



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 32

TITLE: Issuing an Order to Certify Manchester Township Ordinance 20-022, Adopting the Whiting Landfill Redevelopment Plan.

**Commissioner Avery moves and Commissioner Lohbauer
seconds the motion that:**

WHEREAS, on July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Manchester Township; and

WHEREAS, Resolution #PC4-83-59 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-59 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on July 13, 2020, Manchester Township adopted Ordinance 20-022, approving a Redevelopment Plan for the Whiting Landfill Redevelopment Area, which is located in the Pinelands Preservation Area District; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 20-022 on July 21, 2020; and

WHEREAS, by letter dated July 29, 2020, the Executive Director notified the Township that Ordinance 20-022 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 20-022 was duly advertised, noticed and remotely held on September 2, 2020 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that Ordinance 20-022 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 20-022, adopting the Whiting Landfill Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 20-022 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 20-022 and has reviewed the Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Manchester Township Ordinance 20-022, adopting the Whiting Landfill Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Manchester Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

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

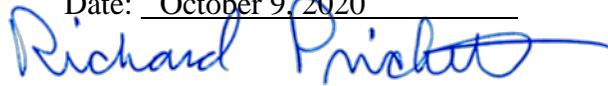
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 9, 2020



Nancy Wittenberg
Executive Director



Richard Prickett
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
 (609) 894-7300
 www.nj.gov/pinelands



PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

**REPORT ON MANCHESTER TOWNSHIP ORDINANCE 20-022,
 ADOPTING THE WHITING LANDFILL REDEVELOPMENT PLAN**

September 25, 2020

Township of Manchester
 1 Colonial Drive
 Manchester, NJ 08759

FINDINGS OF FACT

I. Background

The Township of Manchester is located in the northern portion of the Pinelands Area in northwestern Ocean County. Pinelands municipalities adjacent to Manchester Township include the Borough of Lakehurst and the Townships of Berkeley, Jackson, Lacey, Plumsted, and Toms River in Ocean County, and the Townships of Pemberton and Woodland in Burlington County.

On July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Manchester Township applicable to that portion of the municipality located in the state-designated Pinelands Area.

On July 13, 2020, Manchester Township adopted Ordinance 20-022, approving a Redevelopment Plan for the Whiting Landfill Redevelopment Area, which is located in the Pinelands Preservation Area District. The Redevelopment Plan is intended to facilitate the closure of the existing municipal landfill in accordance with New Jersey Department of Environmental Protection (NJDEP) and Pinelands Comprehensive Management Plan regulations as well as the development of a solar energy facility. It is noted that Manchester Township has been selected as one of the conditionally approved applicants in the Year 1 Community Solar Energy Pilot Program administered by the New Jersey Board of Public Utilities. The conditionally approved application is for a 3.2 MW community solar project at the Whiting Landfill. The solar facility is expected to offset the costs associated with the appropriate landfill closure.

The Pinelands Commission received a certified copy of Ordinance 20-022 on July 21, 2020. By letter dated July 29, 2020, the Executive Director notified the Township that Ordinance 20-022 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 20-022, Adopting the Whiting Landfill Redevelopment Plan, introduced on June 22, 2020 and adopted on July 13, 2020.

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan (CMP). The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards**

Ordinance 20-022 adopts the Whiting Landfill Redevelopment Plan, dated July 14, 2020. The Redevelopment Area encompasses approximately 98.64 acres and consists of a single lot (Block 116, Lot 13) that is owned by Manchester Township. The Redevelopment Area is located entirely within the Township's Pinelands Preservation Area (PPA) zoning district and the Pinelands Preservation Area District management area (see Exhibit 2). It is the site of the former Whiting Landfill as well as several existing municipal facilities, including a firearms training range, vegetative composting center, recycling center, and salt storage shed (see Exhibit 1).

The goals of the Redevelopment Plan are to complete the capping and closure of the former landfill, provide the Township with a source of renewable energy, encourage municipal action to guide the appropriate development of the site, ensure the development is in conformance with the standards of the Pinelands Preservation Area, and promote sustainable development.

To effectuate those goals, the Redevelopment Plan establishes the Whiting Landfill Redevelopment Overlay (WLRO) District. The WLRO district encompasses the entirety of the Redevelopment Area and is limited to only Block 116, Lot 13. The underlying regulations of the PPA district remain in effect for the Redevelopment Area, except where explicitly modified by the Redevelopment Plan. Permitted uses in the WLRO district include: all principal uses permitted in the underlying PPA zoning district; existing municipal facilities, including two non-conforming uses (the firearms training range and salt shed) as well as the recycling center and composting facility; and major solar or photovoltaic energy facilities. All development in the Redevelopment Area remains subject to the minimum environmental standards set forth in the Township's land use ordinance and the CMP.

Permitted Uses in the Underlying Pinelands Preservation Area Zone

The WLRO district continues to permit those uses already permitted by the underlying Pinelands Preservation Area (PPA) zoning district. Permitted uses in the PPA district are limited to: residential dwelling units that meet the standards for cultural housing; agricultural employee housing as an element of, and accessory to, an active agricultural operation; berry agriculture and horticulture of native plants; forestry; beekeeping; fish and wildlife management and wetlands management; low-intensity recreation uses; continuation of existing intensive recreational uses; continuation of existing resource extraction operations; and public service infrastructure that is necessary to serve only the needs of the PPA zoning district uses.

