



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-08

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 2024-0026.001)

Commissioner Rittler Sanchez moves and Commissioner Asselta 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:

**2024-0026.001**

<b>Applicant:</b>	<b>Medford Township Utility Department</b>
Municipality:	Medford Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	April 18, 2024
Proposed Development:	Demolition of an existing potable water well house, 50 years old or older, and the construction of a 373 square foot replacement potable water well house.

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** that Application Number 2024-0026.001 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		Wallner	X			
Christy	X				Mauriello	X				Matos	X			
Holroyd			X		Meade	X								
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 10, 2024

Susan R. Grogan  
Executive Director

Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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(609) 894-7300

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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

April 18, 2024

Ronald Fowler (via email)  
Medford Township Utility Department  
49 Union Street  
Medford NJ 08055

Re: Application # 2024-0026.001  
Block 908, Lot 11  
Medford Township

Dear Mr. Fowler:

The Commission staff has completed its review of this application for the demolition of an existing potable water well house, 50 years old or older, and the construction of a 373 square foot replacement potable water well house. 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 May 10, 2024 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, Medford Township Planning Board (via email)  
Medford Township Construction Code Official (via email)  
Medford Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Chris Noll, PE, CME, PP (via email)



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

April 18, 2024

Ronald Fowler (via email)  
Medford Township Utility Department  
49 Union Street  
Medford NJ 08055

Application No.: 2024-0026.001  
Block 908, Lot 11  
Medford Township

This application proposes demolition of an existing potable water well house, 50 years old or older, and the construction of a 373 square foot replacement potable water well house located on the above referenced 0.9 acre parcel in Medford Township. The existing well house contains one of the Medford Township potable water supply wells.

The applicant has indicated that the existing 366 square foot well house was damaged during a pump failure and must be demolished and replaced. The applicant is also proposing to pave 95 linear feet of an existing 10 foot wide stone access road and two proposed parking spaces for maintenance vehicles.

### **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 parcel is located in a Pinelands Regional Growth Area. The proposed development is a permitted use in a Pinelands Regional Growth Area.

#### **Wetlands Standards (N.J.A.C. 7:50-6.6)**

There are wetlands located on the parcel. The existing development is located approximately 200 feet from the nearest wetland. The proposed development will be located no closer to wetlands than existing development on the parcel.

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

The proposed development will be located over existing concrete, stone and grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

The Landscaping and Re-vegetation 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.

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

The Commission staff reviewed available information to determine whether any significant cultural resources exist on the parcel. Based upon the lack of potential for significant cultural resources, a cultural resource survey was not required.

**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 March 7, 2024. The Commission’s public comment period closed on April 12, 2024. 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 11 sheets, prepared by Environmental Resolutions, Inc., all sheets dated September 27, 2023 and revised to December 20, 2023.
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 May 6, 2024 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. PC4-24- 09**

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1981-1833.084 & 1981-1833.085)

**Commissioner Avery moves and Commissioner Irick 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:

**1981-1833.084**

**Applicant:** **Stockton University**  
**Municipality:** Galloway Township  
**Management Area:** Pinelands Regional Growth Area  
Pinelands Rural Development Area  
**Date of Report:** April 19, 2024  
**Proposed Development:** Installation of an irrigation well ; and

**1981-1833.085**

**Applicant:** **Stockton University**  
**Municipality:** Galloway Township  
**Management Area:** Pinelands Regional Growth Area  
Pinelands Rural Development Area  
**Date of Report:** April 19, 2024  
**Proposed Development:** Installation of a water well for vehicle maintenance.

**WHEREAS**, the development subject of App. No. 1981-1833.084 and 1981-1833.085 are located on 1,586 acre Block 875.04, Lot 1.01 in Galloway Township;

**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;

**WHEREAS**, the 2010 Master Plan delineated specific development areas on the campus and proposed the permanent protection of 1,257 acres on and proximate to the campus; and

**WHEREAS**, a deed of conservation restriction was recorded on the 1,257 acres on November 5, 2010; and

**WHEREAS**, on May 11, 2015, Stockton University and the Commission entered into a Memorandum of Agreement (MOA) intended to facilitate implementation of the development areas delineated in the 2010 Master Plan by streamlining certain Commission application processes;

**WHEREAS**, Stockton University undertook the following development on Block 875.04, Lot 1.01 prior to Commission approval:

Paving of Delaware Ave (App. No. 1981-1833.077);  
Construction of a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078); and  
Construction of a sanitary sewer pumping station (App. No. 1981-1833.082).

**WHEREAS**, undertaking this development on Block 875.04, Lot 1.01 prior to Commission approval constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan;

**WHEREAS**, the development subject of App. No. 1981-1833.077 and App. No. 1981-1833.082 occurred within areas subject of the 2010 conservation deed restriction;

**WHEREAS**, the MOA was suspended following a determination by Commission staff that development had occurred within the deed restricted area;

**WHEREAS**, to eliminate the violations subject of App. No. 1981-1833.077 and App. No. 1981-1833.082, Stockton University must amend the 2010 conservation deed restriction;

**WHEREAS**, based upon the violations subject of App. No. 1981-1833.077 and App. No. 1981-1833.082, the Commission cannot act on any Stockton University applications for development, whether located within or outside of the conservation deed restricted areas, on Block 875.04, Lot 1.01;

**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 submits a written agreement to take all necessary measures to eliminate the violation in a time period acceptable to the Commission’s Executive Director;

**WHEREAS**, by letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violations on the parcel, including amending the conservation deed restriction, and provided a time period within which it would address and eliminate the violations;

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) is currently processing Stockton University’s requested amendment to the conservation deed restriction, with an NJDEP public hearing scheduled on June 3, 2024;

**WHEREAS**, the Executive Director determined that the proposed measures and time period to eliminate the violations, as specified in the January 5, 2024 Stockton University letter, are acceptable;

**WHEREAS**, the proposed irrigation well subject of App. No. 1981-1833.084 and the proposed water well for vehicle maintenance subject of App. No 1981-1833.085 are not located within an area subject of the conservation deed restriction;

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED**, that Application Numbers 1981-1833.084 and 1981-1833.085 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		Wallner	X			
Christy	X				Mauriello	X				Matos	X			
Holroyd			X		Meade	X								
Irick	X				Pikolycky	X								

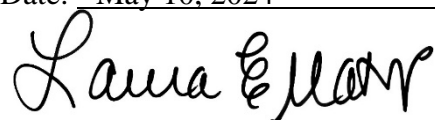
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 10, 2024



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



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LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

April 19, 2024

John Fritsch (via email)  
Stockton University  
101 Vera King Farris Drive  
Galloway NJ 08205

Re: Application # 1981-1833.084  
Block 875.04, Lot 1.01  
Galloway Township

Dear Mr. Fritsch:

The Commission staff has completed its review of this application for the installation of an irrigation well. 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 May 10, 2024 meeting.

**On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) to facilitate the review of proposed development that is specified in the MOA. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced parcel. The areas subject of the deed restriction were depicted on a plan.**

Subsequent to 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 above referenced parcel. This development was undertaken prior to Commission approval. Based upon development occurring within the deed restricted areas depicted on the plan, the Commission has been unable to approve Stockton University development applications located both within and outside of the deed restricted areas.

**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 the parcel until such time that the property owner submits a written agreement agreeing 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 proposed irrigation well subject of this application is not located within the deed restricted area. Based upon the January 5, 2024 Stockton University letter, the Executive Director has**



**agreed that this application can be acted upon by the Commission.**

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,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

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)  
Regina Reeve (via email)



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

April 19, 2024

John Fritsch (via email)  
Stockton University  
101 Vera King Farris Drive  
Galloway NJ 08205

Application No.: 1981-1833.084  
Block 875.04, Lot 1.01  
Galloway Township

This application proposes the installation of a 100 foot deep irrigation well on the above referenced 1,586 acre parcel in Galloway Township. The irrigation well will be utilized to water landscaping at the entrance to Stockton University located on Jimmie Leeds Road.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) to facilitate the review of proposed development that is specified in the MOA. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced parcel. The areas subject of the deed restriction were depicted on a plan.

Subsequent to 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 above referenced parcel. This development was undertaken prior to Commission approval. Based upon development occurring within the deed restricted areas depicted on the plan, the Commission has been unable to approve Stockton University development applications located both within and outside of the deed restricted areas.

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 the parcel until such time that the property owner submits a written agreement agreeing 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 proposed irrigation well subject of this application is not located within the deed restricted area. Based upon the January 5, 2024 Stockton University letter, 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 CMP. The following reviews the CMP standards that are relevant to this application:

### **Land Use (N.J.A.C. 7:50-5.26 & 5.28)**

The parcel is located partially in a Pinelands Rural Development Area (603 acres) and partially in a Pinelands Regional Growth Area (983 acres). The proposed irrigation well will be located in the Pinelands Regional Growth Area portion of the parcel. A proposed irrigation well to service Stockton University is permitted in a Pinelands Regional Growth Area.

### **Wetlands Standards (N.J.A.C. 7:50-6.6)**

There are wetlands located on the above referenced parcel. The irrigation well will be located at least 300 feet from wetlands.

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

The proposed irrigation well will be located within an existing grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

### **Water Management Standards (N.J.A.C. 7:50-6.86)**

The proposed well will be utilized exclusively for landscape irrigation. It is estimated that the proposed well will utilize approximately 8,100 gallons per day during the growing season.

The well will be located in the Kirkwood-Cohansey aquifer. Stockton University has an existing New Jersey Department of Environmental Protection (NJDEP) Water Allocation Permit. That NJDEP Permit allocates a maximum withdrawal of 46.4 million gallons per month and 285.5 million gallons per year from the Kirkwood-Cohansey aquifer. No increase is proposed to the NJDEP Permit monthly or yearly allocation.

This application was completed prior to the December 4, 2023 effective date of the amendments to the CMP water management standards that primarily address use of the Kirkwood-Cohansey aquifer (N.J.A.C. 7:50-6.86). The application was therefore reviewed under and determined to be consistent with the pre-December 4, 2023 CMP water management standards.

