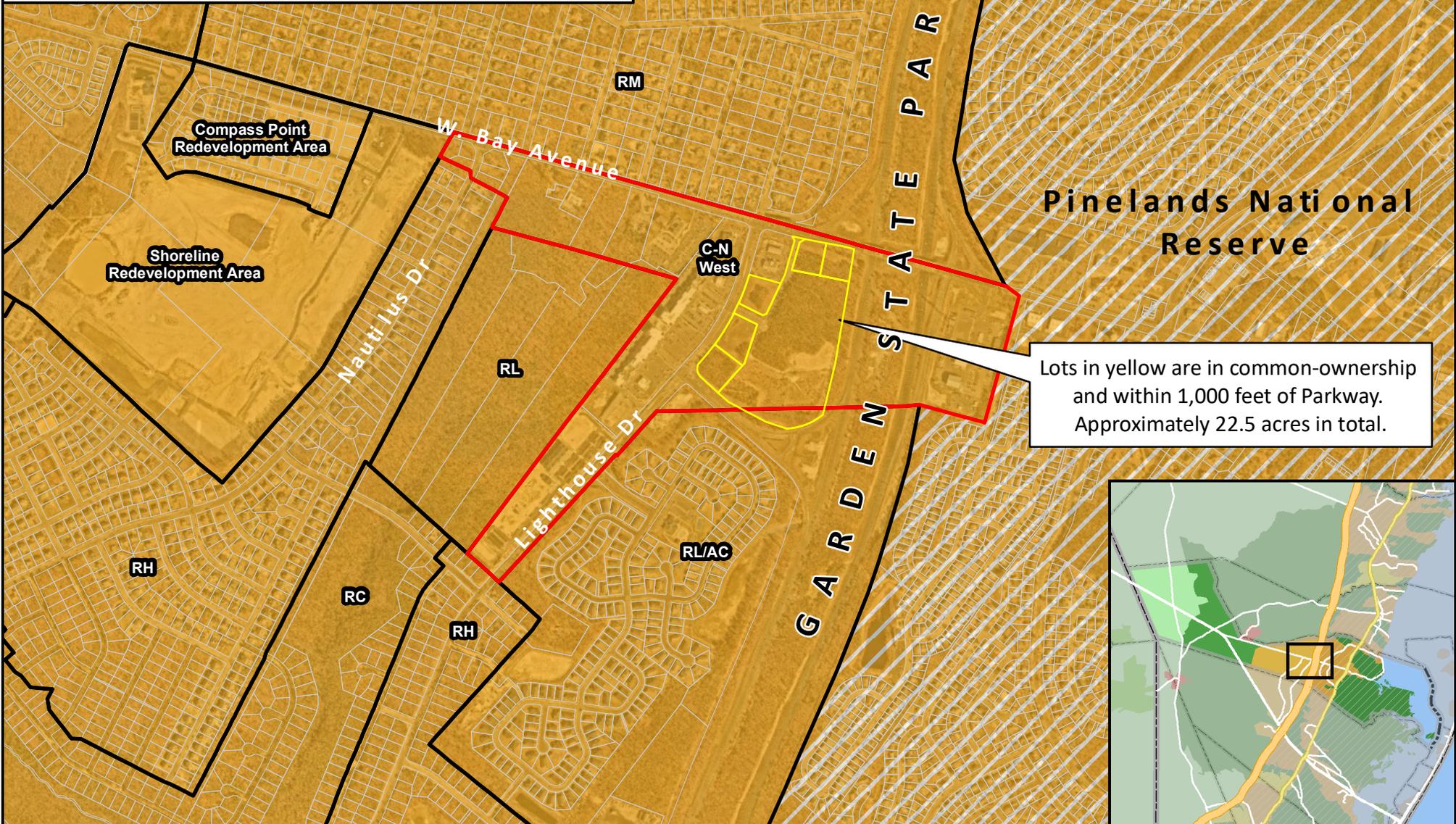
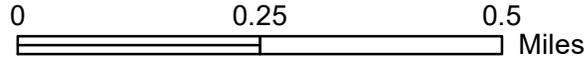
Executive Director's Report
Barneгат Twp. Ord. 2024-32
Exhibit 1
1/22/2025

Pinelands Management Areas

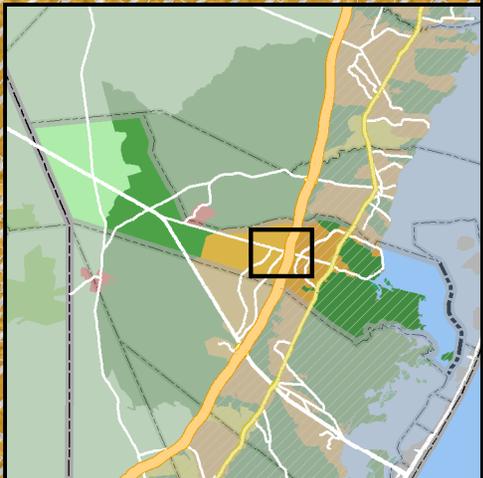
Regional Growth Area

Parcels

Existing Zoning



Lots in yellow are in common-ownership and within 1,000 feet of Parkway. Approximately 22.5 acres in total.





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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

Report on Berlin Township's 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, Amending Chapter 340 (Zoning) of the Berlin Township Code

January 22, 2025

Berlin Township
135 NJ Route 73
West Berlin, NJ 08091

Findings of Fact

I. Background

The Township of Berlin is located in the western section of the Pinelands Area in Camden County. Pinelands municipalities adjacent to Berlin Township's Pinelands Area include Berlin Borough and Waterford Township in Camden County, and Evesham Township in Burlington County.

On June 3, 1983, the Pinelands Commission fully certified the Land Use Procedures and Zoning Ordinance of Berlin Township.

On October 24, 2023, the Berlin Township Planning and Zoning Board adopted Resolution 2023-19, approving the Berlin Township Master Plan Reexamination Report and Amendment, dated October 2023. The report recommends, among other things, revisions to the Township's zoning plan and zoning district regulations within the Pinelands Area. The Pinelands Commission received a certified copy of Planning and Zoning Board Resolution 2023-19 and the Master Plan Reexamination Report and Amendment on December 4, 2023.

By letter dated December 18, 2023, the Executive Director notified Berlin Township that, in accordance with N.J.A.C. 7:50-3.32, the 2023 Master Plan Reexamination Report and Amendment is deemed incomplete until necessary implementing ordinances were adopted and submitted to the Commission for certification.

On December 19, 2024, Berlin Township adopted Ordinance 2024-15, amending Chapter 340 (Zoning) of the Berlin Township Code, and implementing the recommendations of the 2023 Master Plan Reexamination Report and Amendment. The Pinelands Commission received a certified copy of Ordinance 2024-15 on December 20, 2024.

By letter dated December 27, 2024, the Executive Director notified Berlin Township that the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 required formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following documents have been submitted to the Pinelands Commission for certification:

- * Planning and Zoning Board Resolution 2023-19, approving the Berlin Township Master Plan Reexamination Report and Amendment, dated October 2023, adopted October 24, 2023; and
- * Ordinance 2024-15, amending Chapter 340 (Zoning) of the Berlin Township Code, introduced on November 25, 2024, and adopted on December 19, 2024.

This master plan reexamination report and ordinance were 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 (CMP). The findings from this review are presented below. The numbers used to designate the respective sections correspond to the numbers identifying 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

2023 Master Plan Reexamination Report and Amendment

The Master Plan Reexamination Report and Amendment includes updates on major problems and objectives related to land development identified in the Township's 2016 reexamination report. It also discusses changes in policy and objectives since 2016 and recommends changes to the master plan and land development regulations affecting areas inside and outside the Pinelands Area portion of the Township.

For the Pinelands Area, the report recommends rezoning four lots totaling approximately 22.5 acres from the Highway Commercial (C-2RD) Zone to the Regional Commercial Growth (C-3) Zone. This would constitute a change in Pinelands management area from a Rural Development Area to a Regional Growth Area. The report also recommends changes to the C-3 Zone district regulations, including conditionally permitting continuing care retirement communities (CCRCs) and light industrial uses, and changing warehouse facilities from a permitted use to a conditionally permitted use. Additionally, it recommends new development regulations for various types of warehouses. These recommendations are implemented by Ordinance 2024-15, discussed below.

The report further recommends investigating whether certain properties within the Township's Regional Growth Area along Cushman Avenue meet the criteria for designation as an area in need of redevelopment. Since the reexamination report's adoption, the Township has completed its investigation and formally designated the land as an area in need of redevelopment. The Township has yet to adopt a redevelopment plan for the area. Once adopted, the redevelopment plan must be submitted to the Pinelands Commission for review and approval before it can take effect.

Ordinance 2024-15

Ordinance 2024-15 amends Chapter 340, Zoning, of the Berlin Township Code and implements the 2023 Master Plan Reexamination Report recommendations for the Pinelands Area portion of the Township.

Zoning Map Amendments

The ordinance rezones approximately 22.5 acres to the Regional Commercial Growth (C-3) Zone (see Exhibit 1). Approximately 22.4 acres are rezoned from the Highway Commercial (C-2RD) Zone, eliminating the C-2RD Zone. The remaining area is composed of single lot that is rezoned from the Single Family Detached Residential (R-1) Zone.