Existing Municipal Uses

The WLRO district permits four additional uses in recognition of the active municipal facilities within the Redevelopment Area. In particular, municipal recycling centers and composting facilities are permitted in accordance with N.J.A.C. 7:50-6.76(a) and N.J.A.C. 7:50-6.77(b), respectively. The continuation of existing nonconforming municipal facilities (the previously mentioned firearms training range and salt storage shed) is also permitted pursuant to N.J.A.C. 7:50-5.2.

The existing recycling center and composting facility in the Redevelopment Area were approved by the Commission in 1990, subject to conditions, as part of a Public Development Application that also included a landfill closure plan discussed below (Application #1981-2232.001). The Township has initiated, but not completed, an application to the Commission for development activities related to the firearms training range and salt shed (Application #1981-2232.003). Any expansion of a nonconforming use would be subject to the approval of a Public Development Application by the Pinelands Commission and limited by the provisions of N.J.A.C. 7:50-5.2. This section of the CMP provides municipalities with the option of permitting the continuation of any nonconforming use, provided that such use is not abandoned. Municipalities may also permit the expansion of such nonconforming uses, provided that such expansion is in accordance with the minimum environmental standards of the CMP and the area of expansion does not exceed 50% of the area or capacity of the use on January 14, 1981.

Major Solar or Photovoltaic Energy Facility

The WLRO district permits Major Solar or Photovoltaic Energy Facilities in accordance with a series of design standards included in the Redevelopment Plan. These standards are in accordance with the CMP's solar energy facility standards for the Preservation Area District (N.J.A.C. 7:50-5.36). The Redevelopment Plan specifies that solar facilities are permitted only on an existing landfill that has been closed and capped in accordance with the Pinelands CMP. Solar facilities can only be located on those portions of the parcel comprised of previously disturbed lands that have not been restored or on other portions of the parcel that are required to be disturbed for purposes of landfill closure (see Exhibit 3). The need to use such other lands must be demonstrated by submitting a comprehensive application for landfill closure to the Pinelands Commission. The Redevelopment Plan also limits the clearing of land for new or expansion of existing on-site or off-site infrastructure to that which is necessary to accommodate the solar facility. The above-grade height of any solar structures is limited to 20 feet. Lastly, the Redevelopment Plan includes requirements for the decommissioning of the solar facility and restoration of land within 12 months of the cessation of use.

Landfill Closure

As noted previously, the Redevelopment Plan is intended to facilitate the appropriate closure of the Whiting Landfill in accordance with the New Jersey Department of Environmental Protection (NJDEP) and Pinelands CMP regulations. Upon adoption of the CMP for the Preservation Area, effective September 23, 1980, existing landfills in the Preservation Area were required to cease operation immediately. The CMP requires that all landfills in the Preservation Area that ceased operation after that date be capped with an impermeable material or otherwise appropriately closed (N.J.A.C. 7:50-6.75(c)).

On November 2, 1990, the Pinelands Commission approved a landfill closure plan for the Whiting Landfill that called for an impermeable cap (Application #1981-2232.001). However, due to financial constraints, the Township has yet to cap or appropriately close the landfill in accordance with the CMP and the approved closure plan.

In 2012, the Pinelands Commission contracted with the United State Geological Survey (USGS) to develop a screening tool to model the potential for landfill leachate to contaminate wells, wetlands or surface water bodies in proximity to Pinelands Area landfills. The goal of the project was to rapidly assess and rank the relative cause for concern at each landfill that had not been capped. The rapid assessment tool that was developed indicated that the Whiting Landfill posed a “high level of concern” for potential migration of landfill leachate constituents and a resultant impact on Pinelands streams, wetlands, and wells. This was a preliminary assessment only and is not based on data from monitoring wells or test pits. The Township recently began working with Commission staff to develop plans detailing the hydrogeologic framework of the site. The Township and Commission staff will jointly reevaluate methods for appropriately closing the Whiting Landfill and ultimately will make a recommendation to the Commission as to whether an impermeable cap remains necessary. The Township’s landfill closure plans are the subject of a pending Pinelands Public Development Application, which must be completed prior to or simultaneously with any application for a community solar facility in the Redevelopment Area.

Ordinance 20-022 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

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 20-022 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 20-022 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 Redevelopment Plan adopted by Ordinance 20-022 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Manchester Township's application for certification of Ordinance 20-022 was duly advertised, noticed and held on September 2, 2020 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinance 20-022 were accepted through September 7, 2020. However, no written comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 20-022, adopting the Whiting Landfill Redevelopment Plan of Manchester Township, 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 20-022 of Manchester Township.

