



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25- 02

**TITLE:** Expressing the Commission’s Appreciation to Dan Christy for His Service as a Member of the Commission From February 20, 2019 to January 28, 2025

Commissioner Irick moves and Commissioner Pikolycky seconds the motion that:

**WHEREAS**, Dan Christy served as Gloucester County’s representative on the Pinelands Commission from February 20, 2019 to January 28, 2025; and

**WHEREAS**, Commissioner Christy brought a wealth of experience in public service to the Pinelands Commission. He served on the Gloucester County Board of Commissioners, where he oversaw the Department of Public Safety & Veterans Affairs. As a Carpenter for over 30 years, he has helped organize and has participated in various charitable projects through the Carpenters Union, including wheelchair ramps, VFW Post remodels and additions, and post hurricane Sandy relief projects. He also served on the Gloucester County Improvement Authority, the Washington Township Planning Board, and the Washington Township Environmental Committee; and

**WHEREAS**, during his tenure, the Pinelands Commission adopted three sets of amendments to the Pinelands Comprehensive Management Plan (CMP), including rule changes that strengthen the protection of the Kirkwood-Cohansey aquifer system while ensuring sufficient water supply for authorized development in the growth-oriented portions of the Pinelands Area; and

**WHEREAS**, during his tenure, the Commission took immediate steps to ensure the agency continued to accomplish its mission to safeguard the Pinelands during the COVID-19 pandemic; and

**WHEREAS**, during his tenure, the Commission successfully secured a National Scenic Byway designation for the 130-mile Pine Barrens Byway; and

**WHEREAS**, during his tenure, the Commission hired a new Executive Director, advanced the work of its Climate Committee, reviewed and acted on more than 160 public development applications, reviewed and certified more than 660 municipal master plan and ordinance amendments, completed and launched numerous scientific studies, and educated thousands of people about the region’s natural, cultural, and historic resources; and

**WHEREAS**, the members of the Commission want to recognize Commissioner Christy’s significant contributions and express their appreciation for the service that he performed; and

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission hereby express our appreciation to our colleague and friend, Dan Christy, for his commitment to the Pinelands and for his service as a member of the Commission from February 20, 2019 to January 28, 2025.

### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman			X		Rittler Sanchez	X			
Avery	X				Lohbauer	X				Signor			X	
Buzby-Cope	X				Mauriello	X				Wallner	X			
Holroyd	X				Meade			X		Matos	X			
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 14, 2025

Susan R. Grogan  
Executive Director

Laura E. Matos  
Chair



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

**NO. PC4-25- 03**

**TITLE:** **Approving With Conditions Applications for Public Development** (Application Numbers 1996-1133.006 & 2024-0086.001)

Commissioner Irick moves and Commissioner Pikolycky  
seconds the motion that:

**WHEREAS**, the Pinelands Commission has reviewed the Public Development Application Reports and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

**1996-1133.006**

<b>Applicant:</b>	<b>Barnegat Township</b>
Municipality:	Barnegat Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	January 16, 2025
Proposed Development:	Construction of an elevated potable water storage tank; and

**2024-0086.001**

<b>Applicant:</b>	<b>Estell Manor City</b>
Municipality:	City of Estell Manor
Management Area:	Pinelands Forest Area
Date of Report:	January 16, 2025
Proposed Development:	Paving of approximately 2,000 linear feet of the Linwood, Maryland and 13th Avenue rights-of-way.

**WHEREAS**, no request for a hearing before the Office of Administrative Law regarding the Executive Director's recommendation has been received for either of these applications; and

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for each of the proposed developments; and

**WHEREAS**, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

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

**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1996-1133.006 & 2024-0086.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

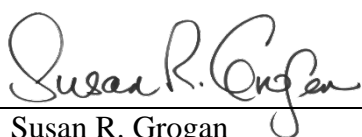
**Record of Commission Votes**

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Asselta	X			Lettman			X	Rittler Sanchez	X		
Avery	X			Lohbauer			X	Signor			X
Buzby-Cope	X			Mauriello	X			Wallner	X		
Holroyd	X			Meade			X	Matos	X		
Irick	X			Pikolycky	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 14, 2025



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY  
Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

January 16, 2025

Donna M. Manno, Municipal Clerk (via email)  
Barnegat Township  
900 West Bay Avenue  
Barnegat NJ 08005