The rezoned area, located between Chestnut Avenue and Edgewood Avenue along Cooper Road, is contiguous with the C-3, Multifamily Residential (R-3), and Institutional Use (INS) zones, which are all located in the Regional Growth Area. This area of Cooper Road serves as the Pinelands Area boundary. The rezoned area is composed entirely of uplands. One lot is farmland assessed, while the remaining lands are vacant and wooded. This zoning change constitutes a change in Pinelands management area from a Rural Development Area to a Regional Growth Area. While the C-2RD Zone permits a similar set of non-residential uses, the rezoning would allow future development to be served by sewer and built at higher intensities.

The ordinance also eliminates the E-1 Environmental Sensitive Area Overlay, which overlays a portion of the Industrial (I-1) District within a Rural Development Area (see Exhibit 1). This overlay predates Berlin Township's original certification in 1983 and recognizes wetlands present in the area. Discrepancies regarding the overlay's boundaries have arisen over time, prompting the Township to repeal it. Given the existing CMP environmental standards in the Township's land development regulations, there is no decrease in protections afforded to environmentally sensitive areas in the vicinity of the overlay.

C-3 Zone Amendments

The ordinance revises regulations for the C-3 Zone, which, inclusive of the lots proposed for rezoning, encompasses approximately 137 acres within a Pinelands Regional Growth Area. Originally established by Ordinance 1996-8, the C-3 Zone was certified by the Commission in 1996 and includes lands that were previously designated as a Rural Development Area. The 1996 zoning change and a subsequent 2012 zoning change expanded the C-3 Zone and the Township's Regional Growth Area by approximately 65 acres and 48 acres, respectively.

Under existing C-3 Zone regulations, a variety of business, office, service, and professional uses are permitted on lots of at least 20,000 square feet, with a maximum floor area ratio (FAR) of 1.8%. These standards were designed to allow sewered commercial development at Rural

Development Area intensities, while enabling property owners to build at typical Regional Growth Area intensities by redeeming Pinelands Development Credits (PDCs). Developers can increase the FAR from 1.8% to 36% through the use of PDCs, with each quarter-credit allowing an additional 7,360 square feet of commercial space. The PDC structure was intended to limit increased water demand potential to avoid adverse impacts to the Mullica River watershed. The redemption of PDCs provided an environmental offset when development occurred at higher intensities.

Ordinance 2024-15 revises the C-3 Zone's permitted uses, FAR requirements, and PDC provisions. It adds art, music, dance, and martial arts studios; fitness centers; indoor private recreation facilities; outpatient medical offices; and various business and service uses, while removing uses like animal hospitals; amusements; commercial greenhouses and nurseries; kennels; automobile body repair and painting; automobile repair, service or parts supply stations; drive-in eating establishments; and vehicle rental, sales and storage. All uses permitted by right are allowed an FAR of 20% for one-story buildings and 35% for two-story buildings.

Warehouse, distribution and storage facilities as well as light industrial uses are conditionally permitted on lots of at least 2 acres, with a maximum FAR of 40% and a building height limit of 44 feet. Noise evaluations and noise-reducing barriers are required for parcels within 200 feet of a residential use or residential zone, and buildings over 100,000 square feet must be designed to support rooftop solar installations in accordance with P.L. 2021, c290.

Continuing care retirement communities (CCRCs) are conditionally permitted on lots of at least 10 acres, with a maximum residential density of 18 units per acre. Residential density calculations include independent living units and assisted living units but exclude memory care and skilled nursing facilities. At least 30% of the residential units must be assisted living units, and at least 10% of the assisted living, memory care and skill nursing facilities must be made affordable to low- and moderate-income households. CCRC buildings are permitted to have a maximum FAR of 15% for one-story buildings, 30% for two-story buildings, and 45% for three story buildings (with a height limit of 40 feet).

The ordinance modifies the PDC requirements in the C-3 Zone. Non-residential developments (excluding CCRCs) must acquire and redeem PDCs at a rate of one-quarter credit per acre developed, including associated improvements. For CCRCs, PDCs are required for 20% of independent living units and assisted living units. Units made affordable to low- and moderate-income households to satisfy the 10% requirement are exempt from the PDC obligation.

The ordinance provides updated regulations for all uses permitted in the C-3 Zone, including permitted accessory uses, area and yard requirements, off-street parking, landscaping, building design, and waste storage. Development in the C-3 Zone must connect to public water and sewer systems. The ordinance also permits multiple principal buildings on a parcel and multiple uses within a principal building provided that the site is owned, managed, and maintained by one entity.

Regional Growth Area Impacts

The changes adopted by Ordinance 2024-15 provide for both a limited expansion of the Township's Regional Growth Area and increased development intensities, including residential development, throughout the C-3 Zone. The Commission has previously certified expansions of Berlin Township's Regional Growth Area on two separate occasions. The purpose of these

expansions was two-fold: to transition existing uses from onsite septic to sanitary sewer and to recognize the scale and intensity of existing development, which was similar to patterns of development in adjacent Regional Growth Areas. In these instances, the Commission exercised caution regarding potential impacts on the Mullica River watershed due to increased water demand arising from the zoning changes. This resulted in the FAR and PDC requirements described above. This also meant that larger undeveloped parcels were excluded from these prior zoning changes.

The new uses permitted in the C-3 Zone are consistent with those allowed by the CMP for Regional Growth Areas. The changes to the FAR and PDC provisions of the C-3 Zone are appropriate because the ordinance requires that development on all lots be connected to both public water and public sewer systems. This requirement prevents the development of individual wells that would draw from the Mullica River watershed. Furthermore, the Master Plan Reexamination Report identifies that public water servicing the C-3 Zone would be serviced by wells in Berlin Borough within the Lower Delaware watershed management area. Wastewater would be conveyed to the Camden County Municipal Utilities Authority (CCMUA). Importantly, the Berlin Borough wells are all located outside of the Pinelands Area. Since the water is sourced from outside the Pinelands Area, the conveyance of wastewater to the CCMUA treatment plant in Camden would not violate the CMP prohibition on exporting water from the Pinelands. Additionally, it is unlikely that further drawdowns from the Berlin Borough wells will impact Pinelands Area resources given their distance from the Pinelands Area border.

While the ordinance allows for increased development intensity in the C-3 Zone, it is important to note that the zone is largely built out, offering limited development opportunities. Currently, there are approximately six privately owned, vacant parcels, including those proposed for rezoning, which total 48 acres. The rezoning of 22.5 acres to the C-3 Zone is appropriate given the availability of suitable infrastructure as described above. The rezoned area spans an area between an existing Regional Growth Area and the Pinelands Area border. Land use patterns adjacent to these parcels have similar uses as what is permitted in the C-3 Zone. It is assumed that these lots were not considered during prior zoning changes due to the concerns over water consumption from the Mullica River watershed, which have since been resolved.

While the expansion of a Regional Growth Area is typically balanced by a reductions in the size of that management area elsewhere in the same municipality, such an offset is neither provided nor feasible because of the limited size and developed nature of the Township's existing Regional Growth Area. Nevertheless, Ordinance 2024-15 establishes requirements for the use of PDCs for all non-residential development in the C-3 Zone. These requirements create the potential for permanent land preservation elsewhere in the Pinelands Area.

Conditionally permitting CCRCs in the C-3 Zone increases the Township's Regional Growth Area residential zoning capacity. Analysis shows that only two vacant parcels meet the 10-acre minimum lot size requirement. Both parcels are part of the proposed rezoning, one totaling 13.5 acres and the other totaling 11 acres, allowing for a combined maximum of 441 independent living and assisted living units. It should be noted that the CMP contemplates assisted living facilities and CCRCs having relatively high densities compared to typical single-family and townhouse developments. While this represents a relatively high residential density, the Commission has previously certified densities of up to 20 units per acre for assisted living facilities in Barnegat and 15 units per acre in Medford Township. As described above, water and sewer infrastructure can be made available to these sites, and the intensity of use is consistent

with other uses in the vicinity. Furthermore, appropriate requirements for the use of Pinelands Development Credits have been included, which is described in further detail in Section 8 below.

Given the facts above, the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 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

Ordinance 2024-15 amends the Pinelands Development Credit (PDC) provisions within the C-3 Zone, conditionally permitting continuing care retirement communities (CCRCs) at a density of 18 units per acre. CCRCs and assisted living facilities may exceed a density of 8 units per acre in a Regional Growth Area only through the use of PDCs (N.J.A.C. 7:50-5.34(a)2).

The ordinance requires the acquisition and redemption of PDCs for 20% of the independent and assisted living units. Units designated as affordable housing for low- and moderate-income households, satisfying a 10% requirement, are exempt from this obligation. As noted in Section 2, only two vacant parcels in the C-3 Zone, totaling 22.5 acres, meet the lot size requirements for CCRCs. The PDC requirements for CCRCs will provide an opportunity to utilize up to 80 rights (20 PDCs).