## **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 March 14, 2024. The Commission’s public comment period closed on April 12, 2024. 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 August 21, 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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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 May 7, 2024 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

April 19, 2024

Charles West (via email)  
Stockton University  
Office of Facilities Planning and Construction  
101 Vera King Farris Drive  
Galloway NJ 08205

Re: Application # 1981-1833.085  
Block 875.04, Lot 1.01  
Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for the installation of a water well for vehicle maintenance. 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 May 10, 2024 meeting.

**On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) to facilitate the review of proposed development that is specified in the MOA. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced parcel. The areas subject of the deed restriction were depicted on a plan.**

**Subsequent to 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 above referenced parcel. This development was undertaken prior to Commission approval. Based upon development occurring within the deed restricted areas depicted on the plan, the Commission has been unable to approve Stockton University development applications located both within and outside of the deed restricted areas.**

**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 the parcel until such time that the property owner submits a written agreement agreeing 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 proposed water well subject of this application is not located within the deed restricted area.**

**Based upon the January 5, 2024 Stockton University letter, the Executive Director has agreed that this application can be acted upon by the Commission.**

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,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal line extending to the right.

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)



# 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

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

April 19, 2024

Charles West (via email)  
Stockton University  
Office of Facilities Planning and Construction  
101 Vera King Farris Drive  
Galloway NJ 08205

Application No.: 1981-1833.085  
Block 875.04, Lot 1.01  
Galloway Township

This application proposes the installation of a water well for vehicle maintenance located on the above referenced 1,586 acre parcel in Galloway Township. The well will be utilized for rinsing vehicles and equipment at Stockton University.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) to facilitate the review of proposed development that is specified in the MOA. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced parcel. The areas subject of the deed restriction were depicted on a plan.

Subsequent to 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 above referenced parcel. This development was undertaken prior to Commission approval. Based upon development occurring within the deed restricted areas depicted on the plan, the Commission has been unable to approve Stockton University development applications located both within and outside of the deed restricted areas.

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 the parcel until such time that the property owner submits a written agreement agreeing 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 proposed water well subject of this application is not located within the deed restricted area. Based upon the January 5, 2024 Stockton University letter, 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. 7:50-5.26 & 5.28)

The parcel is located partially in a Pinelands Rural Development Area (603 acres) and partially in a Pinelands Regional Growth Area (983 acres). The proposed well will be located in the Pinelands Regional Growth Area portion of the parcel. The proposed well to service Stockton University is permitted in a Pinelands Regional Growth Area.

#### Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located on the above referenced parcel. The proposed well will be located at least 300 feet from wetlands.

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

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

#### Water Management Standards (N.J.A.C. 7:50-6.86)

The proposed well will be utilized exclusively for vehicle maintenance. It is estimated that the proposed well will utilize approximately 750 gallons per month, nine months a year.

The well will be located in the Kirkwood-Cohansey aquifer. Stockton University has an existing New Jersey Department of Environmental Protection (NJDEP) Water Allocation Permit. That NJDEP Permit allocates a maximum withdrawal of 46.4 million gallons per month and 285.5 million gallons per year from the Kirkwood-Cohansey aquifer. No increase is proposed to the NJDEP Permit monthly or yearly allocation.

This application was completed prior to the December 4, 2023 effective date of the amendments to the CMP water management standards that primarily address use of the Kirkwood-Cohansey aquifer (N.J.A.C. 7:50-6.86). The application was therefore reviewed under and determined to be consistent with the pre-December 4, 2023 CMP water management standards.

### **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 March 14, 2024. The Commission’s public comment period closed on April 12, 2024. 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 January 20, 2019.
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 May 7, 2024 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. PC4-24- 10**

**TITLE:** Issuing an Order to Certify Manchester Township Ordinance 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01

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

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

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

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

**WHEREAS**, on January 22, 2024, Manchester Township adopted Ordinance 24-02, adopting a Redevelopment Plan for Block 62, Lots 30 and 31.01, dated October 9, 2023, revised December 28, 2023 with a redevelopment area located in a Pinelands Regional Growth Area; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 24-02 on February 15, 2024; and

**WHEREAS**, by letter dated March 7, 2024, the Executive Director notified the Township that Ordinance 24-02 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Ordinance 24-02 was duly advertised, noticed and remotely held on April 3, 2024, at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

**WHEREAS**, the Executive Director has found that Ordinance 24-02 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 24-02, adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01, is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 24-02 and has reviewed the Executive Director's report; and

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

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

**NOW, THEREFORE BE IT RESOLVED** that

1. An Order is hereby issued to certify that Manchester Township Ordinance 24-02, adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01, dated October 9, 2023, revised December 28, 2023, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Manchester Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

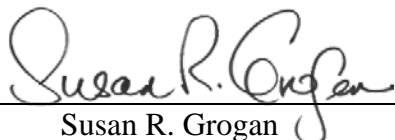
**Record of Commission Votes**

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

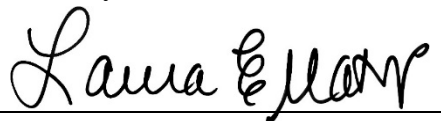
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 10, 2024



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 Manchester Township Ordinance 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01

April 29, 2024

Township of Manchester  
 1 Colonial Drive  
 Manchester, NJ 08759

### Findings of Fact

#### I. Background

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

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

In 2003, the Commission organized the Toms River Corridor Task Force to develop a plan for protecting critical natural resources in the Toms River watershed of Jackson and Manchester Townships. The project area covered approximately 2,000 acres of Manchester Township and 15,000 acres of Jackson Township. The Task Force was comprised of 19 representatives from government planning and environmental agencies, non-profit conservation groups, and others, and received expert support from technical advisors on botany, herpetology, geology, hydrology and other key fields. The Task Force produced a report entitled, A Regional Natural Resource Protection Plan for the Toms River Corridor<sup>1</sup>. This Plan recommended use of a combination of planning, zoning and resource protection tools for the area. A series of Pinelands management area redesignations were proposed to provide greater protection of water quality and critical wildlife habitat. Enhanced buffers and establishment of connectors between large areas of undeveloped and protected habitat were also recommended, along with reductions in housing density, mandatory cluster development and enhanced permanent land protection efforts. On

<sup>1</sup> The Regional Natural Resource Protection Plan for the Toms River Corridor may be accessed at the following link:  
[https://www.nj.gov/pinelands/landuse/recent/toms/toms\\_river\\_corridor.pdf](https://www.nj.gov/pinelands/landuse/recent/toms/toms_river_corridor.pdf)

March 12, 2004, the Pinelands Commission endorsed the Toms River Corridor Plan via Resolution No. PC4-04-22.

Between 2004 and 2008, Manchester and Jackson Townships amended their master plans and ordinances to implement the management area and zoning changes recommended in the Toms River Corridor Plan, resulting in significant decreases in permitted development intensities throughout the region. In total, 1,100 acres of Jackson's Pinelands Villages were redesignated to either Forest Area or Rural Development Area, 760 acres of Jackson's Rural Development Area were redesignated to Forest Area, and 725 acres of Jackson and Manchester Township's Regional Growth Area were redesignated to Rural Development Area. Additionally, both municipalities adopted requirements for the establishment of upland wildlife corridors along the main stem of the Toms River and the Ridgeway Branch. Finally, the Commission helped to fund the permanent protection of nearly 900 acres within the Toms River Corridor by providing grants from the Pinelands Conservation Fund to the Ocean County Natural Lands Trust and the Trust for Public Land.

On January 22, 2024, Manchester Township adopted Ordinance 24-02, approving a Redevelopment Plan for Block 62, Lots 30 and 31.03, dated October 9, 2023, revised December 28, 2023. The associated redevelopment area is located in a Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 24-02 on February 15, 2024.

By letter dated March 7, 2024, the Executive Director notified the Township that Ordinance 24-02 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 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01, dated October 9, 2023, revised December 28, 2023, introduced on January 2, 2024 and adopted on January 22, 2024.

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

### **1. Natural Resource Inventory**

Not applicable.

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

### Redevelopment Plan for Block 62, Lots 30 and 31.01

Ordinance 24-02 adopts the Redevelopment Plan for Block 62, Lots 30 and 31.01, dated December 28, 2023. The two lots that compose the new redevelopment area are approximately 224 acres in area. The redevelopment area is bordered by an existing rail line to the southeast, a tributary to the Ridgeway Branch of the Toms River to the southwest, a parcel preserved by Ocean County to the north, and a recycling center and asphalt plant to the northwest in Jackson Township (see Exhibit #1). The redevelopment area is the site of a former resource extraction operation that was intermittently mined between the late 1970s and mid-1990s. The site is currently vacant. An age-restricted community known as Renaissance Village is located to the east of the existing rail line, outside the Pinelands Area. An existing, private, two-lane road known as Freemont Avenue traverses the northern border of the redevelopment area. The Renaissance Village community has easement rights to use Freemont Avenue for secondary access from dawn until dusk. The entirety of the redevelopment area is located in the Township's Pinelands Environmental Development-1 (PED-1) District, which is within a Pinelands Regional Growth Area.

The goals of the Redevelopment Plan are: to make productive use of a vacant, former mining site; to increase and diversify the Township's tax base with private, non-residential development; to protect and conserve sensitive environmental areas; to take advantage of the tract's accessibility to U.S. Route 9, State Routes 37 and 70, and the Garden State Parkway; to encourage development of local warehouse uses, for which there is a high regional demand; and to design a non-residential development that has minimal impacts on residential and environmental areas.

To those ends, the Redevelopment Plan establishes an optional overlay zoning district encompassing the entire redevelopment area. The underlying PED-1 District remains in effect, and development may occur in accordance with the requirements of the PED-1 District if this redevelopment plan is not implemented. Permitted uses in the optional overlay zone include light industrial uses, warehouses, distribution centers, wholesaling, flex space, indoor recreation, scientific and research facilities, business or professional offices, and indoor agriculture. Conditionally permitted uses include online commerce businesses, with both order fulfillment and direct-to-consumer retail sales operations, and outdoor recreation.