SRG/DBL/CMT
Attachments

Whiting Landfill Redevelopment Plan

Existing Conditions

Executive Director's Report
Manchester Ordinance 20-022
Exhibit 1
9/25/2020



Redevelopment Area



Manchester Twp Parcels



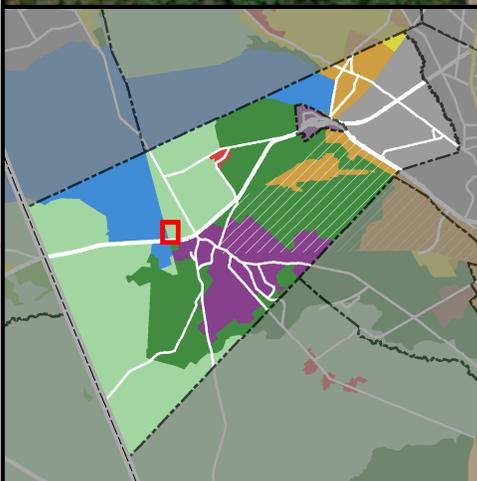
0 250 500 1,000 Feet

Existing Fire Arms Training Range

Existing Salt Storage Shed

Existing Recycling Center

Existing Vegetative Composting Facility



70

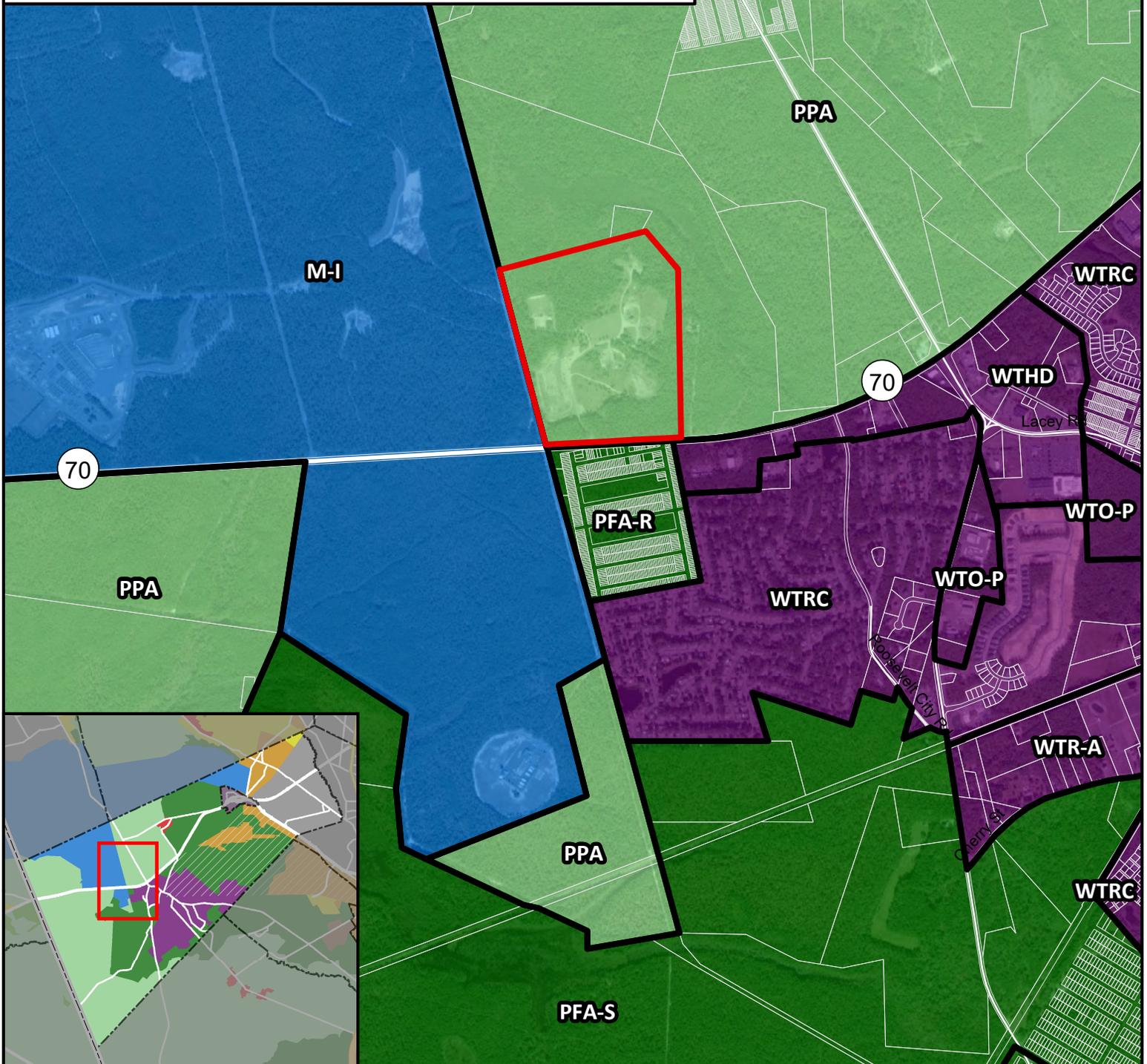
Whiting Landfill Redevelopment Plan Pinelands Management Area/Zoning