Re: Application # 1996-1133.006  
Pancoast Road & Fox Run Boulevard rights-of-way  
Block 90.34, Lots 66, 67 & 69  
Barnegat Township

Dear Ms. Manno:

The Commission staff has completed its review of this application for the construction of an elevated potable water storage tank. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2025 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Barnegat Township Planning Board (via email)  
Barnegat Township Construction Code Official (via email)  
Barnegat Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
Alan Dittenhofer, PE, PP, CME (via email)



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

January 16, 2025

Donna M. Manno, Municipal Clerk (via email)  
Barnegat Township  
900 West Bay Avenue  
Barnegat NJ 08005

Application No.: 1996-1133.006  
Pancoast Road & Fox Run Boulevard rights-of-way  
Block 90.34, Lots 66, 67 & 69  
Barnegat Township

This application proposes the construction of a 144 foot tall elevated potable water storage tank (“water storage tank”) located on the above referenced 26.67 acre parcel in Barnegat Township. There is a portion of an existing residential development and stormwater management basins and recreational facilities accessory to that residential development located on the parcel.

The application also proposes the construction of a 720 linear foot long, 12 foot wide, gravel road to access the proposed water storage tank. In addition, the application proposes 1,030 linear feet of water main and 1,075 linear feet of sanitary sewer force main. The sanitary sewer will serve a restroom proposed within an enclosed area located beneath the water storage tank.

### **STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

#### **Land Use (N.J.A.C. 7:50-5.28)**

The proposed water storage tank, gravel road and water and sewer mains will be located in a Pinelands Regional Growth Area. The proposed water storage tank and associated development is a permitted use in a Pinelands Regional Growth Area.

#### **Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)**

The parcel contains a portion of an existing residential development and stormwater management basins and recreational facilities accessory to that residential development. The remaining balance of the parcel is forested. The proposed development will be located within the forested area, approximately 180 feet

from the existing recreational facilities. The proposed development will result in the clearing of 1.51 acres of forested area. The proposed forest clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

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

The application proposes a restroom within an enclosed area located beneath the water storage tank. To maintain consistency with the groundwater quality standard, the proposed restroom will be serviced by public sanitary sewer.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct four stormwater infiltration basins.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on August 6, 2024. Newspaper public notice was completed on August 8, 2024. The application was designated as complete on the Commission's website on December 6, 2024. The Commission's public comment period closed on January 10, 2025. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 14 sheets, prepared by Remington & Vernick Engineers and dated as follows:  
  
Sheets 1-4, 6, 7, 9-11, 13 & 14 - August 16, 2023; last revised August 7, 2024  
Sheets 5, 8 & 12 - August 16, 2023; last revised October 1, 2024
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native

grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

### **CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 3, 2025 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.





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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

January 16, 2025

Mayor Elizabeth Owen (via email)  
Estell Manor City  
148 Cumberland Ave.  
Estell Manor NJ 08319

Re: Application # 2024-0086.001  
Linwood, Maryland and 13<sup>th</sup> Avenues  
City of Estell Manor

Dear Mayor Owen:

The Commission staff has completed its review of this application for paving of approximately 2,000 linear feet of the Linwood, Maryland and 13<sup>th</sup> Avenue rights-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2025 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, City of Estell Manor Planning Board (via email)  
City of Estell Manor Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
J. Michael Fralinger, Jr. PE (via email)  
Lisa Marcolongo, City Clerk (via email)  
David Kelton (via email)



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

January 16, 2025

Mayor Elizabeth Owen (via email)  
Estell Manor City  
148 Cumberland Ave.  
Estell Manor NJ 08319

Application No.: 2024-0086.001  
Linwood, Maryland and 13<sup>th</sup> Avenues  
City of Estell Manor

This application proposes paving of approximately 2,000 linear feet within the Linwood, Maryland and 13<sup>th</sup> Avenue rights-of-way in the City of Estell Manor. The concerned roads are currently gravel and will be paved to a width of 12 feet to directly serve two existing single family dwellings.

This application proposes to pave a 1,050 linear foot section of Linwood Avenue between Cumberland Avenue and Seventh Avenue, a 250 linear foot section of Maryland Avenue between 12<sup>th</sup> and 13<sup>th</sup> Avenues and a 650 linear foot section of 13<sup>th</sup> Avenue between Walkers Forge Road and Maryland Avenue.