For those uses other than outdoor recreation, a maximum gross floor area of 1,200,000 square feet is permitted within the redevelopment area. Outdoor recreation uses are limited to 4 acres and must be associated with the adjacent Renaissance residential community. The redevelopment plan contains various standards for setbacks, parking and circulation requirements, landscaping, lighting, noise mitigation, signs, fences and walls. The plan also requires that all buildings of 100,000 square feet or more be designed and constructed to support rooftop solar installation in accordance with state law (P.L. 2021, c. 290). All development in the redevelopment area is subject to the minimum environmental standards set forth in the Township's land use ordinance and the CMP.

For non-residential development other than outdoor recreation, Pinelands Development Credits (PDCs) are required to be redeemed at a rate of one quarter (1/4) PDC for every 11,500 square



feet of gross floor area. For outdoor recreation, PDCs are required to be redeemed at a rate of one quarter (1/4) PDC for every 1.34 acres of conditionally permitted outdoor recreation use.

The redevelopment plan includes a concept plan. In recognition of known critical habitat for threatened and endangered species within the redevelopment area, a conservation area is proposed and rendered on the concept plan (see Exhibit #2). Prior to any development commencing under the redevelopment plan, a conservation area must be permanently protected through deed restriction. No development shall be permitted in the deed-restricted conservation area, except for the removal of Freemont Avenue as required by the redevelopment plan. The concept plan shows an 88-acre conservation area that is contiguous with the preserved lands to the north of the redevelopment area. The exact delineation of the conservation area will be established during application review by the Pinelands Commission and the Manchester Township Planning Board. Also depicted in the concept plan, as required by the redevelopment plan, is the realignment of Freemont Avenue outside of the depicted conservation area.

*The Pinelands Environmental Development District and the Toms River Corridor Plan*

The Townships of Manchester and Jackson both established a Pinelands Environmental Development (PED) District as recommended in the Toms River Corridor Plan (see Exhibit #3). In January of 2008, the Commission certified Manchester Ordinance 07-018 establishing the PED-1 and PED-9 districts in Manchester. In November of 2007, the Commission certified Jackson Township Ordinance 07-06, which established a PED-1 and PED-9 districts in Jackson Township along the border and contiguous with its Manchester Township counterparts. In both municipalities, the PED-1 District was located in a Regional Growth Area and the PED-9 District was located in a Rural Development Area.

The PED-1 and PED-9 districts, spanning approximately 615 acres across both municipalities, were the site of multiple former resource extraction operations. The zoning districts were established to allow for the coordinated development of contiguous lands spanning political boundaries in a manner that would maximize the protection of threatened and endangered species habitat while still allowing development on less critical portions of the tract. The establishment of the PED-9 districts in both municipalities required the redesignation of approximately 387 acres from Regional Growth Area to Rural Development Area. Additionally, as recommended by the Toms River Corridor Plan, these four zoning districts incorporated special requirements and incentives to direct permitted development away from areas identified as habitat for threatened and endangered species. This included mandatory clustering of residential units as well as incentives to concentrate all development potential to the PED-1 District in Manchester Township.

The PED-1 District in Manchester Township, which aligns with the boundaries of the redevelopment area under review, permits single family detached units, clustered on 1-acre lots, at a maximum density of one unit per 3.2 acres, with the remainder of the parcel dedicated as open space. The PED-1 District also permits the development of a planned retirement community (PRC). The PRC option is in accordance with the MDG, et al. vs. Manchester Township Settlement Agreement, which was the result of a builder's remedy lawsuit. The PRC option permits the development of up to 350 market rate age-restricted units and a maximum of 35 affordable age-restricted and non-age restricted units. The units are permitted to be either attached or detached single family dwellings, with the remainder of the PED-1 District and all of the PED-9 District in Manchester Township deed restricted as open space. The PRC option also allowed for the clustering of an additional 250 age-restricted units and an additional 25

affordable units from contiguous lands in Jackson Township's PED-1 and PED-9 districts. The lands in Jackson Township would also need to be deed restricted as open space and an intergovernmental agreement between the two municipalities would be required. The PRC option thus allowed for a total of up to 660 units.

Subsequent to establishment of the PED-1 and PED-9 zoning districts, all lands in the PED-9 districts in both Manchester and Jackson Townships were acquired and permanently preserved by the Trust for Public Land, with funding from the Pinelands Conservation Fund, and the Ocean County Natural Lands Trust.

### *Residential Zoning Capacity and the Use of Pinelands Development Credits*

As noted above, if the redevelopment plan is not implemented, the underlying PED-1 District regulations remain in effect. Therefore, the residential zoning capacity of Manchester Township's Regional Growth Area theoretically remains unchanged. The current residential zoning capacity of the parcels subject to the redevelopment plan is 385 units. As a result of the preservation of the lands within Jackson Township's PED-9 District, there is no longer an opportunity to transfer additional residential development to Manchester Township's PED-1 District.

Based on recent development application activity, there is a strong likelihood that the redevelopment area will be developed exclusively for non-residential use if Ordinance 24-02 is certified. Therefore, Commission staff considered whether the Regional Growth Area portion of the redevelopment area is appropriate for non-residential development and whether the PDC program would be negatively impacted by the expected loss in residential development potential in that area.

Over the years, the lands included in the redevelopment area have been included in various zoning districts. At one time, the larger of the two lots was zoned POR-LI (Pinelands Office, Research and Light Industrial) while the adjacent smaller lot was zoned PR-40 (Pinelands Single-Family Residential) (see Exhibit #3). Both were rezoned to the new PED-1 District in 2007 when the Township implemented the recommendations of the Toms River Corridor Plan and a builders remedy (affordable housing) settlement agreement that called for residential development on the two lots. Given the surrounding land uses, it seems clear that a wide variety of residential and nonresidential uses would be appropriate as part of the Township's overall zoning plan.

Thus, the primary issue for the Commission's consideration is the impact of the redevelopment plan on the PDC program. Importantly, the redevelopment plan includes a PDC requirement for permitted non-residential development in recognition of the potential elimination of up to 385 residential units and opportunities for the use of up to 105 PDC rights if the area is developed for nonresidential use. When a municipality has determined that an area is appropriate for residential development in its Regional Growth Area, zoned it for residential uses and established a PDC obligation, the Commission must carefully evaluate proposals to rezone for strictly non-residential uses with a careful eye to the impacts to the Pinelands Development Credit Program. As discussed in Section 8 below, the PDC requirements for the redevelopment area ensure that the PDC program is not negatively impacted by these amendments.

Ordinance 24-02 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**

All development in the redevelopment area remains subject to the application requirements and procedures in the Township's certified land use ordinance including the need to obtain a Certificate of Filing from the Pinelands Commission and to meet the minimum application submission requirements.

This standard for certification is met.

**4. Requirement for Municipal Review and Action on All Development**

All development in the redevelopment area remains subject to the municipal development review procedures in the Township's certified land use ordinance.

This standard for certification is met.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

All development in the redevelopment area remains subject to municipal development review procedures in the Township's certified land use ordinance.

This standard for certification is met.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

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

As noted in Section 2 above, Manchester's certified PED-1 District permits planned retirement communities with a maximum of 350 market-rate age-restricted units and 35 affordable age-

restricted units. In the PED-1 District, PDCs must be acquired and redeemed for 30 percent of the non-income restricted housing units in any planned retirement community. This provides an opportunity for the use of up to 105 rights (26.25 full Credits). As noted in Section 2 above, the redevelopment plan establishes an optional zoning overlay. Therefore, if the redevelopment plan is not implemented, the existing PDC provisions and PDC potential remain unchanged.

However, if the redevelopment plan is implemented, any non-residential development permitted under the redevelopment plan is required to redeem PDCs at a rate of one quarter (1/4) PDC for every 11,500 square feet of gross floor area within principal use and conditional use buildings, except for conditionally permitted outdoor recreation uses. Conditionally permitted outdoor recreation uses are required to redeem PDCs at a rate of 1/4 PDC for every 1.34 acres.

To evaluate whether the PDC requirements of this redevelopment plan adequately protect the Pinelands Development Credit Program, staff evaluated the potential level of PDC redemption under the redevelopment plan. The redevelopment plan permits a maximum gross floor area of 1,200,000 square feet. This equates to a PDC potential of 105 PDC rights (26 full credits) based on the redevelopment plan's PDC provisions, which is equivalent to the PDC potential of 105 rights under the existing PED-1 District. For the four acres of conditionally permitted outdoor recreational uses, an additional 3 rights would be required.

The CMP focuses on the use of PDCs as a means of increasing permitted residential densities in Regional Growth Areas. However, N.J.A.C. 7:50-5.28(a)7i expressly authorizes municipalities to adopt bonus or incentive programs for Regional Growth Area that go beyond the minimum required by the CMP, provided that such programs do not interfere with or otherwise impair the municipality's obligation to provide sufficient opportunities for the use of PDCs. While this provision has not often been used in association with nonresidential development, four other municipalities (Berlin, Monroe, Waterford, and Winslow Townships) previously adopted PDC requirements applicable to nonresidential uses in their commercial and industrial zones. The Commission found that the Berlin, Monroe, Waterford, and Winslow Township ordinances represented an appropriate exercise of municipal flexibility that did not interfere with any other CMP standards and certified them on that basis. Manchester Township Ordinance 24-02 adopts a similarly creative approach, one that facilitates the municipality's redevelopment goals while ensuring that all CMP standards, particularly those related to the PDC program, continue to be met.

This standard for certification is met.

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

All development in the redevelopment area remains subject to the municipal development review procedures in the Township's certified land use ordinance, including the referral of any application to the Township Environmental Commission for review and comment.

This standard for certification is met.

**10. General Conformance Requirements**

Ordinance 24-02 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 24-02 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

The redevelopment area is located along Manchester Township's municipal boundary with Jackson Township (see Exhibit #1). The redevelopment area abuts Jackson Township's PED-1 and PED-9 districts, both described in Section 2 above, as well as the Pinelands Manufacturing-1 (PM-1) District, which is located in the Regional Growth Area. The PM-1 District permits a variety of industrial uses, including the warehousing or storage of goods and products. The existing recycling center and asphalt plant to the northwest of the redevelopment area are located in the PM-1 District. It is also noted that the single lot within the Jackson Township PED-1 District is in common ownership with the lots in the redevelopment area. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

**Public Hearing**

A public hearing to receive testimony concerning Manchester Township's application for certification of Ordinance 24-02 was duly advertised, noticed and held on April 3, 2024 at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. Oral testimony was provided by the following individuals:

Karen Argenti, Vice Chair, Manchester Township Environmental Commission, provided information that was also submitted as written comment (See Exhibit #4).