Executive Director's Report
Manchester Ordinance 20-022
Exhibit 2
9/25/2020

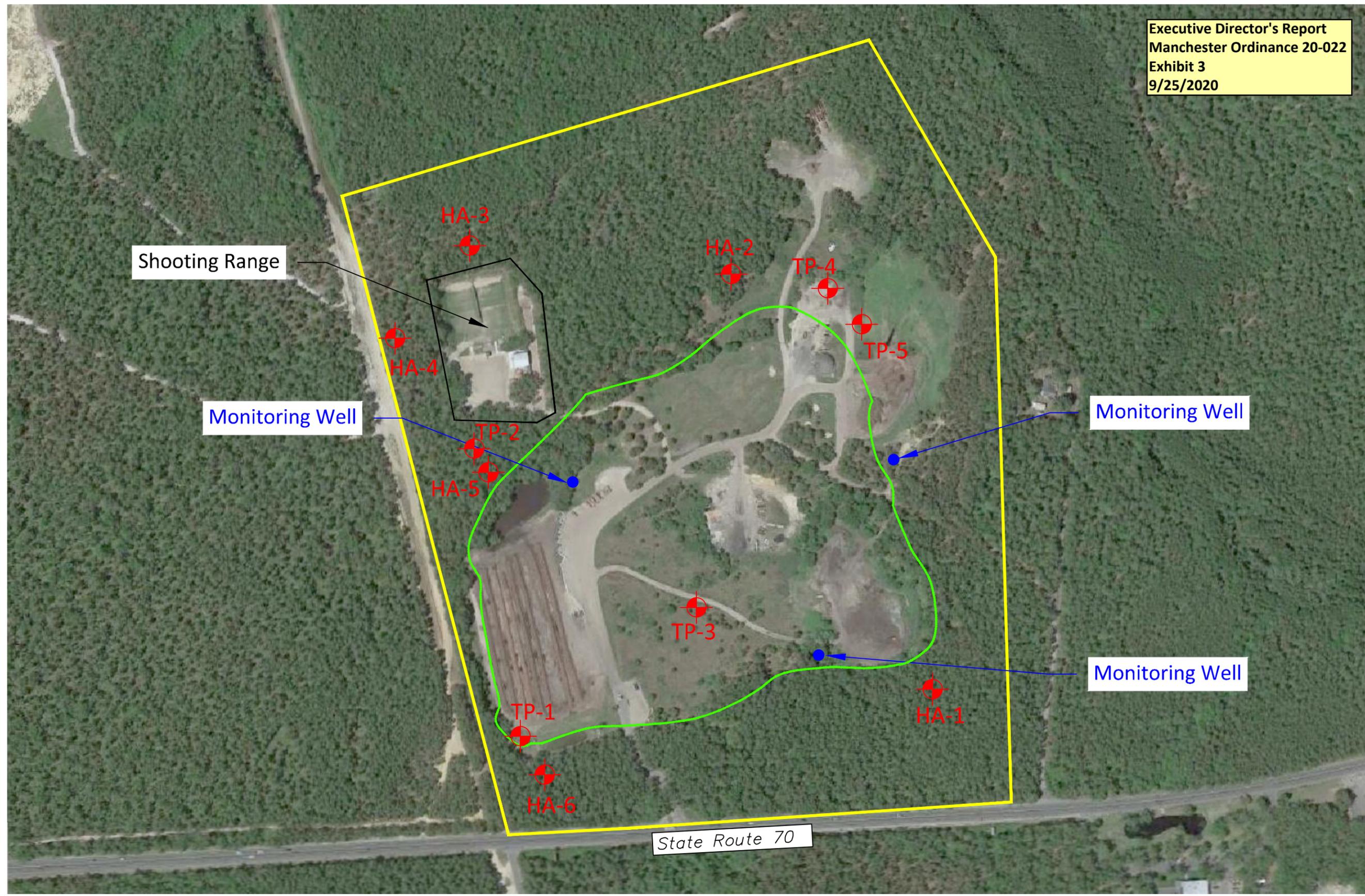
Pinelands Management Areas

- Preservation Area
- Forest Area
- Pinelands Town
- Federal or Military Facility
- Redevelopment Area
- Manchester Twp Zoning
- Manchester Twp Parcels

0 1,250 2,500 5,000 Feet



Executive Director's Report
Manchester Ordinance 20-022
Exhibit 3
9/25/2020



Legend:

- Subject Property
- Monitoring Well
- Interpreted Landfill Deposits Boundary
- ⊕ Test Pit/Hand Auger

1" = 300'

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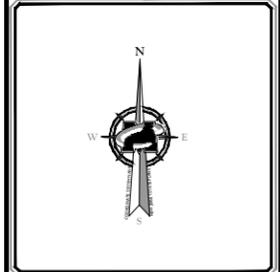
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State of N.J. Cert. of Authorization: 24GA27986500

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REV	DATE	DRAWN BY	DESCRIPTION



GEOPHYSICAL EVALUATION
 FOR
Manchester Township Landfill
BLOCK 116 LOT 13
 1501 HIGHWAY 70
 MANCHESTER TOWNSHIP,
 OCEAN COUNTY, NJ

MT. LAUREL OFFICE
 2000 Millstone Drive
 Suite 100
 Mount Laurel, NJ 08054
 Phone: 856.797.0412
 Fax: 856.722.1120

SCALE: AS SHOWN	DATE: 01/15/2020	DRAWN BY: JWV	CHECKED BY: ASR
PROJECT NUMBER: MCT-044	DRAWING NAME: MANCHESTER LF BASE MAP FINAL		

SHEET TITLE:
INTERPRETED EXTENT OF LANDFILL MATERIALS

SHEET NUMBER:
FIGURE I

TERA\Mapping\Manchester LF Base Map_FINAL.dwg\Manchester Base- DELIVERABLE By: AROSS



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 33

TITLE: Issuing an Order to Certify Winslow Township Ordinance O-2020-19, Adopting the Churchill Redevelopment Plan.