### **STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

#### **Land Use (N.J.A.C. 7:50-5.23(b)12)**

The proposed road paving will be located in a Pinelands Forest Area. Public service infrastructure, including roads, is a permitted use in a Pinelands Forest Area provided it is intended to primarily serve only the needs of the Pinelands. The proposed road paving will directly serve two existing single family dwellings that are located in the Pinelands. The proposed road paving is a permitted use in a Pinelands Forest Area.

#### **Wetlands Standards (N.J.A.C. 7:50-6.13)**

There are wetlands located within 300 feet of the proposed development. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands. The proposed road paving will occur over existing gravel roads and grassed road shoulders. Approximately 435 linear feet of the

approximately 2,000 linear feet of proposed road paving will be located within 300 feet of wetlands. The buffer to wetlands maintained by this approximately 435 linear feet of road paving ranges from approximately 90 to 275 feet.

The CMP permits linear improvements, including paving of roads, in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has indicated that the proposed road paving will eliminate dust and large potholes, thereby improving traffic safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the required buffer to wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will occur over existing gravel roadways and grassed road shoulders. The proposed disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

Based upon the proposed removal of 0.17 acres (7,405 sf) of existing gravel road and the revegetation of that area with grasses, the proposed paving of the existing gravel roads will result in a decrease in the volume and rate of stormwater runoff than occurred prior to the proposed development. The proposed development is consistent with CMP stormwater management standards.

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

The Commission staff reviewed the application for evidence of cultural resources. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on November 23, 2024. The application was designated as complete on the Commission's website on December 11, 2024. The Commission's public comment period closed on January 10, 2025. The Pinelands Commission received one written comment (attached) regarding the application.

Public Commenter: The commenter expressed concern that the proposed development would result in a loss of woodland and wildlife habitat.

Staff Response: The Commission staff appreciates the commenter's interest in and concern for the Pinelands. This application proposes the paving of existing gravel roadways and

grass road shoulders. No disturbance to forest or essential wildlife habitat is proposed.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by Fralinger Engineering and dated as follows:

Sheets 1 & 3-5 - May 15, 2024; revised to September 24, 2024

Sheet 2 - May 15, 2024; revised to November 20, 2024

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

### **CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 3, 2025 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.

**From:** amerisportsman@aol.com <amerisportsman@aol.com>  
**Sent:** Thursday, June 20, 2024 8:57 AM  
**To:** Info, PC [PINELANDS] <info@pinelands.nj.gov>  
**Subject:** [EXTERNAL] app:20240086.001 Attn Keith

Good morning.

Here is a short letter opposing the installing of a paved road into a forest area.

Thank You

David Kelton

To Pinelands,

This letter is in reference to an application: 20240086.001 for paving a road from Walkers Forge Road up 13<sup>th</sup> Street and part of Maryland Ave.

Pinelands is about the preservation of forest, wetlands, and the animal/wildlife that live in them. There is only one small house (4 rooms total) with one occupant that lives on that road and the dirt road leading to that property is in good shape. The properties that lead up to that house are deed restricted lots on both sides, DEP owned, city property, and a small piece of farmland. Under current building codes nothing can be built on that road due to not enough contiguous lots or blocked by restrictions.

Everywhere it seems as if animals/wildlife is being forced to keep moving from their natural environments as more modern structures are added. Adding a road would make sense if there were a lot of houses involved, but in this case, there is only one small house with one | occupant. This request is so Pinelands NOT to approve this potential road and let the wildlife keep its natural habitat.

Thank you



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

**NO. PC4-25- 04**

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1981-1833.082)

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

**WHEREAS**, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

**1981-1833.082**

<b>Applicant:</b>	<b>Stockton University</b>
Municipality:	Galloway Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	January 22, 2025
Proposed Development:	Construction of a new replacement sanitary sewer pumping station.