Mark Rohmeyer, Township Engineer, Manchester Township, stated that his office worked with the developer on the redevelopment plan and that the Township is in support of the redevelopment plan.

Heidi Yeh, Pinelands Preservation Alliance (PPA), stated that PPA is generally supportive of the adaptation of the Pinelands Development Credit (PDC) program to require PDC purchases for commercial and industrial uses instead of just residential development. However, PPA objects to

the way that redevelopment provisions of the municipal land use law are abused for deforestation projects like this. PPA understands that the Pinelands Commission is not responsible for whether something qualifies for redevelopment or not, but sees this particular plan manifesting some of the problems with the current redevelopment laws. For example, the land in the northern portion of the property that was previously disturbed for resource extraction will be preserved, while the untouched, forested portion of the site will be “redeveloped.” PPA understands that there are concerns with threatened and endangered species that are known to be utilizing the northern portion, but PPA would like to see a thorough snake study to be performed that includes the forested parcel to the south. PPA does not want the upland forest to be sacrificed to compensate for the more apparent limitations of the former extraction site.

Emile DeVito, New Jersey Conservation Foundation (NJCF), stated that NJCF supports everything that Ms. Yeh stated during her testimony. Mr. DeVito provided information that was also submitted as written comment (See Exhibit #5).

Written comments on Ordinance 24-02 were accepted through April 5, 2024 and were received from the following individuals:

Karen Argenti, Vice Chair, Manchester Township Environmental Commission, on behalf of the Manchester Township Environmental Commission (Exhibit #4)

Emile DeVito, Ph.D., New Jersey Conservation Foundation (Exhibit #5)

### **Executive Director’s Response**

Comments provided by Ms. Argenti, Ms. Yeh, and Mr. DeVito raised concerns about development within the wooded area of the parcel. As provided in Ms. Argenti’s comments, the Manchester Township Environmental Commission supports protecting the existing wooded area of the parcel, limiting warehouse development to those portions of the redevelopment area that have been previously mined, and maintaining the existing location and configuration of Freemont Avenue. Mr. DeVito noted that Northern Pine Snake hibernacula could occur anywhere in the forested patch of the parcel, and that portions of the wooded patch would be excellent habitat for Northern Pine Snake hibernacula. Ms. Yeh and Mr. DeVito both called for thorough snake surveys in the forested area of the parcel.

As noted in Section 2 above, the redevelopment plan requires a conservation area to be deed-restricted prior to any development on the parcel. The location of the proposed conservation area rendered in the redevelopment plan aligns with the existing mined areas of the parcel (see Exhibit #2). While a complete application has yet to be submitted to the Pinelands Commission for a warehouse development, extensive threatened and endangered species surveys have been conducted within the redevelopment area as part of prior development applications. Critical habitat for threatened and endangered animal species as well as threatened and endangered plant populations were found in the previously mined area. The proposed conservation area appropriately aligns with those findings. As noted in Section 2 above, the exact delineation of the conservation area will be established during application review by the Pinelands Commission and the Manchester Township Planning Board. The need for any further surveying within the redevelopment area would be determined during the review of any forthcoming application for development under this redevelopment plan if certified by the Commission.

Ms. Argenti also commented that the materials reviewed by the Manchester Environmental Commission showed proposed stormwater management facilities that are inconsistent with CMP stormwater management regulations and the Township's stormwater management regulations.

It is important to note that any application for development within the redevelopment area will need to demonstrate consistency with the minimum environmental standards of the Pinelands CMP, including those for stormwater management. The Commission has yet to receive a complete development application for any development proposed under this redevelopment plan.

### **Conclusion**

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 24-02, adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01, 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 24-02 of Manchester Township.

SRG/DBL/KLE/CMT  
Attachments

# Manchester Township Ordinance 24-02

- Pinelands Management Areas**
- Rural Development Area
  - Regional Growth Area
- Legend:**
- Municipal Boundaries
  - Redevelopment Area
  - Municipal Zoning Boundary

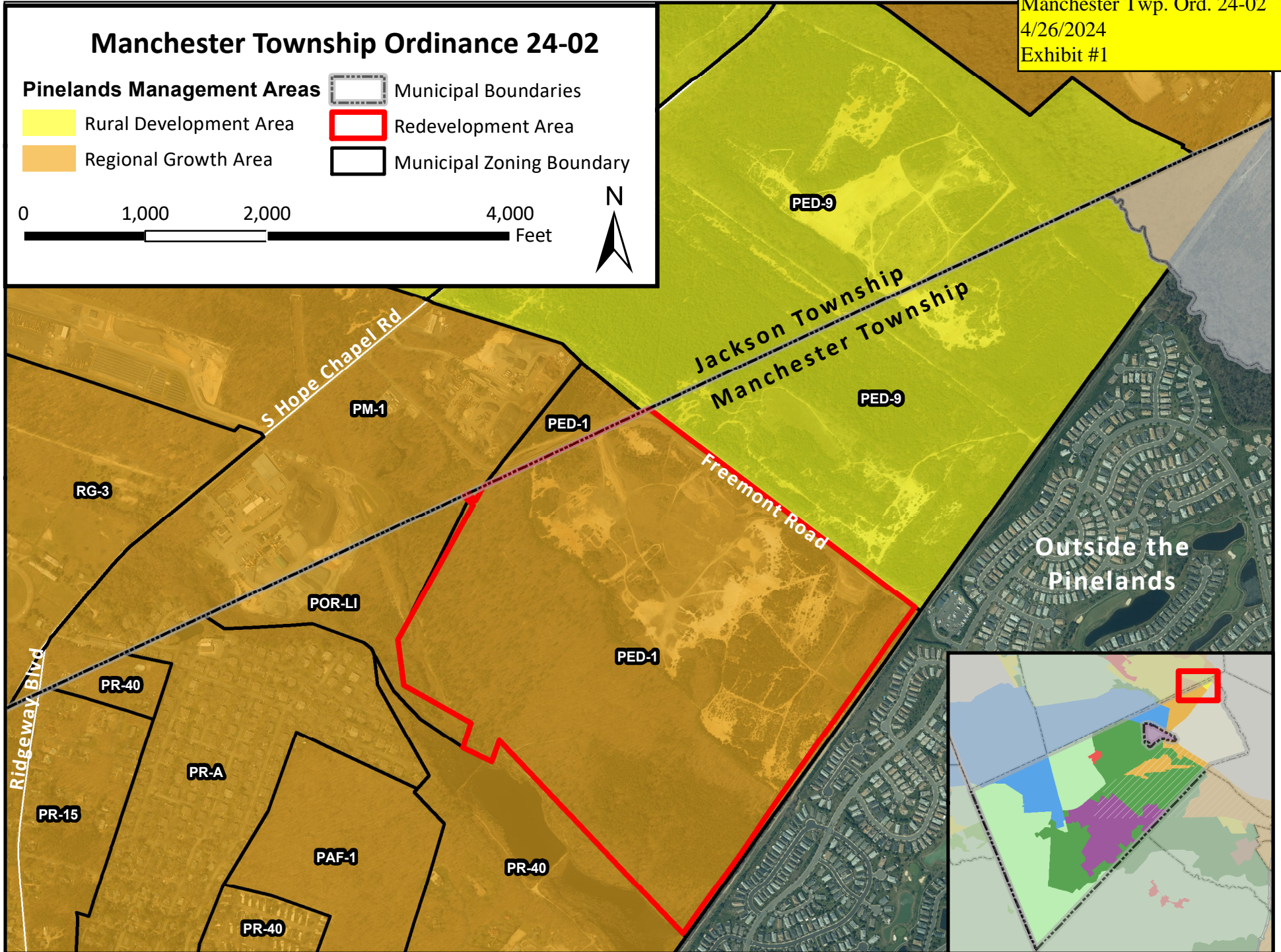
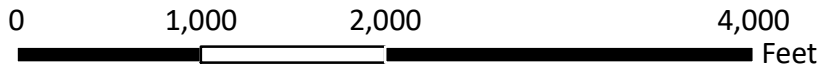
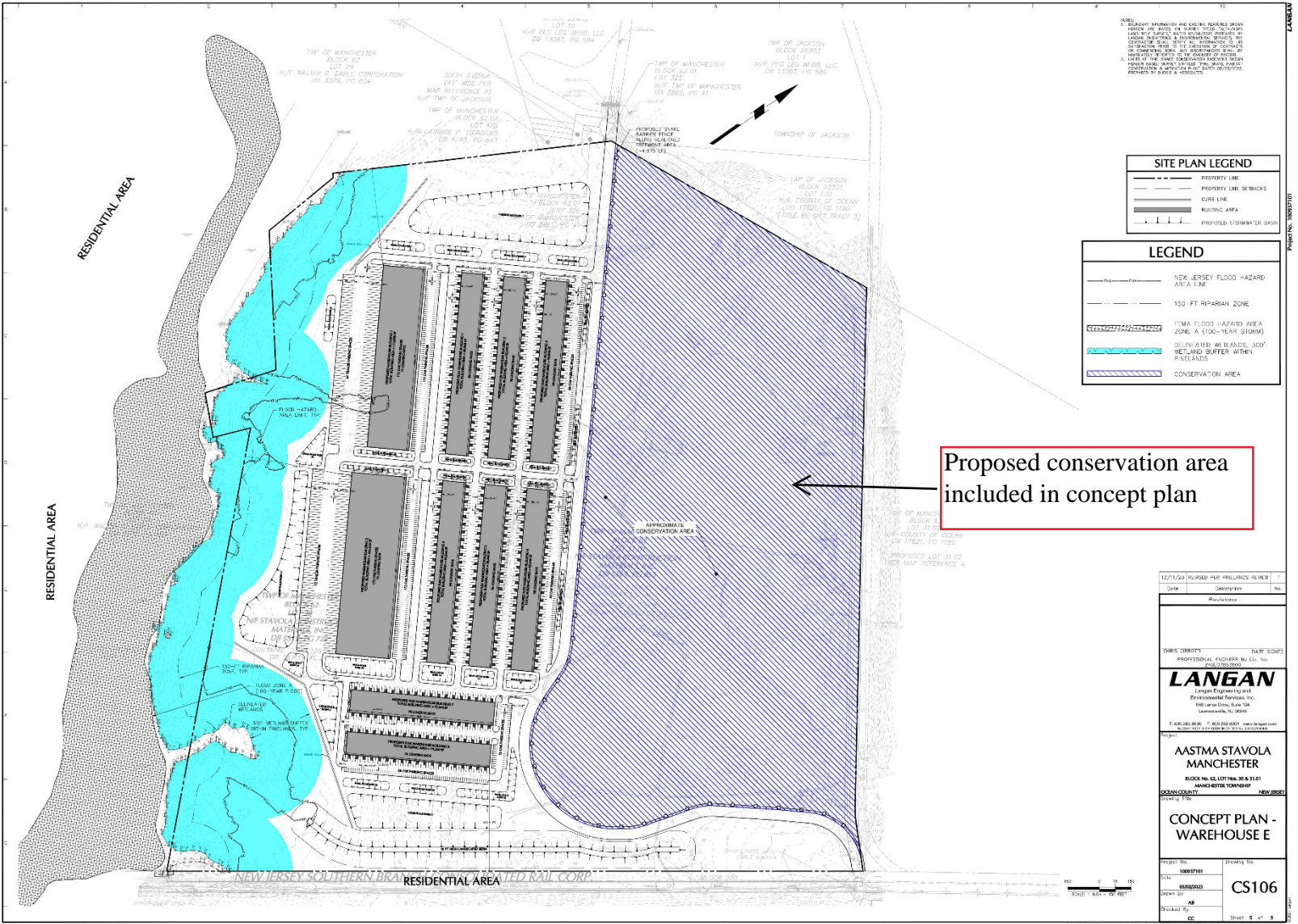