The CMP requires Berlin Township to zone lands suitable for residential development at a base density of 2 units per privately held uplands acre, with an opportunity to achieve 3 units per acre

through the use of PDCs. Under the traditional base/bonus density structure, the two vacant lots meeting the CCRC lot size requirements could support the use of up to 23 rights. However, this approach does not guarantee PDC utilization in development. The CMP explicitly allows Pinelands municipalities to implement additional density bonus or incentive programs in Regional Growth Areas, provided these programs do not interfere with or impair PDC requirements (N.J.A.C. 7:50-5.28(a)7i).

In this instance, Berlin Township has chosen to allow CCRCs to be developed at a higher density while ensuring the use of PDCs to achieve these densities. Although the 20% PDC requirement is lower than the 33% required under the traditional approach, it guarantees a PDC redemption rate of 20% if a CCRC is developed in the C-3 Zone. This approach provides greater certainty that PDCs will be utilized in any CCRC development. Therefore, the Executive Director finds the PDC requirements for CCRCs under Ordinance 2024-15 consistent with Comprehensive Management Plan standards.

As described in Section 2, Berlin Township's certified C-3 Zone uniquely allowed developers to use PDCs to intensify non-residential development. While concerns about increased water demand from the Mullica River watershed have been resolved, Ordinance 2024-15 maintains a PDC requirement for non-residential development (excluding CCRCs). The ordinance replaces the base Floor Area Ratio (FAR)/bonus FAR PDC structure with a simplified requirement of one-quarter credit per acre of development, including associated improvements. With approximately six privately owned, vacant parcels totaling 48 acres remaining in the C-3 Zone, there is an opportunity for the use of up to 48 rights (12 PDCs).

Maintaining a PDC requirement for non-residential uses in the C-3 Zone is appropriate, given the limited opportunities for PDC utilization in the Township's Regional Growth Area. Prior to the certification of the C-3 Zone in 1996, Berlin Township was exempted from providing PDC opportunities in its Regional Growth Area due to its unsuitability for residential development and exclusively commercial zoning designation. Since then, the Township has expanded its Regional Growth Area, and the C-3 Zone remains the only area offering opportunities for PDC use.

By moving away from the base FAR/bonus FAR structure, the ordinance simplifies PDC requirement calculations and ensures PDC redemption for non-residential development, even at lower FARs. This provision guarantees that any development on the remaining vacant parcels in the C-3 Zone will require PDCs, including the two larger parcels rezoned under Ordinance 2024-15, which could be developed exclusively for non-residential uses. Without these provisions, the Township's Regional Growth Area could be fully developed without utilizing any PDCs.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

The 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 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

The 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 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

Berlin Township's C-3 Zone is contiguous with both Berlin Borough and Waterford Township. In each case, the C-3 Zone abuts long-standing non-residential zoning districts: the Planned Highway Business (PHB) District in Waterford Township and the Highway Commercial (PC-3) District in Berlin Borough. The changes in permitted uses and intensity of uses in the C-3 Zone are not anticipated to cause any intermunicipal conflicts. Therefore, this standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Berlin Township's application for certification of its 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 was duly advertised, noticed and held on January 15, 2025 at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcast 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 provided.

Written comments on the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 were accepted through January 17, 2025. No written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Executive Director has concluded that Berlin Township's 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, complies 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 the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 of Berlin Township.

Berlin Township Ordinance 2024-15

Executive Director's Report
Berlin Twp. Ord. 2024-15
Exhibit 1
1/22/2025

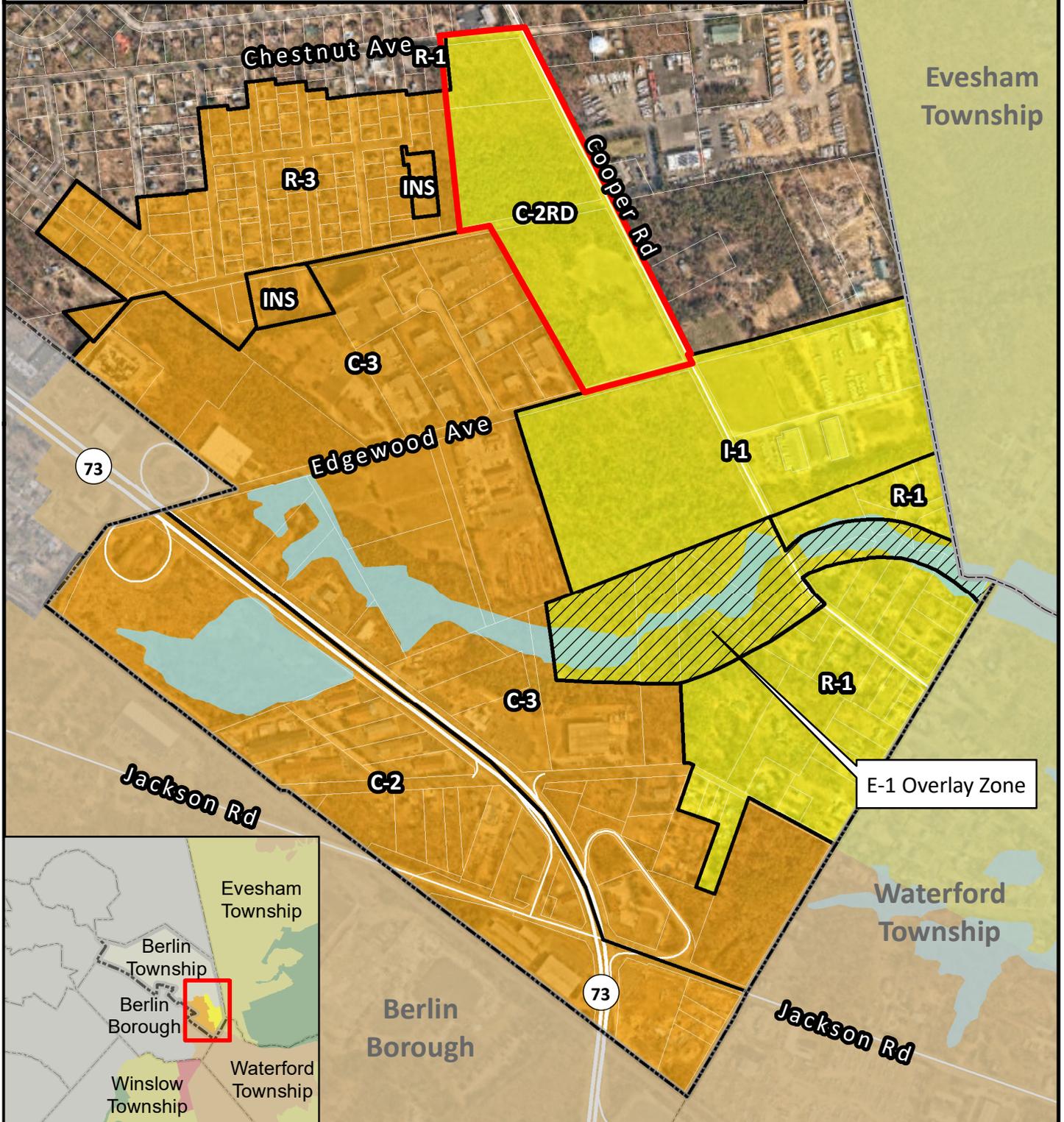
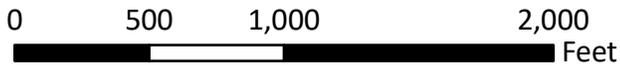
Pinelands Management Areas

- Rural Development Area
- Regional Growth Area

- Rezoned Lots
- Berlin Twp Zoning
- Berlin Twp Parcels

Pinelands Wetlands

N



Preliminary State Plan



CMP Policy and Implementation Committee

January 31, 2025

State Development and Redevelopment Plan

- Authorized by the State Planning Act of 1985
 - State Planning Commission (SPC) prepares, revises and adopts the State Plan (every 3 years)
- Sets forth Statewide planning policies and serves as the official blueprint for development and redevelopment in NJ.
- First plan adopted in 1992 with significant update in 2001
- State Plan Policy Map

General Process for Revising the State Plan

- Preparation and Adoption of the Preliminary State Plan
 - Adopted by SPC on 12/4/2024
 - In lead up, staff participated in State Agency Work Group
- Cross Acceptance Process (in process)
 - Many hearings (1 per county in 45 days)
 - Municipalities must submit cross-acceptance response template to the County
 - (Optional for Pinelands municipalities entirely within the Pinelands Area)
 - County compiles responses and works with OPA to produce a “Statement of Agreements and Disagreements”

General Process for Revising the State Plan

- **Draft Final Plan Release**
 - Incorporates results of the Cross-Acceptance process
 - Includes draft Infrastructure Needs Assessment and Impact Statement
 - Six public hearings
- **State Planning Commission considers for final adoption**



Updated Planning Goals

- The preliminary plan is written around 10 planning goals
 - Economic Development
 - Housing
 - Infrastructure
 - Revitalization and Recentering
 - **Climate Change (new)**
 - Natural and Water Resources
 - Pollution and Environmental Clean-up
 - Historic and Scenic Resources
 - **Equity (new)**
 - 2024 Comprehensive Planning Goal

Treatment of Pinelands Area in the State Plan

- The SPC must rely on the adopted plans and regulations of the Pinelands Commission for the purposes of planning in the Pinelands Area (N.J.S.A. 52:18A-206)
- The Preliminary State Plan continues to acknowledge the Commission's statutory authority for Planning in the Pinelands Area through its implementation of the CMP.