**WHEREAS**, the development subject of App. No. 1981-1833.082 is located on 1,586 acre Block 875.04, Lots 1.01 in Galloway Township; and

**WHEREAS**, on September 10, 2010, the Commission approved Stockton University's 2010 Master Plan, which set forth a comprehensive plan for the future development and expansion of the campus in recognition of increased enrollment and projected future growth; and

**WHEREAS**, the 2010 Master Plan designated eight specific "Development Areas" on the campus and proposed the permanent protection of 1,257 acres on and proximate to the campus; and

**WHEREAS**, on November 5, 2010, Stockton University recorded a conservation deed restriction on the 1,257 acres located on and proximate to the campus; and

**WHEREAS**, on May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) establishing a streamlined Commission development application review and approval process for development proposed in the eight "Development Areas;" and

**WHEREAS**, subsequent to entering into the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new sanitary sewer pumping station (App. No. 1981-1833.082) on the parcel prior to approval of the development in accordance with the provisions of the MOA; and

**WHEREAS**, the development that occurred and is subject of App. No. 1981-1833.077, App. No. 1981-1833.078 and App. No. 1981-1833.082 is located within the areas subject of the MOA conservation deed restriction area and constitutes a violation of the MOA application and approval requirements; and

**WHEREAS**, by letter dated August 31, 2016, the Commission suspended the MOA following a determination by Commission staff that development had occurred within the deed restricted conservation area; and

**WHEREAS**, the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on a parcel until such time that the property owner agrees in writing to take all necessary measures to eliminate the violation in a time period acceptable to the Commission's Executive Director; and

**WHEREAS**, by letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director; and

**WHEREAS**, the revised conservation deed restriction has been approved and signed by the New Jersey Department of Environmental Protection and forwarded to Stockton University on January 16, 2025 for



recordation in the County Clerk’s Office; and

**WHEREAS**, recordation of the revised conservation deed restriction will remove certain existing development, such as roads, an elevated potable water storage tank and the proposed replacement sanitary sewer pumping station subject of this application from the deed restricted conservation areas; and

**WHEREAS**, based upon the January 5, 2024 Stockton University letter and the revised conservation deed restriction being approved and signed by the New Jersey Department of Environmental Protection and forwarded to Stockton University on January 16, 2025 for recordation in the County Clerk’s Office, the Executive Director has agreed that this application can be acted upon by the Commission; and

**WHEREAS**, no request for a hearing before the Office of Administrative Law regarding the Executive Director’s recommendation has been received for this application; and

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

**WHEREAS**, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

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

**NOW, THEREFORE BE IT RESOLVED** that Application Number 1981-1833.082 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

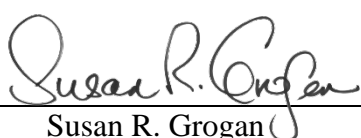
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman			X		Rittler Sanchez	X			
Avery	X				Lohbauer			X		Signor			X	
Buzby-Cope	X				Mauriello	X				Wallner	X			
Holroyd	X				Meade			X		Matos	X			
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 14, 2025



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor

TAHESHA L. WAY  
Lt. Governor

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

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

January 22, 2025

Charles West (via email)  
Stockton University  
101 Vera King Farris Drive  
Galloway NJ 08205

Re: Application # 1981-1833.082  
Block 875.04, Lot 1.01  
Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for construction of a new replacement sanitary sewer pumping station. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2025 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Galloway Township Planning Board (via email)  
Galloway Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Rick Ricciardi, PP (via email)



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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

January 22, 2025

Charles West (via email)  
Stockton University  
101 Vera King Farris Drive  
Galloway NJ 08205

Application No.: 1981-1833.082  
Block 875.04, Lot 1.01  
Galloway Township

This application proposes construction of a new replacement sanitary sewer pumping station located on the above referenced 1,586 acre parcel in Galloway Township.

The applicant has indicated that the proposed sanitary sewer pumping station will replace an existing pumping station that has been in operation for more than 40 years. The proposed sanitary sewer pumping station will be located immediately adjacent to the existing sanitary sewer pumping station proposed for replacement.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) designating eight "Development Areas" and establishing a streamlined Commission development application review and approval process. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced 1,586 acre parcel. The areas subject of the deed restriction are depicted on a plan referenced in the MOA.

Subsequent to entering into the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new replacement sanitary sewer pumping station (App. No. 1981-1833.082) on the parcel. The development subject of these three applications was undertaken prior to approval of the development in accordance with the provisions of the MOA. By letter dated August 31, 2016, the Commission suspended the MOA. App. No. 1981-1833.082 for the new replacement sanitary sewer pumping station is subject of this Public Development Application Report.