Figure 6 – Illustrative Concept Plan



Code	Description	Rev
12/17/23 REVISIO PARK PINNACLES HELMSP 1		
Revisions		
TOWN OF MANCHESTER PROFESSIONAL ENGINEERS No. Lic. No. (201-202-2000)		
<b>LANGAN</b> Langan Engineering and Environmental Services, Inc. 100 Lewis Drive, Suite 100 Lumberton, NJ 08048		
TOWN OF MANCHESTER TWP. PROJECT NO. 24-02 100 Lewis Drive, Suite 100 Lumberton, NJ 08048		
<b>AASTMA STAVOLA                      MANCHESTER</b> BLOCK No. 62, LOT No. 30 & 31.01 MANCHESTER TOWNSHIP		
<b>CONCEPT PLAN -                      WAREHOUSE E</b>		
PROJECT NO.	DATE	SCALE
24-0202	04/26/2024	AS SHOWN
PROJECT BY	DATE	SCALE
CC	04/26/2024	AS SHOWN
SHEET NO.		OF
CS106		5

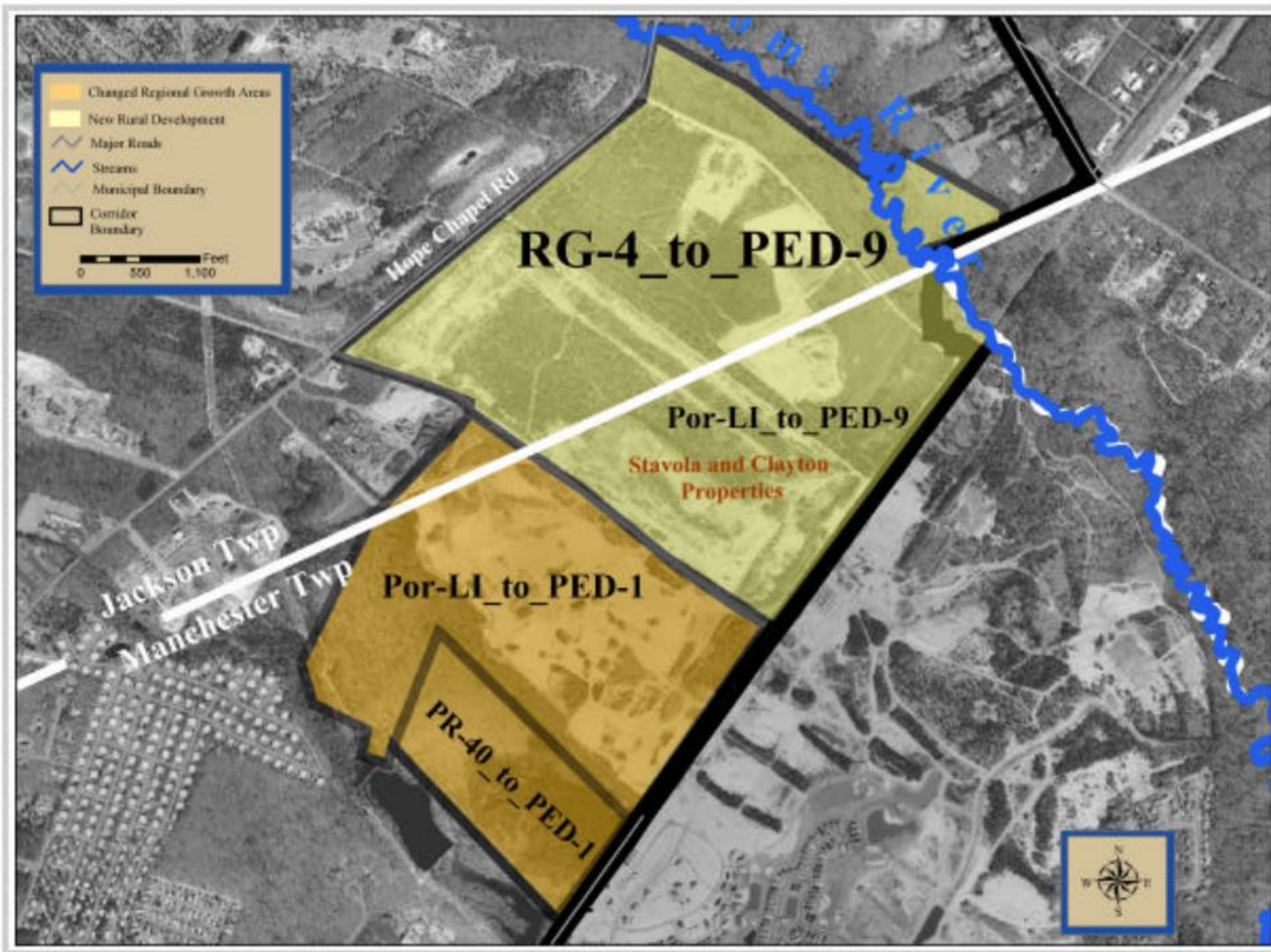


Figure 12. Proposed Changes Associated with the Planned Environmental Development (PED) Zone.

Comments submitted by Karen Argenti, Vice Chair,  
Manchester Township Environmental Commission

Manchester Environmental Commission of Manchester Township comments for  
New Jersey Pinelands Commission April 3, 2024 Public Hearing on  
Manchester Township Ordinance 24-02 Redevelopment Plan for B62, L30 & 31.01

On behalf of the Manchester Environmental Commission of Manchester Township, please accept these comments to the New Jersey Pinelands Commission for the public hearing on April 3, 2024 at 9:30 am on Manchester Township Ordinance 24-02 concerning whether or not the ordinance is in conformance with the Pinelands Comprehensive Management Plan (CMP). Ordinance 24-02 adopts the Redevelopment Plan for Block 62, Lots 30 & 31.01, dated December 28, 2024.

The redevelopment area contains two lots spanning approximately 224 acres. The redevelopment area is currently vacant, but was the site of a former resource extraction operation. It is located within the Township's Pinelands Environmental Development-1 (PED-1) District. The PED-1 District is located within a Pinelands Regional Growth Area.

According to the 2023 CMP (7:50-5.13 (e.) page 111), "Regional Growth Areas are areas of existing growth or lands immediately adjacent thereto which are capable of accommodating regional growth influences while protecting the essential character and environment of the Pinelands, provided that the environmental objectives of Subchapter 6 are implemented through municipal master plans and land use ordinances."

## **COMMENTS**

Three areas concern the Manchester Environmental Commission (MEC): alternative review of site and road location, stormwater management, natural resources protection for T&E, water, and air. We can not speak to the procedures for the redevelopment plan.

## **ALTERNATIVE REVIEW OF SITE & ROAD LOCATION**

MEC commented to the Planning Board and the Town Council concerning the choice of building on the forested land next to the wetland and in a flood plain; and a stormwater plan that used a 100% footprint rather than 30%. An alternative would be to use the former resource extraction operation site, which would allow the use of the existing road and not include the increase new impervious surfaces for the roadway and the forested site. In our opinion, that would be a redevelopment plan. Moreover, by agreeing to cover the entire site with warehouses and motor vehicle surfaces with no set aside to mitigate the impact of increased runoff due to increased impervious surfaces and truck traffic emissions, is not reasonable or responsible.

## **STORMWATER MANAGEMENT PLAN**

The applicant has provided a drawing of the site including a large basin off the other lot section which is also forested. This was approved by the Town Council despite the fact that the recent Stormwater Ordinance is up to date with the Pinelands Commission. There was no discussion of using Green Infrastructure despite the town's adoption of the latest ordinance in the Pinelands -- §245-84. Stormwater management in areas within Pinelands Management Area. [Added 4-28-2008 by Ord. No. 08-013; amended 4-10-2023 by Ord. No. 23-04]

This ordinance clearly identifies that "Flood control, groundwater recharge, erosion control and pollutant reduction shall be achieved using stormwater management measures, *including green infrastructure* best management practices (BMPs) and nonstructural stormwater management strategies. *Green infrastructure* BMPs and low-impact development should be utilized to meet the goal of

Manchester Environmental Commission of Manchester Township comments for  
New Jersey Pinelands Commission April 3, 2024 Public Hearing on  
Manchester Township Ordinance 24-02 Redevelopment Plan for B62, L30 & 31.01

maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. *Green infrastructure* BMPs and low-impact development should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge contained in this section.”