A photograph of a swampy forest. In the foreground, there is a body of water reflecting the surrounding trees and sky. The water is dark and still, with some fallen branches and debris visible. The middle ground is filled with tall, thin trees, likely cypresses, with sparse foliage. The background is a dense forest of similar trees, with some showing signs of autumn color. The overall scene is a natural, undisturbed wetland environment.

Treatment of Pinelands Area in the State Plan

- The State Plan Policy Map does not apply to the Pinelands Area
- 1999 Memorandum of Agreement between Pinelands Commission and State Planning Commission
 - Ensures lands in the Pinelands receive State benefits that are afforded to certain Planning Areas and planning designations (e.g., centers)
- In the PNR Outside the Pinelands Area, SPAs should align with Pinelands management areas based on MOA

POLICY MAP of the New Jersey State Development and Redevelopment Plan

DESIGNATED CENTERS

- ★ Urban Centers
- ☆ Regional Centers
- Towns
- Villages
- Hamlets

PLANNING AREAS

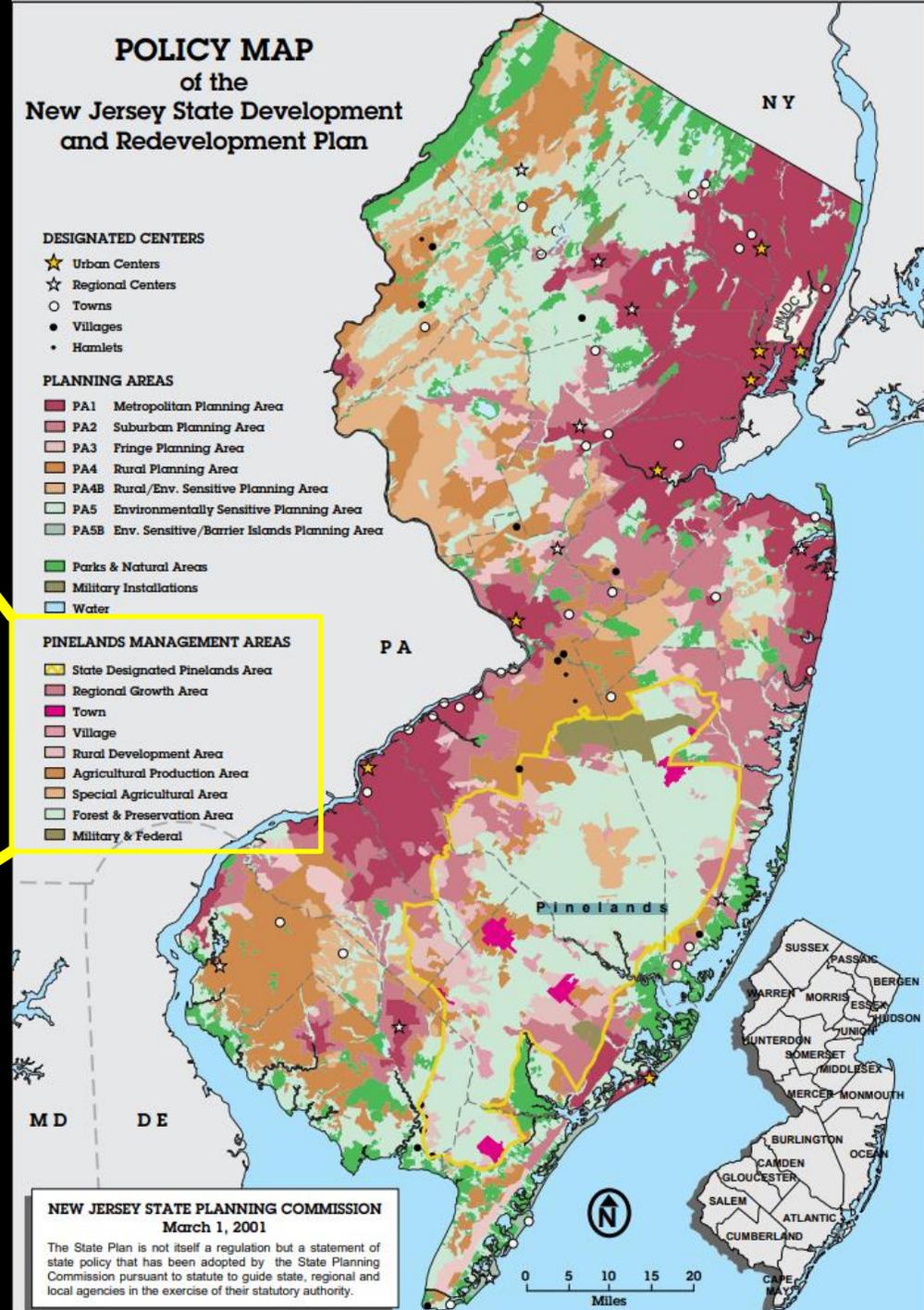
- PA1 Metropolitan Planning Area
- PA2 Suburban Planning Area
- PA3 Fringe Planning Area
- PA4 Rural Planning Area
- PA4B Rural/Env. Sensitive Planning Area
- PA5 Environmentally Sensitive Planning Area
- PA5B Env. Sensitive/Barrier Islands Planning Area
- Parks & Natural Areas
- Military Installations
- Water

PINELANDS MANAGEMENT AREAS

- State Designated Pinelands Area
- Regional Growth Area
- Town
- Village
- Rural Development Area
- Agricultural Production Area
- Special Agricultural Area
- Forest & Preservation Area
- Military & Federal

PINELANDS MANAGEMENT AREAS

- State Designated Pinelands Area
- Regional Growth Area
- Town
- Village
- Rural Development Area
- Agricultural Production Area
- Special Agricultural Area
- Forest & Preservation Area
- Military & Federal



NEW JERSEY STATE PLANNING COMMISSION
March 1, 2001

The State Plan is not itself a regulation but a statement of state policy that has been adopted by the State Planning Commission pursuant to statute to guide state, regional and local agencies in the exercise of their statutory authority.

Next Steps

- Continue to attend State Agency Working Group
- Monitor the results of the cross-acceptance process (e.g., Statements of Agreement and Disagreement)
- Await drafts of the Infrastructure Needs Assessment and Impact Assessment and provide comments as needed
- Provide comments on final draft of State Plan as needed
- The Final State Plan is tentatively schedule for distribution in late Fall 2025





Questions

Local Conformance Year in Review 2024



CMP Policy and Implementation Committee

January 31, 2025

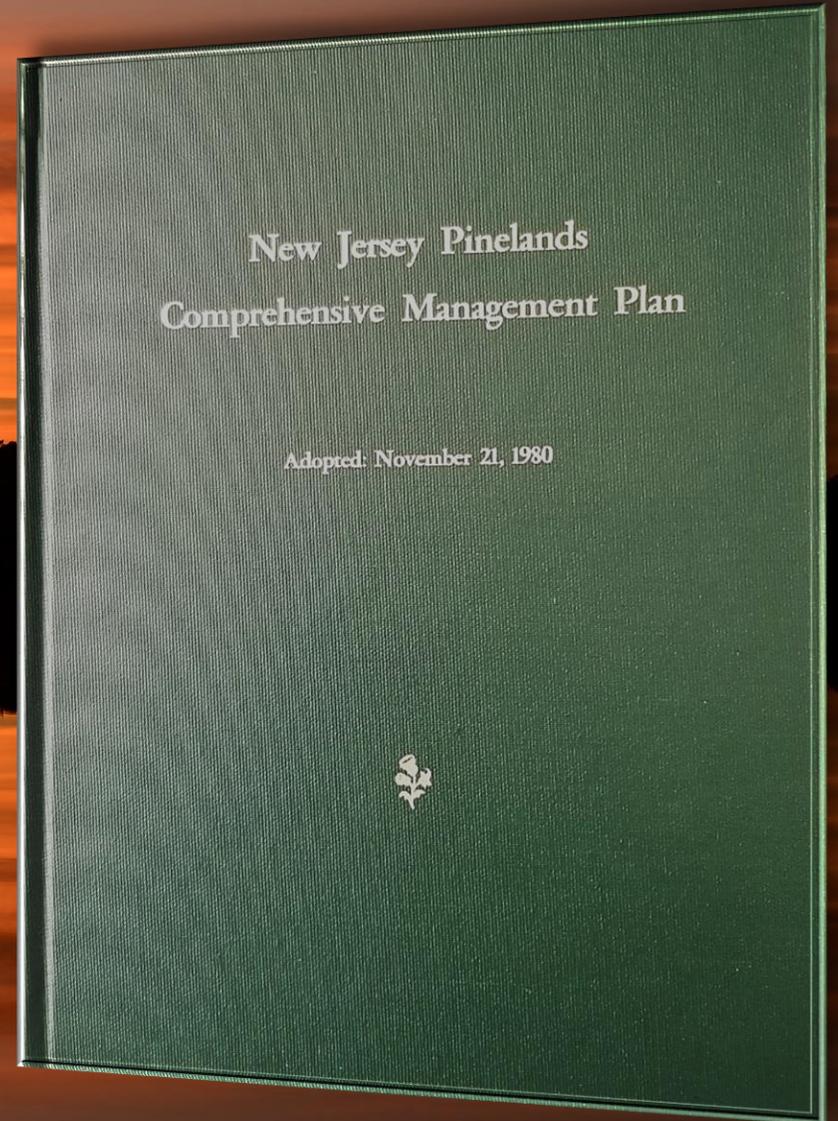
Presentation Overview

- Overview of the local conformance process
- 2024: Summary and trends
- Looking ahead in 2025

Conformance in the Pinelands

The Pinelands Protection Act requires all counties and municipalities within the Pinelands Area to update their master plans and land use ordinances to align with the objectives and standards of the Pinelands CMP.