The development that has occurred and is subject of App. No. 1981-1833.077, App. No. 1981-1833.078 and App. No. 1981-1833.082 constitutes a violation of the application and approval requirements of the Pinelands Comprehensive Management Plan (CMP). The development subject of App. No. 1981-1833.077 and App. No. 1981-1833.082 occurred within areas subject of the MOA conservation deed restriction. Based upon the development that occurred in the deed restricted areas constituting a violation on the parcel, the Commission has been unable to approve numerous Stockton University

development applications that are located both within and outside of the deed restricted areas.

The CMP (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on the parcel until such time that the property owner agrees in writing to take all necessary measures to resolve the violation(s) in a time period acceptable to the Commission's Executive Director.

By letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director. The revised conservation deed restriction has been approved and signed by the New Jersey Department of Environmental Protection and was forwarded to Stockton University on January 16, 2025 for recordation at the County Clerk's Office. Recordation of the revised deed restriction will remove certain existing development, such as roads, an elevated potable water storage tank and the location of the existing and proposed replacement sanitary sewer pumping station subject of this Public Development Application Report from the deed restricted conservation areas.

Based upon the January 5, 2024 Stockton University letter and the revised conservation deed restriction having been approved and signed by the New Jersey Department of Environmental Protection and forwarded to Stockton University on January 16, 2025 for recordation at the County Clerk's Office, the Executive Director has agreed that this application can be acted upon by the Commission.

### **STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

#### Land Use (N.J.A.C. 7:50-5.2(a) and (b))

The parcel is located partially in a Pinelands Rural Development Area (approximately 603 acres) and partially in a Pinelands Regional Growth Area (approximately 983 acres). The proposed development will be located in the Pinelands Rural Development Area portion of the parcel.

New wastewater treatment and collection facilities are not permitted in a Pinelands Rural Development Area unless proposed to serve an existing public health problem. The existing sanitary sewer pumping station was constructed prior to the January 14, 1981 effective date of the regulations contained in the CMP. The CMP permits the continuation of any nonconforming use constructed prior to 1981 in any management area. The CMP also permits an up to 50 percent expansion in the area or capacity of any such nonconforming use, provided the nonconforming use is not otherwise expressly limited by the regulations contained in Subchapter 6 the CMP. The proposed sanitary sewer pumping station represents a less than 50 percent expansion of the capacity of the existing sanitary sewer pumping station and the use is not expressly limited by Subchapter 6 the CMP. The proposed replacement of the sanitary sewer pumping station is permitted in a Pinelands Rural Development Area.

#### Wetlands Standards (N.J.A.C. 7:50-6.7)

There are wetlands located within 300 feet of the proposed development. The CMP prohibits most development within wetlands and the required buffer to wetlands. The existing sanitary sewer pumping station is located within an existing maintained grass area immediately adjacent to the intersection of

Farris Drive and Waterway Drive. The existing sanitary sewer pumping station is located approximately 95 feet from wetlands. The proposed sanitary sewer pumping station will be located within the same existing maintained grassed area and immediately adjacent to the existing sanitary sewer pumping station. The proposed sanitary sewer pumping station will be located approximately 75 feet from wetlands.

No development, including vegetation clearing or soil disturbance, is proposed within wetlands.

The CMP (N.J.A.C. 7:50-6.7) identifies nine specific criteria that must be addressed to determine whether a proposed buffer to wetlands of less than 300 feet will result in an irreversible adverse impact on the wetlands. Based upon the above described location of the proposed sanitary sewer pumping station compared to the location of the existing sanitary sewer pumping station, it has been demonstrated that the proposed development will not result in a significant adverse impact on the wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within existing maintained grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

**PUBLIC COMMENT**

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on December 5, 2024. The Commission’s public comment period closed on January 10, 2025. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Marathon Engineering & Environmental Services and dated November 14, 2018.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 10, 2025 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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

**NO. PC4-25- 05**

**TITLE:** Issuing an Order to Certify Ordinance 2024-32, amending Chapter 55 (Land Use) of the Code of Barnegat Township

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

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

**WHEREAS**, Resolution #PC4-83-29 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 #PC4-83-29 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 December 3, 2024, Barnegat Township adopted Ordinance 2024-32, amending Chapter 55, Land Use, of the Code of Barnegat Township by, among other things, revising conditionally permitted uses and standards in the C-N (Neighborhood Commercial) Zone West of the Garden State Parkway; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 2024-32 on December 4, 2024; and