**Commissioner Lohbauer moves and Commissioner Howell
seconds the motion that:**

WHEREAS, on April 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Winslow Township; and

WHEREAS, Resolution #PC4-83-30 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-30 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on July 15, 2020, Winslow Township adopted Ordinance O-2020-19, approving a Redevelopment Plan for the Churchill Redevelopment Area, which is located in a Pinelands Regional Growth Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O-2020-19 on July 23, 2020; and

WHEREAS, by letter dated July 28, 2020, the Executive Director notified the Township that Ordinance O-2020-19 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance O-2020-19 was duly advertised, noticed and remotely held on September 2, 2020 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that Ordinance O-2020-19 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance O-2020-19, adopting the Churchill Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance O-2020-19 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance O-2020-19 and has reviewed the Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Winslow Township Ordinance O-2020-19, adopting the Churchill Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Winslow Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

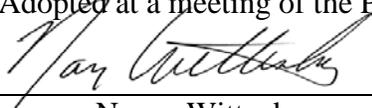
Record of Commission Votes

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

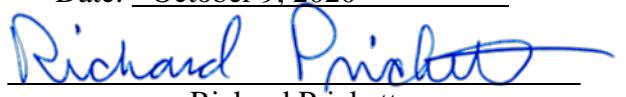
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 9, 2020



Nancy Wittenberg
Executive Director



Richard Prickett
Chairman



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PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

**REPORT ON WINSLOW TOWNSHIP ORDINANCE O-2020-19,
 ADOPTING THE CHURCHILL REDEVELOPMENT PLAN**

September 25, 2020

Winslow Township
 125 South Route 73
 Winslow Township, NJ 08037

FINDINGS OF FACT

I. Background

The Township of Winslow is located on the western fringe of the Pinelands Area, in Camden County. Pinelands municipalities adjacent to Winslow Township's Pinelands Area include the Boroughs of Berlin and Chesilhurst and the Township of Waterford in Camden County, the Township of Monroe in Gloucester County, and the Town of Hammonton and the Borough of Folsom in Atlantic County.

On April 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Winslow Township.

On July 15, 2020, Winslow Township adopted Ordinance O-2020-19, approving a Redevelopment Plan for the Churchill Redevelopment Area, which is located in the Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance O-2020-19 on July 23, 2020.

By letter dated July 28, 2020, the Executive Director notified the Township that Ordinance O-2020-19 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 O-2020-19, adopting the Churchill Redevelopment Plan, introduced on June 9, 2020 and adopted on July 15, 2020.

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands

Comprehensive Management Plan (CMP). The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. Natural Resource Inventory

Not applicable.

2. Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards

Ordinance O-2020-19 adopts a Redevelopment Plan, dated June 5, 2020, for the Churchill Redevelopment Area. This new Redevelopment Area consists of four lots (Block 2504, Lots 4.02, 4.03, 4.04, and 7.02) and is located between NJ Route 73 and Cooper Folly Road (see Exhibit #1). Approximately 15 acres are included in the Redevelopment Area: 14.76 acres of that were previously zoned PC-2 (Pinelands Major Commercial) and 0.24 acres zoned PR-4 (High Density Residential). Lots 4.02, 4.03, and 4.04 contain an existing professional office, while the remainder of the Redevelopment Area is vacant and wooded. The entire Redevelopment Area is located in a Pinelands Regional Growth Area.

The purpose of the Churchill Redevelopment Plan is to improve the tract from its current underutilized state and encourage redevelopment of the area with a mix of uses including professional offices and senior housing. To that end, the Redevelopment Plan permits the development of the entire tract based on the standards of the PC-2 zoning district regulations or based on the regulations of the two overlay zoning districts established in the Redevelopment Plan: the Professional Office Overlay District (approximately 6.36 acres) and the Senior Residential Overlay District (approximately 8.64 acres) (see Exhibit #2).

The Professional Office Overlay District permits business offices, professional offices as well as any other uses permitted in the underlying PC-2 zoning district, which include a variety of non-residential uses such as research facilities, hospitals, retail stores, banks, and restaurants. The Senior Residential Overlay District permits memory care facilities, assisted living facilities, independent living facilities, and any other senior residential facility that is substantially similar in nature and impact. Within a Regional Growth Area, the CMP provides that Pinelands municipalities may permit any use, except for certain waste management facilities, provided that residential density and opportunities for the use of Pinelands Development Credits are appropriately accommodated (N.J.A.C. 7:50-5.28). Furthermore, the CMP also expressly authorizes assisted living facilities as a permitted use in a Regional Growth Area provided that certain standards are met (N.J.A.C. 7:50-5.34). Among these standards is the establishment of a permitted residential density applicable to assisted living facilities. Ordinance O-2020-19 satisfies this requirement by limiting the Senior Residential Overlay District to a maximum of 213 units (inclusive of memory care units). This is equivalent to a maximum density of 24.5 units per acre in the Senior Residential Overlay district and approximately 14 units per acre in the Redevelopment Area as a whole.