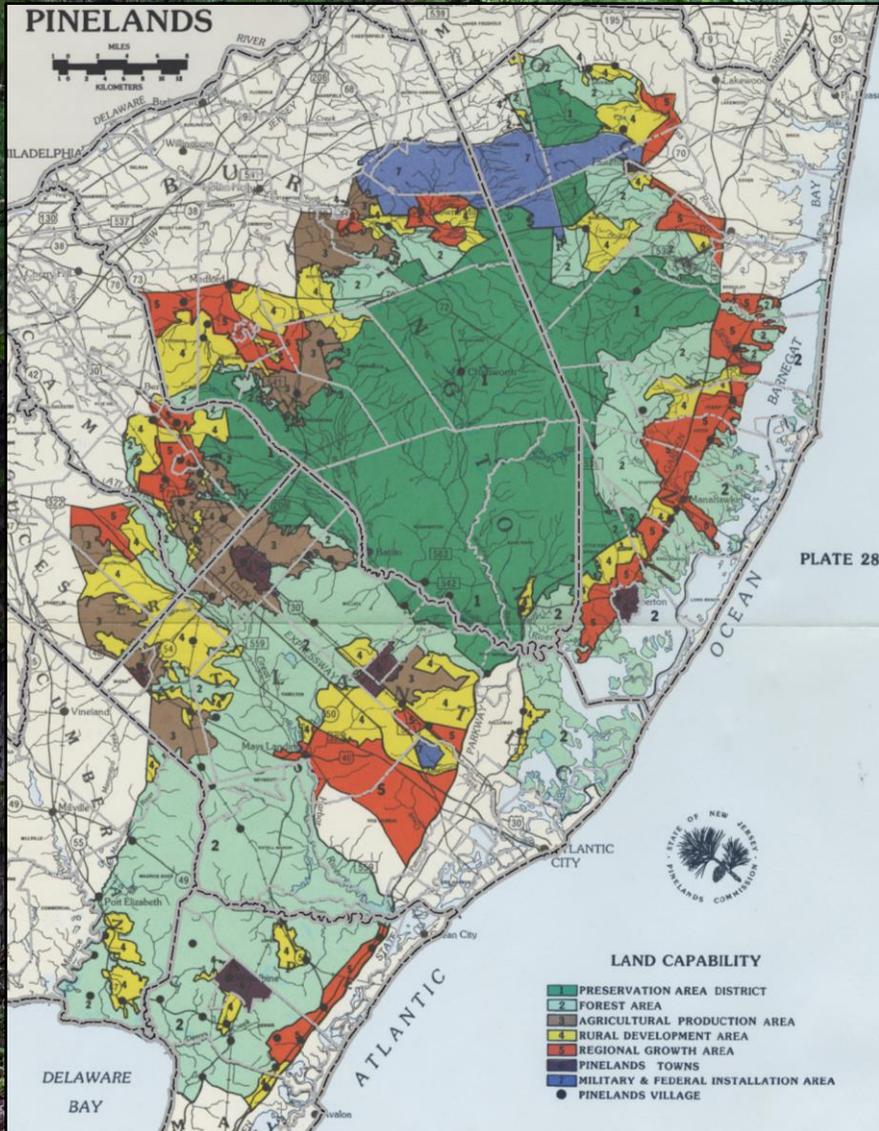
This conformance process is governed by the rules outlined in the Pinelands CMP.



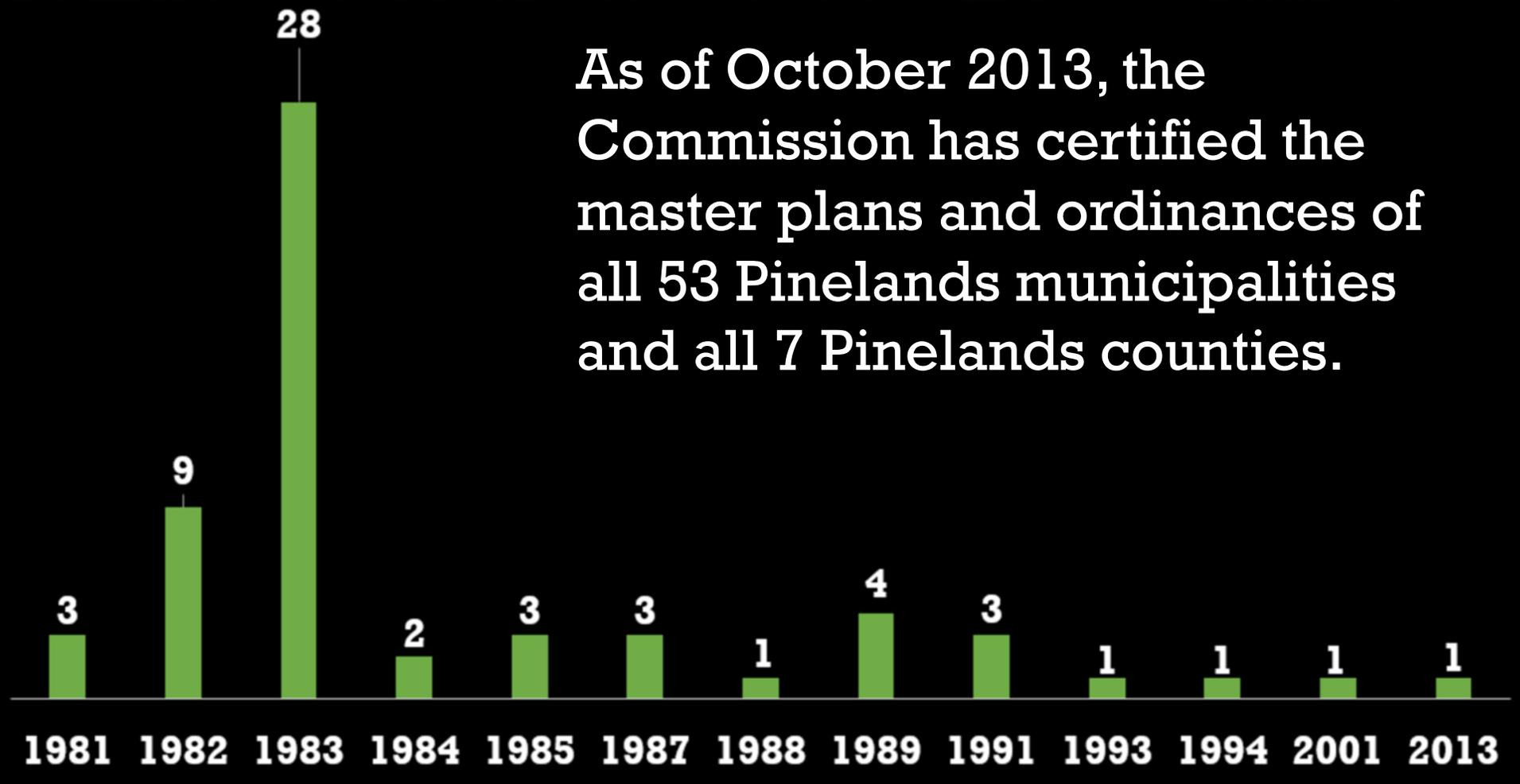
Initial Certification

Municipalities had to:

- Adopt CMP environmental standards
- Align zoning plan with the CMP land capability map
- Align permitted uses and intensities with Pinelands management areas
- Delineate Pinelands Villages
- Zone RGAs to meet residential density and PDC requirements



Initial Certification of Counties and Municipalities by Year



As of October 2013, the Commission has certified the master plans and ordinances of all 53 Pinelands municipalities and all 7 Pinelands counties.

An Ongoing Process

The CMP requires Commission review and approval of all master plan and land use ordinance amendments before they can take effect.