The ordinance continues that the “purpose of this section is to establish, within the Pinelands Area portion of Manchester Township, minimum stormwater management requirements and controls as authorized by the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and consistent with the Pinelands Comprehensive Management Plan (CMP) (N.J.A.C. 7:50-1.1 et seq.) and the New Jersey Department of Environmental Protection (NJDEP) Stormwater Management Regulations (N.J.A.C. 7:8-1.1 et seq.). .... If there are any conflicts between a provision required by the Pinelands CMP and a provision required by the NJDEP, *the Pinelands CMP provision shall apply.*” (*emphasis added*)

## NATURAL RESOURCES PROTECTION

Manchester Natural Resources Inventory and the New Jersey GeoWeb describes both areas protected as the Occupied Habitat **Rank 3** for the Northern Pine Snake. The NJ GeoWeb describes Land Use as EXTRACTIVE MINING and Cover Type as BARREN LAND. If this is chosen, arrangements should be made for the protection and mitigation of that species during construction.

NJ GeoWeb Landscaping Layer shows the Forested section Land Use as a Mixed DECIDUOUS FOREST (>50% CROWN CLOSURE), with a Land Use Cover Type as Forest including Atlantic White Cedar. This section is south west of the Mining site, with occupied habitat **Rank 4** for the Northern Pine Snake and the Timber Rattlesnake, as well as near wetlands. This site should be preserved. See new map attached. This info was presented in the Natural Resources Inventory <https://manchestertwp.com/wp-content/uploads/2021/01/Manchesters-Natural-Resource-Inventory-2020.pdf> and commented on before the Planning Board and Town Council.

## CONCLUSION

As stated, the MEC has appeared before both the Manchester Planning Board (PB) and Town Council (TC) to discuss these issues.

Presented by Karen Argenti, Commissioner Vice Chair

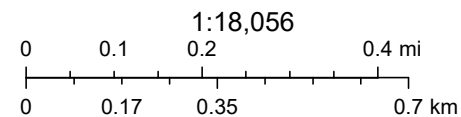
Attached      NJ GeoWeb map  
                  Hearing Notice  
                  May 1, 2023 Letter from NJ Pinelands to applicant (referred to in their proposal)  
                  MEC Comments to PB on November 6, 2023– 5 pp with attachments – no answer  
                  MEC Letter to NJ Pinelands on the T&E – not answered  
                  Emil DeVito’s Comments read into the record of the TC, December 18, 2023  
                  TC December 18, 2023 item  
                  Karen Argenti’s MEC Comments to the TC, December 18, 2023  
                  Pinelands Preservation Alliance & NJ Conservation Foundation Letter to DCA,  
                  March 25, 2024

# NJ-GeoWeb Manchester B62 L30 & 31.01



3/28/2024, 4:12:10 PM

- County Boundaries
- Municipalities
- Rank 1 - Habitat specific requirements
- Rank 2 - Special Concern
- Rank 3 - State Threatened
- Rank 4 - State Endangered
- SBH - Pinelands - Landscape Project



Map data © OpenStreetMap contributors, CC-BY-SA



WILLIAM D. MURPHY  
Governor  
EILA Y. OLIVER  
Lt. Governor

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



LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

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

May 1, 2023

Michael Gross, Esq. (via email)  
Giordano Halleran & Ciesla  
125 Half Mile Road, Suite 300  
Red Bank NJ 07701

Re: Application # 1981-1470.009  
Block 62, Lots 30 & 31.01  
Manchester Township


Dear Mr. Gross:

We have reviewed the information submitted on March 22, 2023 regarding the potential residential development of the above referenced 225 acre parcel.

The submitted information included a Proposed Conservation Area plan prepared by Langan Engineering and Environmental Services, Inc. and dated February 14, 2023. The plan depicts the conceptual realignment of Freemont Avenue, the removal of the existing paved cartway of Freemont Avenue and the establishment of an 88 acre conservation area on the parcel. These design techniques are proposed to avoid irreversible impact on habitats that are critical to the survival of local populations of known threatened plant and animal species. The proposed design results in an approximately 100 acre "development area."

Provided the development is limited to the approximately 100 acre "development area" and outside of both the proposed 88 acre conservation area and the required 300 foot buffer to wetlands, based upon currently available information, the proposed development would be consistent with the threatened and endangered species protection standards.

If you have any questions, please contact me.

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

## Project Description

Manchester Township Block 62, Lots 30, & 31.01. There is one street, Fremont Avenue, a dirt road currently. Located in the Pinelands area of town, it is zoned PED-1 and was deemed an Area in Need of Redevelopment last year. It is now in the Plan Development. The current proposal is to declare the mine area an 88-acre Conservation District, and develop the forested area. It is at the edge of town at the intersection of Jackson and near Toms River. It is adjacent to a big development called The Renaissance which uses Fremont as its emergency exit only. There is a railroad somewhere.

We checked the T & E in the [2020 Manchester Natural Resource Inventory](#), and it has the Landscape Project where two areas ranked 3 (abandoned mine) and 4 (forest and wetland). Pp 38-40

### **Landscape Project Data**

The NJDEP Endangered and Non-Game Species Program created the Landscape Project as an ecosystem level approach to identifying and protecting species habitat in the state. The Program divides the State into six regions: Atlantic Coastal Landscape, Delaware Bay Landscape, Piedmonts Plains Landscape, Pinelands Landscape, Skylands Landscape, and Marine Region. Manchester Township falls entirely within the Pinelands Landscape.

The Pinelands landscape encompasses portions of Ocean, Monmouth, Burlington, Camden, Gloucester, and Atlantic Counties. The Pinelands consists of agricultural lands, coniferous, deciduous and mixed forests, wooded wetlands, scrub and shrub wetlands, and cedar swamps. Within the Manchester Township, there are approximately 43,741 acres of ecologically sensitive habitat.

The program identifies critical habitat areas and ranks them by the presence of priority, threatened or endangered species. The habitat areas are given a Rank between 1 and 5.

Rank 1 is assigned to species-specific habitat patches that meet habitat-specific suitability requirements such as minimum size or core area criteria for endangered, threatened or special concern wildlife species, but that do not intersect with any confirmed occurrences of such species. Rank 1 habitat patches without documented occurrences are not necessarily absent of imperiled or special concern species. Patches with a lack of documented occurrences may not have been systematically

surveyed. Thus, the Rank 1 designation is used for planning purposes, such as targeting areas for future wildlife surveys.

Manchester Township has approximately 852.0 acres of Rank 1 habitat within its borders. The majority of the habitat area is located adjacent to the Ridgeway Branch, Union Branch and the Toms River, in the south east corner of the Township. Additional Rank 1 habitat areas are scattered throughout central portion of the Township.



Rank 3 is assigned to species-specific patches containing one or more occurrences of State threatened species. State threatened species are species which are an indigenous nongame wildlife species of New Jersey designated pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A.23:2A et. seq., and its implementing rules, N.J.A.C. 7:25-4.17, as most recently amended. Threatened species are generally defined to be species that may become endangered if conditions surrounding them begin or continue to deteriorate. Manchester Township has approximately 5,370.7 acres of Rank 3 habitat.

Within the Rank 3 habitat in the Township, the following species have been located:

- Barred Owl (Aves/State Threatened)
- Dotted Skipper (Insecta)
- Eastern Kingsnake (Reptilia)
- Fowler's Toad (Amphibia)
- Northern Pine Snake (Reptilia / State Threatened)
- Pine Barrens Bluet (Insecta)
- Pine Barrens Tree Frog (Amphibia / State Threatened)
- Two-spotted Skipper (Insecta)