The permitted density in the Redevelopment Area is significantly higher than the 1.125 units per upland acre that is prescribed for Winslow's Regional Growth Area by the CMP. Additionally,

the underlying zoning plan would not allow for any residential units without a variance. (The small portion of the tract within the PR-4 district does not meet the minimum lot size requirements for a single-family unit.) Therefore, by permitting 213 additional units, this Redevelopment Plan increases the overall residential zoning capacity of the Township's Regional Growth Area. However, the CMP does provide municipalities with the ability to zone portions of their Regional Growth Areas for higher densities, provided that the lands in question are appropriate for more intensive development, infrastructure exists or can be provided to support the increased density and sufficient opportunities for the use of Pinelands Development Credits are provided (N.J.A.C. 7:50-5.28(a)7). As detailed below, the Churchill Redevelopment Area meets these standards for increased density.

With respect to the appropriateness for the intensity of development permitted, it aligns with the Township's long-term goals of planning for increased residential densities in proximity to NJ-73 in order to support commercial development along NJ-73. The Churchill Redevelopment Area fronts NJ-73 and the Senior Residential Overlay District in particular is adjacent to the Camden County Library and in the vicinity of the Winslow Township Senior Center, the Winslow Township Middle School and High School, as well as the recently completed 264-unit Taylor Woods apartment complex. The Senior Residential Overlay District permits senior housing in structures with a maximum height of 4 stories or 60 feet in order to accommodate the increased density. Multiple buildings are permitted on a lot if they constitute one basic use and operation. A 15-foot landscaped buffer is required around the entirety of the tract. The Senior Residential Overlay District does not contain any wetlands or required wetlands buffer areas. Lastly, the Redevelopment Plan requires that any development in the Redevelopment Area comply with the minimum environmental standards of the CMP.

With respect to the availability of infrastructure to serve the Redevelopment Area, both water and sewer will be provided. Importantly, a 2017 amended Memorandum of Understanding between the Commission, Winslow Township and the Camden County Municipal Utilities Authority sets forth a plan for the provision of water to the Township's entire Regional Growth Area in a manner that ensures protection to the Kirkwood/Cohansey aquifer. The Memorandum of Understanding requires that water from a non-Kirkwood/Cohansey source be provided to serve future development once water demands reach a certain threshold.

The third condition for approval of increased densities and zoning capacity relates to the accommodation of Pinelands Development Credit opportunities. As discussed in more detail in Section 8 of this report, the Redevelopment Plan requires the acquisition and redemption of Pinelands Development Credits (PDCs) for 25% of all residential units in the Redevelopment Area, with limited exemptions applicable to residential units made affordable to low- and moderate-income households. Residential units include both assisted living and independent living units. Memory care facilities are considered institutional uses under the CMP and are therefore not subject to the PDC requirements. Thus, Pinelands Development Credit use has not only been accommodated, it has been guaranteed in the Redevelopment Area if any residential units are developed.

Ordinance O-2020-019 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

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

Ordinance O-2020-19 increases the amount of residentially-zoned land in Winslow Township's Regional Growth Area by approximately 8.4 acres, which accounts for those lands within the Redevelopment Area's Senior Residential Overlay District that were previously within the PC-2 (Pinelands Major Commercial) zoning district. The Redevelopment Plan permits a maximum of 213 units within the Senior Residential Overlay District.

In order to comply with N.J.A.C. 7:50-5.28(a)3, the Churchill Redevelopment Plan requires that PDCs be acquired and redeemed for 25% of all residential units within the Redevelopment Area, with an exception for units made affordable to low- and moderate-income households as part of the Township's mandatory 20% set-aside requirement. It is important to note that such affordable units beyond the required 20% set-aside described above will require that PDCs be acquired and redeemed at the 25% rate.

Based on the densities assigned to Winslow Township's Regional Growth Area by the CMP (N.J.A.C. 7:50-5.28), the Township is required to provide an opportunity for the development of residential units at a base-density of 1.125 units per acre, with a bonus-density of up to 1.69 units per acre achievable through the use of PDCs. Given the characteristics of the Redevelopment Area, the municipality is required to permit up to 9 residential units and the opportunity for an

additional 5 units through the use of PDCs. In other words, the municipality would have to allow for the opportunity to use 5 rights (1.25 PDCs). This traditional approach requires that municipalities provide the *opportunity* for use of PDCs for 33% of the total number of residential units permitted in their Regional Growth Areas.

The PDC requirements adopted by Ordinance O-2020-19 will result in an opportunity for the use of 43 rights (10.75 Pinelands Development Credits). As described in Section 2 above, the municipality has elected to zone at a much higher density than required by the CMP in order to accommodate a certain type of residential development (assisted living and independent living facilities). As a result, far greater opportunities for the use of PDCs are provided than what is required.