Common triggers:

- Updates to state law
- Updates to the CMP
- Affordable housing rounds
- Master plan reexaminations
- Community planning
- Changes in market conditions

Materials Submitted

Master plans

- Reexamination reports
- Land use elements
- Housing element and fair share plans
- Open space and recreation plans
- Public facilities plans
- Coastal resiliency plans

**2023 Master Plan Reexamination Report
Township of Shamong
Burlington County, New Jersey**

Adopted after a public hearing by Resolution # 2023-13 by the
Township of Shamong Planning Board on August 15, 2023

Certified by the Pinelands Commission on _____



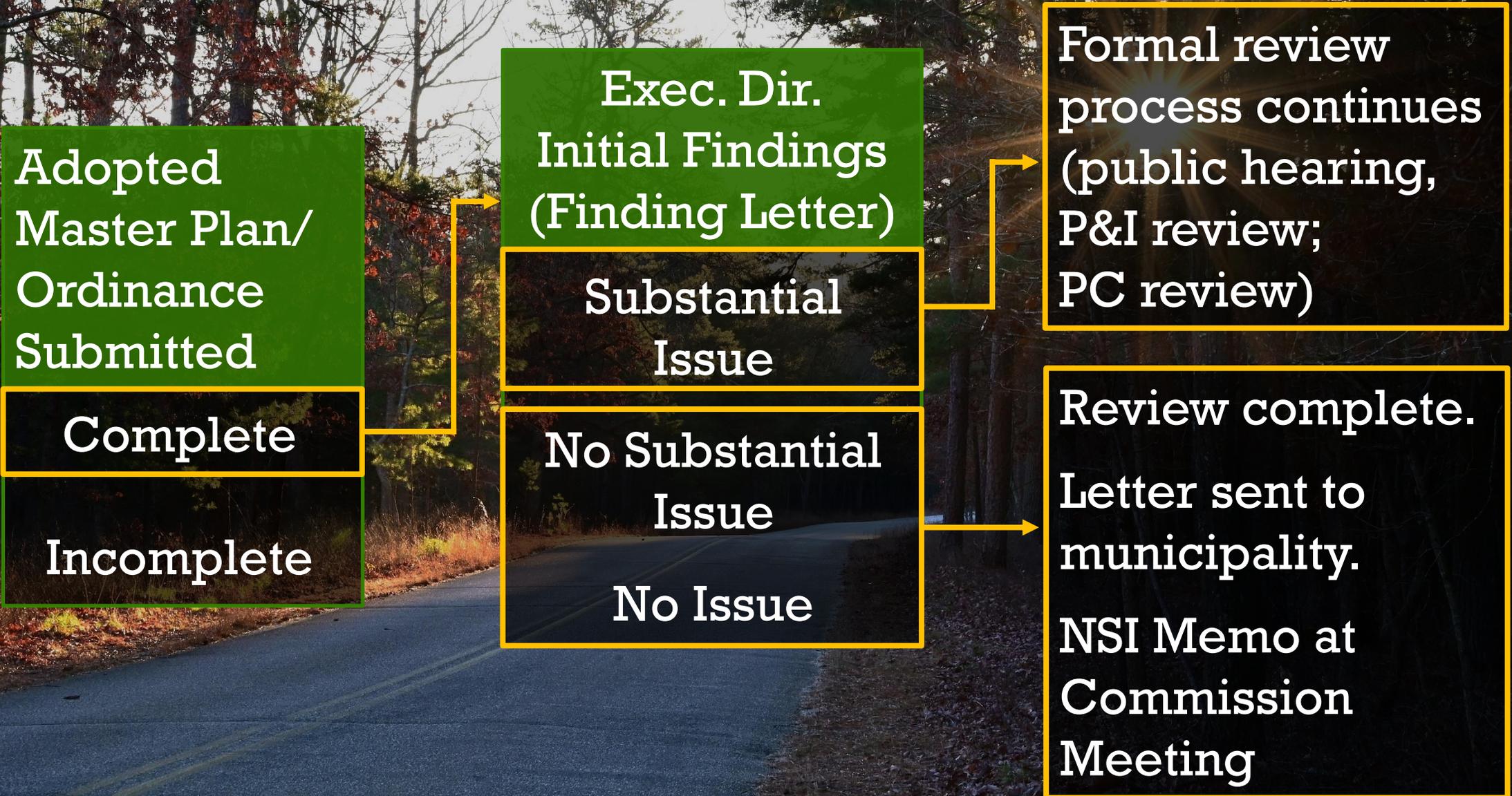
AUGUST 2023

PREPARED BY:

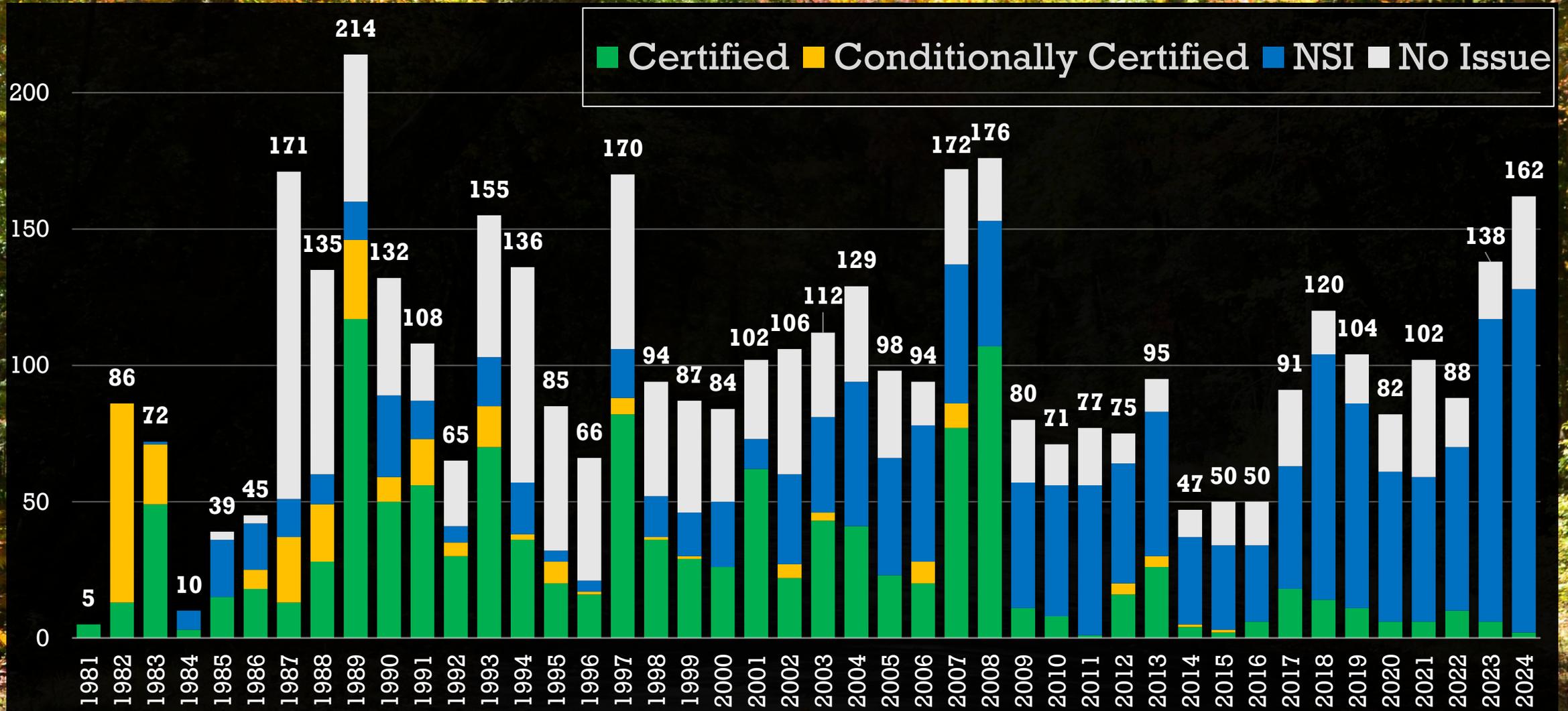
Tiffany A. Cuvillo, PP, LLC
Community Development and Planning

7 Equestrian Drive • Galloway, NJ 08205
Phone (856) 912-4415
tamorrissey@comcast.net

Submission and Staff Findings



Master Plans & Ordinances Approved 1981-2024



2023-2024 Conformance Activity

	2023	2024
Master Plans/Ordinances Received		
Adopted	139	170 ↑
Drafted or Introduced	72	88 ↑
Total*	147	186 ↑
Master Plans/Ordinances Reviewed		
Substantial Issue Finding	6	8 ↑
No Substantial Issue Finding	111	126 ↑
No Issue Finding	21	34 ↑
Total	138	168 ↑
Finding Letters Issued	110	105 ↓

*Does not double count ordinances that were submitted as drafts

Ordinances Reviewed by P&I Committee and the Commission

Hamilton Township Redevelopment Plan (Ord. 2085-2024)

- Facilitates the reuse of an existing industrial building in the Forest Area as a cannabis cultivation facility
- Provides limited opportunity for agricultural products processing in the redevelopment area

Manchester Township Redevelopment Plan (Ord. 24-02)

- Facilitates the redevelopment of a vacant former resource extraction site in the Regional Growth Area
- Permits light industrial, warehouses, distribution centers...etc.
- Protects sensitive T&E habitat within redevelopment area
- Includes a mandatory PDC requirement for non-residential uses