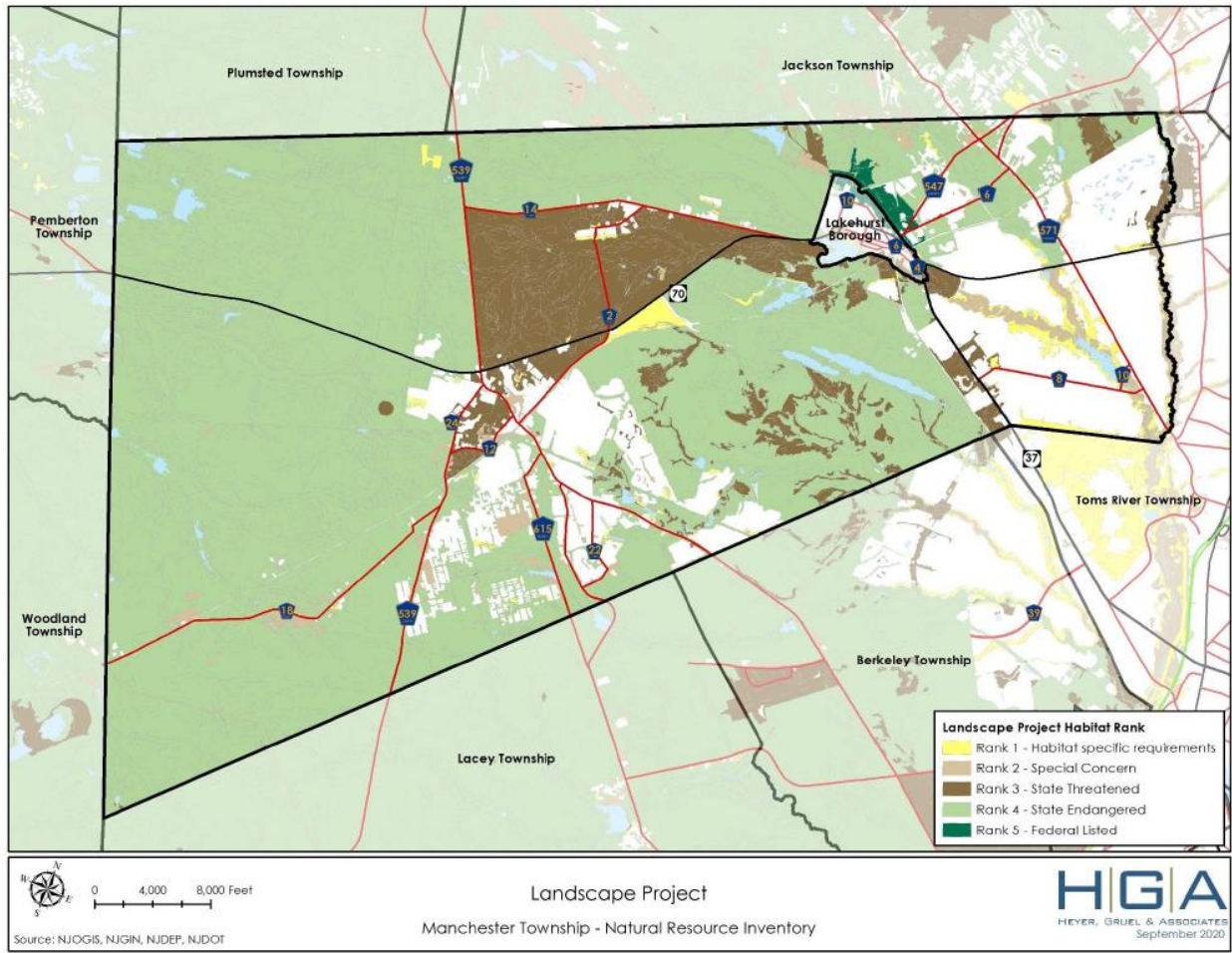
Rank 4 is assigned to species-specific habitat patches with one or more occurrences of State endangered species. State endangered species are species included on the list of endangered species at N.J.A.C. 7:25-4.13 and any species or subspecies of wildlife appearing on any Federal endangered species list. The Endangered and Nongame Species Conservation Act (N.J.S.A. 23:2A et seq.) defines an endangered species (with respect to wildlife) to be a species or subspecies of wildlife whose prospects for survival or recruitment are in jeopardy or are likely within the foreseeable future to become so due to any of the following factors: (1) the destruction, drastic modification, or severe curtailment of its habitat, or (2) its overutilization for scientific, commercial or sporting purposes, or (3) the effect on it of disease, pollution, or predation, or (4) other natural or manmade factors affecting its prospects of survival or recruitment within the State, or (5) any combination of the foregoing factors. The term shall also be deemed to include any species or subspecies of wildlife appearing on any Federal endangered species list.

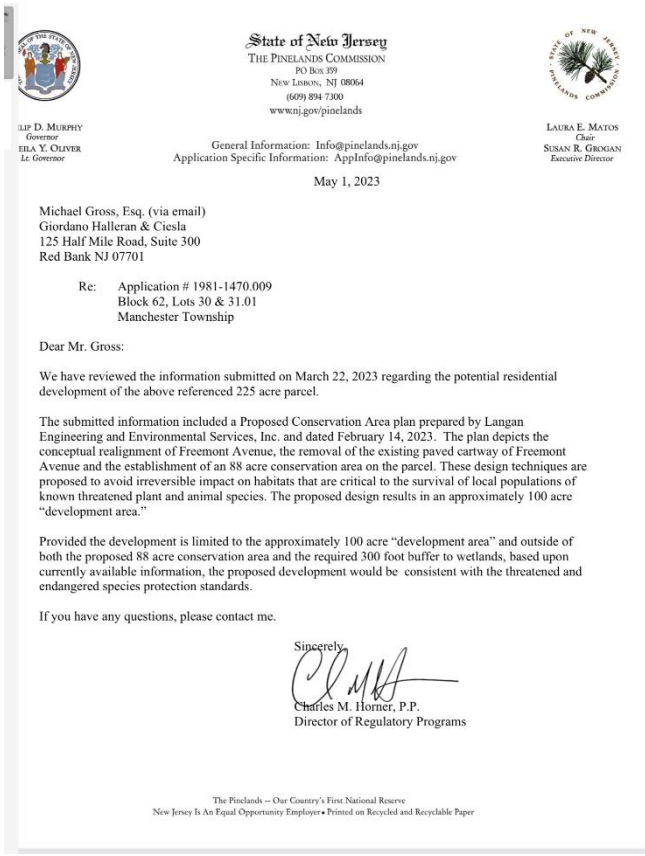
Manchester has approximately 36,047.3 acres of Rank 4 habitat. The following species have been located:

- American Bittern (Aves / State Endangered)
- Arogos Skipper (Insecta / State Endangered)
- Bald Eagle (Ave / State Endangered)
- Barred Owl (Aves / State Threatened)
- Black-throated Green Warbler (Aves)

The following table gives a breakdown of each of the habitat ranks found in the Township.

NJDEP Landscape Project Habitat Rankings		
Rank	Acres	Percentage
Rank 1: Habitat Specific Requirements	852.0	1.9%
Rank 2: Special Concern	1,271.8	2.9%
Rank 3: State Threatened	5,370.7	12.3%
Rank 4: State Endangered	36,047.3	82.4%
Rank 5: Federal Listed	199.0	0.5%
<b>Total</b>	<b>43,740.8</b>	<b>100.0%</b>





We have a letter from the Pinelands concerning the Conservation Area, which is a bit vague. There is no formal application at the Pinelands yet.

They are building a large warehouse hub in place of the right to build 200-300 senior housing which no one wants. Below are photos of the new plan and an aerial view



Image redacted due to the inclusion of sensitive information regarding the location of threatened and endangered species

Questions from the Environmental Commission at their October 24, 2023 meeting

1. Is this the final plan? What other alternatives did they review?
2. Why did they choose to build on the forested land abutting the tributary of the Toms River that flows to Pine Lake?
3. Why not build on the abandoned mine? This side is the real area-in-need-of-redevelopment, and perhaps a cleanup. It does not meet the goal of protecting the environment in the Master Plan.
4. Why not choose to review an alternative plan. The 100-acre forest contributes to lowering greenhouse gas, has endangered (not just threatened) species on the property, is natural perhaps even the original native growth, and meets the goal of protecting the environment.
5. Can the applicant provide the study that shows there is a regional demand for storage warehouses?
6. Can the applicant explain why there are basins on the property and not green infrastructure as required by the NJ DEP?
7. Can the applicant explain how their proposed stormwater basin will clean the runoff before it goes into the groundwater?
8. Who is going to take care of the trees and the proposed basin?
9. Can the applicant provide the drawing that they use with the Pinelands Commission to discuss the Conservation Area?
10. Will the site have to put up snake fencing?

Manchester Environmental Commission Letterhead

December 5, 2023

Susan R. Grogan, Executive Director  
State of New Jersey Pinelands Commission  
PO Box 08064  
New Lisbon, NJ 08064      via email [Susan.Grogan@pinelands.nj.gov](mailto:Susan.Grogan@pinelands.nj.gov)

Re:    Application # 1981-1470.0009  
       Block 62, Lots 30 & 31.01, Manchester Township

Dear Executive Director Grogan,

We are reaching out, on behalf of the Manchester Township Environmental Commission, to request a full and comprehensive environmental study for pine snakes and potentially other “rare species” within an environmentally sensitive area.

The property is recognized for its unique biodiversity and is home to a population of pine snakes (*Pituophis melanoleucus*), a species that plays a crucial role in maintaining ecological balance. Pine snakes are listed as a species of concern, and their presence in the aforementioned area raises questions about the potential impact of human activities on their long-term habitat.

Several factors contribute to the urgency of conducting an environmental study in this region. These include, but are not limited to, ongoing development projects, changes in land use, and potential threats to the pine snake population. The purpose of the study is to assess the current status of the pine snake population, identify their habitats and breeding grounds, and evaluate any potential threats or disruptions to their ecosystem. As of right now the building on this specific site is projected to be in the forested area rather than the deforested area, which is a major concern of the Manchester Township Environmental Commission. This concern is coupled with the necessary breeding areas of the pine snake.

An in-depth environmental study will provide valuable insights into the ecological health of the area and guide future planning and development decisions to ensure the preservation of this vital habitat. The study should be conducted by qualified environmental experts with expertise in herpetology and ecology, and it should encompass a thorough examination of the potential impacts of proposed and existing projects on the pine snake population. The study should be for a full season in 2024 and include drift fences and radio-tracking of captured rare reptile species.

We understand the importance of balancing environmental conservation with responsible development, and I believe that a comprehensive environmental study will serve as a foundation for informed decision-making. We kindly request that the New Jersey Pinelands Commission allocates resources and coordinates with relevant environmental agencies to initiate this study promptly.

Sincerely Yours,

*Gabrielle Fox*

Gabrielle Fox, Chair

*Karen Argenti*

Karen Argenti, Vice Chair

c. Bethany Williams

Did you know that the temperature of the Equator is always 80 degrees? Sometimes it goes to 86. Of course, it is surrounded by the rain forest and has 140 inches of rain per year. While we are facing the risk of a three-day 100-degree heat wave many times in a summer, the Equator never gets out of the 80's.

We now experience the new normal of more intense weather & catastrophic flooding. No accident of Nature; increased flooding and storm damage are driven by the greater heat load carried by the atmosphere, the work of human hands and industry's global scale. This is the most serious problem we face—an emergency extending far beyond the capacity of present infrastructure.

Ecological development can make a difference to better hold water with enhanced soils sustaining denser, more vibrant vegetation, and establishing living baselines for existing carbon sequestration using Nature as the measure. You see, **Concrete and iron** used to produce housing, commercial or industrial structures create large quantities of CO<sub>2</sub> during manufacturing, exacerbating the “urban heat island effect” when built. **Meadows, trees, and wetland restorations connecting green infrastructure & water together** not only cool the air but also creates a sink for this carbon. It is important to build right, protecting the future.

I come before you tonight to discuss the AINR on B62 L30 & 31.01. I see that the planning board has reviewed the proposed plan to build where there is a forest and not in the area that was in need of redevelopment. The Environmental Commission has discussed this project at several of our meetings and find that we do not have enough information currently.