With respect to assisted living facilities in the Regional Growth Area, the CMP specifies that PDC use must be accommodated when the density of such facilities exceeds 8 units per acre. Rather than establishing a base density of 8 units per acre, the Churchill Redevelopment Plan requires that PDC use be a significant component of any assisted living project, regardless of density. Twenty-five percent of all assisted living facility units, excepting those that meet affordable housing provisions discussed above, will require the redemption of PDCs, whether an assisted living facility is constructed at a density that exceeds 8 units per acre or not. This approach is consistent with the intent of N.J.A.C. 7:50-5.34(a)(2) of the CMP.

While the 25% PDC requirement is not as high a number as would be provided through the more traditional approach described above requiring 33%, it is important to remember that the traditional base-density/bonus-density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance O-2020-19 *guarantees* a PDC redemption rate of 25% for the residential component of any project within the Redevelopment Area. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance O-2020-19 are consistent with CMP standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance O-2020-19 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 O-2020-19 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 Redevelopment Plan adopted by Ordinance O-2020-19 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Winslow Township's application for certification of Ordinance O-2020-19 was duly advertised, noticed and held on September 2, 2020 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinance O-2020-19 were accepted through September 7, 2020. However, no written comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance O-2020-19, adopting the Churchill Redevelopment Plan of Winslow Township, 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 O-2020-19 of Winslow Township.

SRG/DBL/CWI

Attachments

Churchill Redevelopment Plan

Existing Conditions of Redevelopment Area

Executive Director's Report
Winslow Ordinance O-2020-19
Exhibit 1
9/25/2020

-  Existing Zoning
-  Redevelopment Area
-  Winslow Twp Parcels

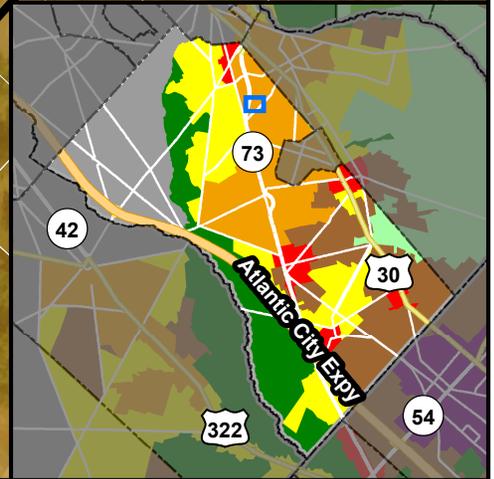


Churchill Redevelopment Plan Redevelopment Area Overlay Districts

-  Existing Zoning
-  Redevelopment Area
-  Winslow Twp Parcels
-  Overlay Districts Boundary
-  Regional Growth Area



Executive Director's Report
Winslow Ordinance O-2020-19
Exhibit 2
9/25/2020





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 34

TITLE: Resolution Authorizing an Extension of the Time Period by which the South Jersey Transportation Authority is to Acquire a Site for Establishment of a New Grassland Conservation and Management Area as Required by the April 16, 2019 First Amendment to the February 26, 2004 Memorandum of Agreement Between the New Jersey Pinelands Commission and the South Jersey Transportation Authority

**Commissioner Lohbauer moves and Commissioner Irick
seconds the motion that:**

WHEREAS, on April 16, 2019, the Pinelands Commission (the Commission) and the South Jersey Transportation Authority (SJTA) entered into an amendment of the February 26, 2004 Memorandum of Agreement (MOA) between them; and

WHEREAS, in response to SJTA's concerns regarding safe operation of the Atlantic City International Airport due to potential bird strikes from birds utilizing the Grassland Conservation and Management Area (GCMA) established on site in accordance with the requirements of the 2004 MOA, the April 16, 2019 MOA Amendment authorized SJTA to relocate the GCMA off-site and mow the former GCMA location on site year-round; and

WHEREAS, among other things, the April 16, 2019 MOA Amendment obligated SJTA to acquire lands within the Pinelands Area and fund the creation, dedication and long term maintenance of a new GCMA and to preserve the new GCMA in perpetuity through the execution and filing of a deed restriction; and

WHEREAS, the April 16, 2019 MOA Amendment required acquisition of land for the new GCMA within one (1) year of SJTA's execution of the MOA Amendment and the establishment of the new GCMA within three (3) years of the its execution of the Amendment; and

WHEREAS, SJTA entered in a separate Memorandum of Agreement with Atlantic County pursuant to which the County would acquire the site for the new GCMA; and

WHEREAS, the April 16, 2019 MOA Amendment afforded SJTA the opportunity to request a one-time, six month extension of the deadline for acquisition of a site for the new GCMA; and

WHEREAS, by letter dated March 11, 2020, the Authority requested an extension of the deadline to acquire the site for the new GCMA; and

WHEREAS, in accordance with the terms of the April 16, 2019 MOA, the Executive Director could grant an extension of the acquisition deadline for six-months, at her sole discretion and with concurrence of the Commission Chair, provided the SJTA demonstrated that acquisition of the site has commenced and will be completed within the six (6) month extension period; and

WHEREAS, by letter date April 13, 2020, the Executive Director, with the concurrence of the Commission Chair, extended SJTA's acquisition deadline until October 12, 2020; and