**WHEREAS**, by letter dated December 19, 2024, the Executive Director notified the Township that Ordinance 2024-32 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony concerning Barnegat Township's application for certification of Ordinance 2024-32 was duly advertised, noticed and remotely conducted on January 15, 2025 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and an opportunity for the public to call-in during the live broadcast; and

**WHEREAS**, the Executive Director has found that Ordinance 2024-32 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 2024-32, amending Chapter 55, Land Use, of the Code of Barnegat Township, 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 Barnegat Township Ordinance 2024-32 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2024-32 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 Ordinance 2024-32, amending Chapter 55, Land Use, of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Barnegat 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.

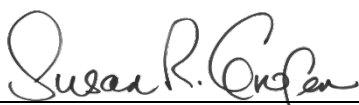
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman			X		Rittler Sanchez	X			
Avery	X				Lohbauer			X		Signor			X	
Buzby-Cope	X				Mauriello	X				Wallner	X			
Holroyd	X				Meade			X		Matos	X			
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 14, 2025



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair





State of New Jersey  
 THE PINELANDS COMMISSION  
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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

## 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



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

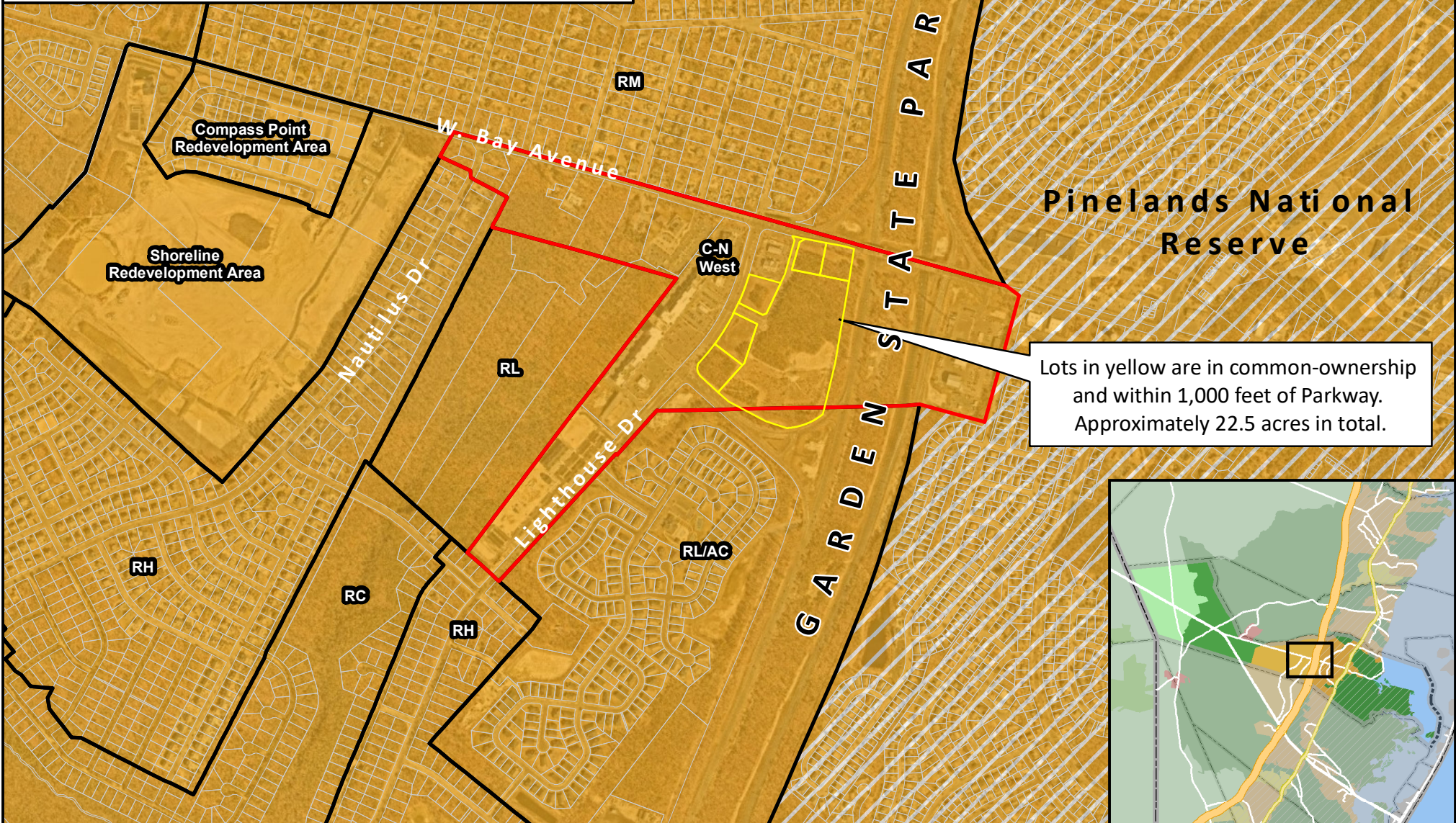
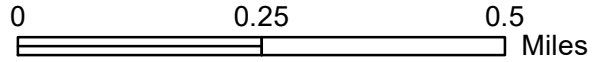
Executive Director's Report  
Barneget Twp. Ord. 2024-32  
Exhibit 1  
1/22/2025