2024 Trends

No Substantial Issue Findings

- Response to July 2023 NJDEP Stormwater Rule amendment & Dec. 2023 CMP K-C Rule Amendment (~58)
 - Model ordinance development/distribution
 - Adoption tracking
- Redevelopment plans (~10 vs 14 in 2023)
 - 3 new redevelopment plans/ 7 amendments/ 1 repeal
 - Redevelopment of Atlantic City Racecourse
- Tree removal and replacement (~10)
- Cannabis-related zoning changes (~5 vs 10 in 2023)



2024 Trends

No Substantial Issue Findings

- 3 Master Plan Reexamination Reports
- Historic preservation standards (Medford Lakes)
- Solar regulations
- Flood damage prevention
- Changes to permitted uses within a zone
- Various bulk, area, design, signage, and use standards

2024 Trends

No Issue Findings

Ordinances Applicable Outside the Pinelands Area

- Stormwater control ordinances (NJDEP Model)
- Tree removal and replacement
- Redevelopment plans
- Zoning changes

Regulations not related to the standards of the CMP

- Zoning map updates consistent with certified zoning
- Cannabis licensing procedures and standards (not zoning)
- Recodification of regulations without amendments
- Application fees (exclusive of forestry application fees)
- Privately-owned salt storage (MS4 Tier A ordinances)

What's Ahead in 2025

- 4th Round Affordable Housing Round – (more at Feb. P&I)
- Redevelopment plans – mixed use development, affordable housing, solar on landfills, and warehouse development
- Pending state legislation that could impact local regulations (ADUs, reuse of malls and office parks)
- Ongoing local responses to cannabis and warehouse economies
- ...and the unexpected



Questions

GENERAL GUIDELINES FOR CONDUCTING THREATENED AND ENDANGERED SPECIES SURVEYS IN THE PINELANDS AREA

March 25, 2006

INTRODUCTION

This document is intended to provide general guidance for use in conducting threatened and endangered (T&E) species surveys in the Pinelands Area.

Part One of this document describes the review of existing T&E records and information that should occur as background work for preparing a T&E survey. Part Two of this document describes the habitat assessment that should occur to identify potential T&E species of concern based upon habitat. Part Three of this document describes the general survey requirements.

Although general in nature, these guidelines provide a framework for designing surveys for any of the T&E species protected by the Pinelands Comprehensive Management Plan (CMP). The specific characteristics and habitat requirements for each species of concern may then be incorporated within this framework to design surveys for a specific development.

The CMP provides that no development may be carried out unless it is designed to “avoid irreversible adverse impacts upon the survival of any local populations” of plants that have been found to be threatened or endangered (N.J.A.C. 7:50-6.27). The CMP further provides that no development may be carried out unless it is designed to “avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animal species designated by the Department of Environmental Protection” (N.J.A.C. 7:50-6.33).

To administer these standards, it must be known whether a population of T&E species is present in the area that will be affected by a proposed development. The most accurate way to determine the presence of such species includes researching known T&E sighting records and documentation, habitat assessments and, as appropriate, field surveys of the area.

A key factor in determining the appropriate level of effort for a survey is the likelihood that a local population of a T&E species may be in the area affected by a proposed development. In addressing this likelihood, these guidelines provide for the consideration of factors such as known records of T&E species in an area, the suitability of the habitat and the minimum information to be included in a T&E survey.

The objective of any T&E survey is to gather the information needed to make a fully informed decision regarding potential impact to these T&E species.

PART 1: REVIEW OF RECORDS AND DOCUMENTS

Existing records and documents provide information about recent and historical records of T&E species in an area. A review of the available documentation regarding the presence of any such species should be conducted for each development application that will disturb habitat. At a minimum, an applicant should contact the Commission staff in writing regarding the Commission's records of T&E species and the New Jersey Department of Environmental Protection, Natural Heritage Program for that agency's T&E records. An applicant should also consult with available local resources, as appropriate, such as neighbors, local naturalists or the municipal environmental commission.

By reviewing existing records, valuable preliminary information can be gained about the presence of previously observed species near a development site.

PART 2: HABITAT ASSESSMENT

The purpose of conducting a habitat assessment is to consider all T&E species identified in the CMP and to determine whether the proposed development site contains habitat for any such species. Information about the type of habitat preferred by the respective T&E species should be compared to the habitats on the site proposed for development. In most instances, this comparison will allow the investigator to narrow the list of potential T&E species of concern. In areas where sightings of T&E species have already been documented, a proposed development site with habitat similar to the areas of documented sightings should, in most instances, be considered to have a high potential to support a local population of those species.

A habitat assessment is a thorough characterization of the habitats within a defined study area. The habitat assessment should provide a characterization of the quality and quantity of habitat available to support T&E species. The habitat assessment may allow the investigator to focus any necessary field survey resources on the portions of a study area that are most likely to support targeted T&E species. In some situations, the habitat assessments may provide information demonstrating that a site or portions of a site contain such poor quality habitat that they are unlikely to support certain targeted T&E species.

The initial step in assessing habitat is the delineation of the study area that will be investigated. The study area should include the development parcel and adjacent lands. Consideration of the study area should include factors such as similarity of habitats on and off-site, activity ranges of the T&E species, dispersal methods and characteristics of the species and the potential of the proposed development to affect habitats beyond the limits of the site.

The habitat assessment should be based upon field inspections of the study area and should consider other available information such as soil surveys, aerial photographs and any habitat characterization mapping available from the New Jersey Department of Environmental Protection. To make informed decisions about the potential for development to impact T&E species, habitat assessments must consider all the different types of habitats that are necessary for the survival of the concerned T&E species. For example, critical habitat for a particular snake

species could include those areas necessary for feeding, nesting and denning. Such areas may encompass both uplands and wetlands.

Following are descriptions of some of the basic components of a habitat assessment:

- **Vegetation Community Analysis:** The vegetation communities and the individual species that form the community must be fully and accurately described. Species should be listed and relative abundance should be described. The structure of the vegetation community should be described, including the density of vegetation. The assessment should consider components of the vegetation community that may be important to individual T&E species such as the presence of nesting trees or woody shrubs that provide perches within grasslands.
- **Water Quality and Hydrology:** The quality and the hydrology of any surface waters in the study area should be fully characterized. The characterization should focus on the critical habitat requirements for the T&E species of concern. The water quality characterization should include an analysis of pH, nitrogen, turbidity, temperature and any other parameters for which the species of concern has specific requirements. This hydrologic characterization should include quantity, flow characteristics and any significant seasonal effects (such as duration of ephemeral ponds).
- **Soils:** A map of the soil types on the parcel and adjacent lands should be developed based upon the soil survey for the county and field verification of the soil survey mapping.
- **Wetlands:** The location of all wetlands on and within 300 feet of the parcel and adjacent lands should be delineated. The types of wetlands should be identified. The size of the wetland complex, the type and density of vegetation, the location and nature of surface water and groundwater seeps, the presence of canopy openings and other appropriate factors should be considered.
- **Topography:** The existing slopes and grades on the parcel should be mapped and characterized with a focus on topographic features that might affect the potential of the study area to provide habitats for T&E species.
- **Structures and Human Activities:** The habitat assessment should describe and consider the potential effect of any structures in the study area. These might include poles, fences, buildings, old foundations, cellar holes, roads and railroad beds. Human activities of concern might include mowing of fields, recreational use of an area or the use of water control structures to alter stream flow or water levels. The potential for such structures or activities to either provide habitat or detract from the quality of the habitat should be evaluated.
- A composite map of all relevant components of the habitat assessment should be developed.

The assessment should then identify any T&E species for which the study area may provide habitat. It is possible that habitats on a particular site that are less than ideal may still support a

local population of T&E species. It may be necessary to consider marginal habitat as having potential to support local populations of T&E species.

If it is determined that habitat exists within the study area that has the potential to support a population of T&E, it must be demonstrated that the proposed development is designed to “avoid irreversible adverse impacts upon the survival of any local populations” of T&E plants and to “avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations” of T&E animal species.

In most cases, a field survey for evidence of local populations of T&E species is necessary before any such demonstration can be considered. However, there may be some situations in which the habitat assessment may provide adequate information to consider such demonstrations. For example, if no habitat exists in the study area that is considered suitable to support a local population of T&E species, a field survey would not be necessary. Even if there is potentially suitable T&E species habitat, but the proposed development will not be located in that habitat or will be designed to include necessary measures to prevent irreversible significant adverse impacts on that habitat, including consideration of future unregulated development, a field survey would not be necessary.

If there is a possibility that the proposed development will cause adverse impacts upon habitat that has the potential to support a population of T&E, a field survey is necessary to demonstrate that the proposed development is designed to comply with the T&E species standards contained within the CMP.

PART THREE: THREATENED AND ENDANGERED SPECIES SURVEYS

If the habitat evaluation confirms the presence of suitable habitat for a particular T&E species and there is a reasonable possibility that a local population of those T&E species are present on a site, a field survey must be conducted to demonstrate consistency with the T&E standards. A field survey is an investigation of a defined study area to discover and document any evidence of the use of the site by a T&E species.

The study area for the field survey will be defined based upon the results of the habitat assessment and the characteristics of the T&E species of concern and their habitat. One of two types of field surveys may be utilized, either a targeted field survey or a full site field survey.