WHEREAS, in her letter granting SJTA the additional 6 months to acquire the site, the Executive Director identified the on-going efforts of Atlantic County to acquire a site for the new GCMA, including identification of a potentially viable site and noted that Atlantic County should proceed with acquisition of this potentially viable site expeditiously; and

WHEREAS, by letter dated September 29, 2020, SJTA requested permission to appear before the Commission at its October 9, 2010 meeting in order to request additional time to acquire the site for the new GCMA; and

WHEREAS, in its September 29, 2020 letter, SJTA advised that the basis for its request for additional time was related to delays as a result of the COVID-19 pandemic and Atlantic County's Open Space purchasing procedures pursuant to the New Jersey Open Space Trust Law; and

WHEREAS, SJTA included, as an attachment to its September 29, 2020 request, a letter from Atlantic County identifying the steps remaining to complete acquisition of the new GCMA site and noting that the County fully expected to acquire the site no later than December 31, 2020; and

WHEREAS, although the April 16, 2019 MOA Amendment limits the SJTA's ability to request an extension of the acquisition deadline to one request, there is no such limitation on the Commission's authority to grant an extension on its own; and

WHEREAS, the Commission recognizes Atlantic County's diligent efforts to acquire the new GCMA site and the difficulties of trying to acquire the site during the COVID-19 pandemic; and

WHEREAS, the County must engage in its public process, which includes a 45-day public comment period and public hearing, currently scheduled for October 9, 2020 before the acquisition of the new GCMA site may be brought to the County Commissioners for their consideration of a resolution authorizing such acquisition; and

WHEREAS, the County needs to complete other acquisition pre-requisites including but not limited to procurement of a survey, Phase I/Phase II environmental assessments and other due diligence tasks; and

WHEREAS, the April 16, 2019 MOA Amendment, by its own terms, automatically suspends all development activities, with the exception of development activities that have received Commission approval and are under construction or for which SJTA has entered into a contract for construction, under both the 2004 MOA and the April 16, 2020 MOA Amendment, if the new GCMA site is not acquired by the extended deadline of October 12, 2020; and

WHEREAS, this prohibition includes mowing of the location of the former GCMA site on the Atlantic City International Airport property during the seasonal restriction period set forth in Attachment 3, Environmental Commitments, of the 2004 MOA; and

WHEREAS, the April 16, 2019 MOA Amendment affords SJTA to seek reinstatement of the 2004 MOA and the Amendment, under the current scenario, by submitting a written agreement itemizing the steps SJTA will take to bring the new GCMA back into conformance with the timelines; and

WHEREAS, SJTA's September 29, 2020 letter, including the letter from Atlantic County, establish the steps that the County will take to acquire the site for the new GCMA by December 31, 2020; and

WHEREAS, the April 16, 2019 MOA Amendment also contains a provision which obligates SJTA, if the new GCMA site is not acquired within a year and a half of the date of its execution of the MOA Amendment, i.e. October 12, 2020, to provide an additional payment to the Commission to be added to the Pinelands Conservation Fund and dedicated to land acquisition with a priority given for lands that not only meet the priorities established by the Commission for such fund, but also contain habitat for threatened or endangered bird species; and

WHEREAS, SJTA would now be required to provide the Commission with documentation itemizing the costs its incurred, including labor costs, to create and maintain the GCMA at Atlantic County International Airport and the fair market value to obtain an equivalent property as if the date this obligation was triggered, so that the Commission could determine the precise amount of such payment; and

WHEREAS, the Commission believes, given the diligent efforts undertaken by Atlantic County to date to acquire the new GCMA site and its expectation that it will complete acquisition of the site no later than December 31, 2020, and the impact of the COVID-19 pandemic on the acquisition process, it is preferable to allow Atlantic County to complete its acquisition of the new GCMA site, rather than having SJTA provide documentation and funds to the Commission for land acquisition under the terms of the April 16, 2019 MOA Amendment discussed above; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force and effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall review same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Commission grants SJTA an extension of the time period to acquire the new GCMA site until February 28, 2021; and

BE IT FURTHER RESOLVED that through its extension of the acquisition time period, the Commission also stays implementation of the provisions of the April 16, 2019 Amendment pertaining to

SJTA's documentation of the costs it incurred in establishing the GCMA on the Atlantic City International Airport as discussed above and its obligation to make an additional payment to the Commission, in lieu of the acquisition of a site for and creation, dedication and long term maintenance of a new GCMA site in the Pinelands Area, until February 28, 2021.

BE IT FURTHER RESOLVED that the Commission authorizes the Executive Director to consider SJTA's September 29, 2020 letter and the letter from Atlantic County attached thereto as the written agreement required to reinstate both the 2004 MOA and the April 16, 2019 MOA Amendment and authorizes the Executive Director to issue a letter reinstating their terms.

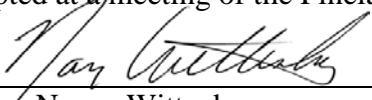
Record of Commission Votes

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

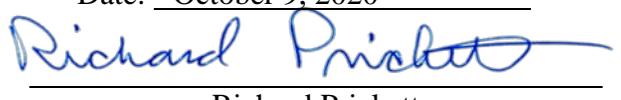
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 9, 2020



 Nancy Wittenberg
 Executive Director



 Richard Prickett
 Chairman