## Pinelands Management Areas

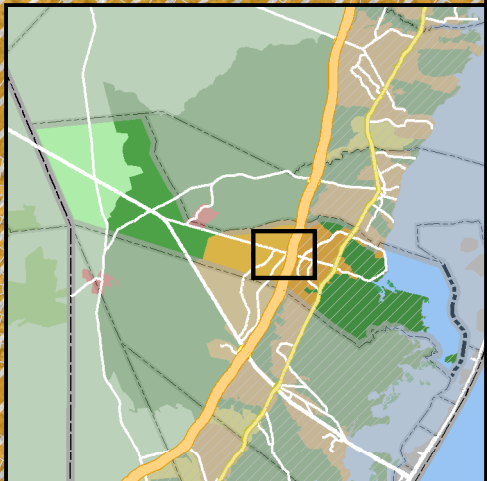
Regional Growth Area

Parcels

Existing Zoning



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







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

**NO. PC4-25- 06**

**TITLE:** Issuing an Order to Certify Berlin Township’s 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, amending Chapter 340 (Zoning) of the Code of Berlin Township

**Commissioner Pikolycky moves and Commissioner Asselta seconds the motion that:**

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

**WHEREAS**, Resolution #PC4-83-51 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 #PC4-83-51 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on October 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; and

**WHEREAS**, 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; and

**WHEREAS**, 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 would be deemed incomplete until such time that one or more necessary implementing ordinances were adopted and submitted to the Commission for certification; and

**WHEREAS**, on December 19, 2024, Berlin Township adopted Ordinance 2024-15, amending Chapter 340 (Zoning) of the Code of Berlin Township, to implement the recommendations of the 2023 Master Plan Reexamination Report and Amendment; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 2024-15 on December 20, 2024; and

**WHEREAS**, 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; and

**WHEREAS**, 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 remotely conducted on January 15, 2025 at 9:30 a.m. with live broadcast on the Pinelands Commission’s public YouTube channel and an opportunity for the public to call-in during the live broadcast; and

**WHEREAS**, the Executive Director has found that 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; and



**WHEREAS**, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, amending Chapter 340, Zoning, of the Code of Berlin Township 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 Berlin Township’s 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 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 Berlin Township’s 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, amending Chapter 340, Zoning, of the Code of Berlin Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Berlin 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.

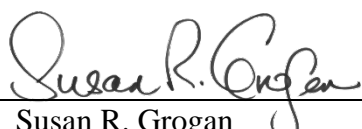
**Record of Commission Votes**


	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman			X		Rittler Sanchez	X			
Avery	X				Lohbauer			X		Signor			X	
Buzby-Cope	X				Mauriello	X				Wallner	X			
Holroyd	X				Meade			X		Matos	X			
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 14, 2025

  
 \_\_\_\_\_  
 Susan R. Grogan  
 Executive Director

  
 \_\_\_\_\_  
 Laura E. Matos  
 Chair



State of New Jersey  
THE PINELANDS COMMISSION  
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PHILIP D. MURPHY  
Governor  
TAHESHA L. WAY  
Lt. Governor

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

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 sewer 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.




SRG/DBL/CBT  
Attachments


# 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



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Feet