A targeted field survey is conducted on those portions of a site that have been determined to meet the criteria for potential habitat for a particular T&E species or group of species. Other portions of the site that do not contain potential habitat are not surveyed. The targeted survey may also be appropriate for situations where a relatively small portion of a very large site will be affected by development. The survey for evidence of any T&E species may be limited to the area of the site that will be affected by the proposed development, provided measures are taken to ensure that the remainder of the site is permanently protected. In such cases, all potential effects (including secondary impacts), should be considered in determining the area that will be

targeted. In situations where wetlands are present and wetland T&E species are of concern, a targeted field survey only considering upland species of concern may be utilized provided that the proposed development will maintain a 300 foot buffer to wetlands, as normally required by the CMP.

A full site field survey is a survey of all habitat on a development parcel for evidence of any T&E species. This type of survey is often appropriate for large-scale development that will disturb significant areas of habitat.

Requirements for T&E species surveys will be dependent upon the characteristics of the study area and the species of concern. Prior to beginning a survey, an applicant may wish to provide Commission staff with a proposed protocol describing the survey methodologies for the survey. This will enable the Commission staff to review and comment on the proposed protocols. It should be recognized that survey protocols may need to be changed as preliminary field findings become apparent.

The following general requirements apply to all T&E species surveys:

QUALIFIED PERSONNEL- To produce reliable results, the field survey must be conducted by personnel who have the experience and education to enable them to plan and implement a survey for the species of concern. They should be familiar with the life cycle of the T&E species in question and be capable of identifying the species at the significant phases in the life cycle. The person conducting the survey should have prior experience in conducting surveys for the species in question and in successfully locating and identifying the species. The survey personnel should be familiar with the preferred habitats of the species in question and have the experience to allow them to note and identify subtle evidence of the presence of the species. The individual(s) conducting the survey should be identified and their qualifications to undertake the survey for the species of concern must be provided.

LEVEL OF EFFORT- The time frame when a survey for a T&E species must be conducted will be affected by the species in question and the nature of the study area. Surveys must be designed to occur during the time periods during which the targeted species can be readily observed and identified. For plants, this may be the flowering period for some species or the period in which seeds have been set. Some plant species are persistent enough that they can be identified almost year round. A survey for a wildlife species that uses different habitat types to meet different needs must be designed so that the evaluators are investigating the study area during the different seasons or time periods that the species might be using the habitat.

As appropriate, drift fencing and trapping for certain species, targeted calling for other species and other proactive survey techniques may be required.

The number of work-days or work-hours needed to complete a survey will also vary. All areas of potential habitat identified in the habitat assessment should be surveyed. However, portions of the site that are of particular high quality should receive increased attention. A systematic sampling plan should be developed for a plant survey to ensure that an adequate number of sample plots, transects or sample points are investigated and

recorded. The survey plan for T&E wildlife species should make use of survey techniques appropriate for the species and may include techniques such as concentrated sampling of critical habitat areas (for example, breeding ponds, nesting trees, etc.), systematic sampling, road cruising, searches for physical evidence (tracks, shed skins, nests, eggs, scat or droppings, skeletons, etc.) tracks, placement of shelter boards and trapping and other evidence.

The duration of the survey will depend on the site and the targeted T&E species. Some wildlife surveys will require survey work during more than one season. The duration of the survey may also change based upon the results of the initial work. For example, if evidence of the presence of a T&E species is observed, further work to locate and quantify the local T&E population may be needed. The effectiveness of longer duration surveys should be monitored over the course of the survey to allow for modifications of the survey that may be necessary to improve the quality of the results.

REFERENCE POPULATIONS-Whenever possible, documented populations of the targeted T&E species should be observed to confirm that the survey is properly timed. For example, confirming that a nearby reference population of Pine Barrens tree frogs is vocalizing on a particular evening will help to validate that the timing and weather conditions are right for listening for the species at a survey site.

THE REPORT- Generally, the survey reports should include all of the information and documentation generated by the survey as well as the rationale for any variations from the survey plan submitted to the Commission. Some of the critical report components are described below.

- **RECORDS AND DOCUMENTS:** A review of the records and documents search should be included in any report. The applicant should provide documentation of the results of the data searches to the Commission staff. The applicant's documentation of the NJDEP Natural Heritage record search should include copies of the data request (including a copy of the site locator map) and the results provided by the NJDEP, Natural Heritage Program (including the cover letter). Documentation of the survey of local resources should include copies of any letters requesting information, copies of any responses and notes of conversations if applicable.
- **DATA FORMS:** Data forms should be used to report the data recorded in the field during the course of the survey. As appropriate, copies of these field data forms should be attached to the report. This should include all species of plants and wildlife observed.
- **STUDY AREA:** The survey should describe the rationale for the study area.
- **SURVEY MAPS:** A map or maps should identify the location of all areas investigated, the location of sampling points, trapping locations, observation points and other locations and features of significance to the survey. The maps should show these locations to scale and in relation to property lines and physical

features on the site. When and where appropriate, GPS coordinates should be provided.

- **SURVEY DESCRIPTION:** The survey should describe the survey techniques used and provide supporting documentation as to why such techniques are appropriate for the concerned species. The survey should also describe the number of work hours spent, number of personnel, the days on which the survey was performed, weather conditions on those days, any unusual events that might have affected the results, all evidence observed and areas that were sampled with negative results. If traps were used, the status of the traps should be reported. For example, were the traps removed, rendered non-functional, etc.
- **PREY SPECIES AND COHORTS:** When appropriate, the survey should note any species that may provide insight into the likelihood that the targeted species may be present. The presence and relative abundance of prey species should be observed. Any species that are potentially associated with the target species should be noted (for example, black racers that may den with pine snakes).
- **ANALYSIS AND CONCLUSIONS:** The report should include the site investigator's reasoned conclusions regarding the presence or absence of a local population of T&E species of plants or critical habitat for a local population of T&E wildlife species. If a local population or critical habitat exists, a discussion should be provided describing whether the proposed development has been designed to comply with the threatened or endangered species standards of the CMP. For any T&E animals identified, a discussion quantifying that animals home range must be included. Any recommended changes to the design of the proposed development project should be described.

The analysis and conclusion section of the report should also consider, as appropriate, the following:

Pinelands Management Area and Local Zoning: The Commission certified (approved) municipal zoning ordinances provide insight into the long term plans and expectations for the development of a parcel and adjoining lands. In the review of applications, consideration of the development potential of a given area based upon zoning provides a picture of the future habitat conditions if the area is developed at the permitted densities.

Cumulative Impacts: Multiple smaller development projects may cause habitat disturbances that represent significant adverse impacts when considered in aggregate. Such cumulative effects of proposed development on a regional basis must be considered. It may be demonstrated that the proposed development is consistent with T&E standards when considered in a regional context. For example, if permanently protected lands are immediately adjacent to a proposed development, this information can be considered when determining potential impacts to a T&E species. This approach is particularly

appropriate for wide-ranging wildlife species that may have critical habitat needs extending over areas that can be measured in square miles.

Area of Disturbance: The area of habitat that will be disturbed as a result of development can be used as a measure of each project's relative potential to cause significant adverse impacts upon threatened or endangered species or their habitats. Any portions of the development site that will remain undisturbed should be permanently protected from all future development or disturbance. Land that is not permanently protected and could be subjected to future development or disturbance should be considered as subject to future disturbance.

Linear Development: Development such as utility lines may be installed over a great distance but often will result in a narrow width of disturbance. The overall area of disturbance may be small for this type of development. However, the large distance over which the linear development will be installed may result in the area of disturbance crossing multiple types of habitats. The involvement of different habitats increases the potential that the project may affect threatened or endangered species. The widths of disturbance associated with linear projects vary. Therefore, the type of investigation for linear projects should be based upon the length of the project and the area of disturbance.

Wetland Buffer Reductions: The Commission staff does not typically approve a reduction in the required buffer to wetlands for those wetlands that support a population of threatened or endangered species. Therefore, information generated by threatened or endangered species investigations is important if there is a potential for the presence of these species in wetlands for which a buffer reduction is proposed.

Duration and Timing of Disturbance: The season in which disturbance will occur should be considered for projects that will result in short term disturbance of habitat. For example, a utility line that will be installed in a grass field in the winter season is likely to have less impact upon nesting habitat for grassland birds than a project that would be installed in the spring. Information regarding the timing of construction and revegetation can be useful when a population of a particular species is suspected to be in the vicinity of a project.

Site Conditions: The unique conditions of each particular development parcel and nearby lands should be considered in assessing the likelihood that the area supports a population of threatened or endangered species. These conditions may include habitat fragmentation, existing structures, roads, clearings and other land uses. These conditions must be considered in relation to the habitat requirements of the particular species in question. A clearing that provides good foraging habitat for one species may represent an unacceptable fragmentation of a critical woodland habitat for another species. A small site containing high quality habitat may not be

capable of supporting certain threatened or endangered species if the habitat on the site is not contiguous to other high quality habitats.

- **FILING:** All reports, data and information submitted for an application will become part of the application file and may not be withdrawn after submission. The preparer should sign and date the report and state that the report is a true and accurate representation of the results of the study.