1. The applicant noted the presence of the pine snake and other endangered species, but fails to identify the location for the nests of the habitat (page 14 of July 2022 Study). Because of this, we have requested that the Pinelands Commission preform a study.

“The property is recognized for its unique biodiversity and is home to a population of pine snakes (*Pituophis melanoleucus*), a species that plays a crucial role in maintaining ecological balance. ...

Several factors contribute to the urgency of conducting an environmental study in this region. These include, but are not limited to, ongoing development projects, changes in land use, and potential threats to the pine snake population. The purpose of the study is to assess the current status of the pine snake population, identify their habitats and breeding grounds, and evaluate any potential threats or disruptions to their ecosystem. ...

..... The study should be conducted by qualified environmental experts with expertise in herpetology and ecology, and it should encompass a thorough examination of the potential impacts of proposed and existing projects on the pine snake population. The study should be for a full season in 2024 and include drift fences and radio-tracking of captured rare reptile species.”

2. Application into the Pinelands Commission was submitted the Tuesday after Thanksgiving.

3. The Wetland LOI was just submitted to neighbors.

Approving this project is premature. There is not enough information to decide. Please vote NO.

"There is almost certainly critical winter hibernation (denning) habitat in the forest that is threatened with clearing, and only a proper pine snake study with drift fences and radio-telemetry can reveal the actual critical habitat situation. If development proceeds without such a study, *habitat critical to the survival of a local population of a threatened species would likely be destroyed.*" -Emile DeVito, Ph.D., Manager of Science, NJ Conservation Foundation

12/18/23

**AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING THE REDEVELOPMENT PLAN FOR BLOCK 62, LOTS 30 AND 31.01**

**WHEREAS**, the Governing Body of the Township of Manchester, County of Ocean, New Jersey ("Governing Body") has designated an area known as Block 62, Lots 30 and 31.01 on Township of Manchester Tax Maps including rights of way (the "Redevelopment Area"), as an area in need of redevelopment; and

**WHEREAS**, the Governing Body intends to adopt a redevelopment plan to provide specific provisions for the redevelopment of the Redevelopment Area; and

**WHEREAS**, the Governing Body has referred the proposed Redevelopment Plan ("Redevelopment Plan") to the Township of Manchester Planning Board for review and recommendation; and

**WHEREAS**, the Governing Body has received the recommendation of the Planning Board and has conducted a public hearing on the proposed Redevelopment Plan; and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Manchester, County of Ocean, State of New Jersey, that:

**SECTION 1.** Pursuant to the Authority granted to the Governing Body by N.J.S.A. 40A:12A-7, the Redevelopment Plan, dated October 9, 2023, prepared by Morgan Engineering LLC is on file at the Office of the Township Clerk and can be reviewed by the public during normal business hours.

**SECTION 2.** Pursuant to the provisions of N.J.S.A. 40A:12-7c, the Redevelopment Plan shall constitute an overlay zoning district within the redevelopment area. The official Township Zoning Map shall be amended to henceforth coincide with the Redevelopment Plan.

**SECTION 3.** An Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency only.

**SECTION 4.** If any provision of this Ordinance is declared invalid, such invalidity shall not affect the other provisions of this Ordinance. Furthermore, the other provisions of this Ordinance are deemed to be severable and remain in full force and effect.

**SECTION 5.** This Ordinance shall take effect after final approval and publication according to law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Council of the Township of Manchester on first reading at a meeting held on the **10<sup>th</sup> day of October 2023 at 6:00 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Township Council which is scheduled for **18<sup>th</sup> day of December, 2023 at 6:00 p.m.** or as soon thereafter as the matter may be reached, at the Municipal Building located at 1 Colonial Drive, Manchester, New Jersey 08759, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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Teri Giercyk, RMC/CMC  
Municipal Clerk



## PUBLIC NOTICE

Pursuant to N.J.A.C. 7:50-3.45, the New Jersey Pinelands Commission will conduct a public hearing on Manchester Township Ordinance 24-02. Comments are being sought on whether the ordinance is in conformance with the Pinelands Comprehensive Management Plan (CMP).

Ordinance 24-02 adopts the Redevelopment Plan for Block 62, Lots 30 & 31.01, dated December 28, 2024. The redevelopment area contains two lots spanning approximately 224 acres. The redevelopment area is currently vacant, but was the site of a former resource extraction operation. It is located within the Township's Pinelands Environmental Development-1 (PED-1) District. The PED-1 District is located within a Pinelands Regional Growth Area.

The Redevelopment Plan permits light industrial uses, warehouses, distribution centers, wholesaling, flex space, indoor recreation, scientific or research facilities, business or professional offices and indoor agriculture. The Redevelopment Plan conditionally permits online commercial businesses as well as outdoor recreation. The plan includes various development standards related to lot area and bulk, vegetative buffering, parking, design, lighting, and signage. Lastly, any non-residential development permitted under the redevelopment plan is required to redeem Pinelands Development Credits (PDCs) at a rate of one quarter (1/4) PDC for every 11,500 square feet of gross floor area within principal use and conditional use buildings, except for conditionally permitted outdoor recreation uses. Conditionally permitted outdoor recreation uses are required to redeem PDCs at a rate of 1/4 PDC for every 1.34 acres.

As such, Ordinance 24-02 directly relates to CMP standards and must be formally reviewed and approved by the Pinelands Commission before it may take effect.

The hearing will be conducted remotely and broadcast live on the Commission's YouTube channel at the following time:

Date: Wednesday, April 3, 2024  
Time: 9:30 a.m.

To view the hearing, visit <https://www.youtube.com/live/aXJigPbLakc?feature=shared>. The public may provide comment during the hearing by calling 929-205-6099 and using Meeting ID: 811 9421 4707.

The public may submit written comment by email (preferred), regular mail, or facsimile by Friday, April 5, 2024, to:

Planning Office  
Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064  
Facsimile: (609) 894-7330  
Email: [planning@pinelands.nj.gov](mailto:planning@pinelands.nj.gov) or through the Commission's website at <https://www.nj.gov/pinelands/home/contact/public.shtml>

The documents and supporting materials are available electronically for public inspection on the Commission's website or upon request by contacting the Pinelands Commission at [planning@pinelands.nj.gov](mailto:planning@pinelands.nj.gov).



PINELANDS  
PRESERVATION  
ALLIANCE

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March 25, 2024

Jacquelyn A. Suárez  
State of NJ Department of Community Affairs  
101 South Broad Street  
PO Box 800  
Trenton, NJ 08625-0800

Re: Review of Ordinance 24-02 Adopting the Redevelopment Plan for Block 62, Lots 30 & 31.01 (non-condemnation)

Dear Acting Commissioner Suárez,

We request that the Department of Community Affairs review the Manchester Township Redevelopment Plan adopted through ordinance 24-02 and not grant approval of the Township's determination that this area is in need of redevelopment. This is another example of the perverse way that redevelopment provisions of the municipal land use law are being abused. Allowing the 'redevelopment' of undeveloped land undermines the intention of the law to incentivize the revitalization of derelict land that is truly in need of redevelopment. This particular plan for 224 acres of Pinelands land epitomizes the problems with our current redevelopment laws, as the northern portion of the property that was previously disturbed as a resource extraction site (lot 31.01) will be preserved, while the untouched forested portion of the site (primarily lot 30) will be 'redeveloped'. This plan to develop via deforestation in lieu of actual redevelopment is a farcical exploitation of New Jersey's laws. The DCA should not approve this plan as redevelopment, and should close the loopholes that allow the widespread abuse of redevelopment laws in New Jersey.

At the very least, this plan should not be granted the benefits that accompany a redevelopment designation, because developers should not be given incentives to destroy undeveloped forests. The developer was likely advised to avoid the mined area altogether to simplify the approval process. There are threatened & endangered species concerns associated with the former resource extraction site: the patchwork of open fields, sandlots, and trees has created attractive nesting habitat for pine snakes. However, a thorough enough study would likely reveal the intact upland forest that is adjacent to the former mines to also be critical habitat for these snakes. Focusing development on the forest ignores

the critical habitat value for hibernation that the adjoining upland mature forest also provides for the population of the threatened snake species. A thorough study of this population has yet to be done. The upland forest should not be sacrificed to compensate for the more apparent limitations of the former extraction site.

This redevelopment plan is part of a troubling trend in southern New Jersey, whereby redevelopment is often used to target undeveloped forests, while truly derelict properties sit unused nearby. Please revisit our October 10, 2023 letter concerning a similar abuse of the redevelopment law in Pemberton Township. The current manifestation of the law is just a giveaway to developers that sacrifices both the environment and smart growth principles. Please change the redevelopment law to restore its originally intended function to revitalize New Jersey communities, starting with the revocation of Manchester Township Ordinance 24-02.

Sincerely,

Heidi Yeh, Ph.D.  
Pinelands Preservation Alliance

Emile DeVito, Ph.D.  
New Jersey Conservation Foundation

**From:** Emile DeVito <emile@njconservation.org>  
**Sent:** Wednesday, April 3, 2024 2:12 PM  
**To:** Planning, PC [PINELANDS] <planning@pinelands.nj.gov>  
**Subject:** [EXTERNAL] Comments on Manchester Township Ordinance 24-02

**Highly Likely Pine Snake Critical Habitat for Winter Hibernacula at the proposed Manchester Twp. site - Block 62, lots 30 and 31.01.**

The entire area within the yellow highlight on the map below is a generally south-facing slope - high in the uplands, with deciduous canopy being prominent. Thus, it has excellent *insolation* for warmth during late fall, winter, and early spring, making it an excellent site for hibernacula for northern pine snake, since pine snakes emerge on warm days and bask at the surface to fight bacteria and pathogens. While this is the most likely area to contain pine snake hibernacula, *hibernacula could also occur anywhere in this entire forest patch - in any upland forest habitat that is well-above the high water table associated with nearby wetlands and the stream corridor.*

With a well-designed survey, pine snake adults should be captured using an extensive network of drift fences, and neonates captured via corrals around nest sites, and all pine snakes captured must be radio-tracked. Neonates can be radio-tracked from hatching in early September to find their winter hibernacula, which are usually different than adults and fairly close to nest sites. Winter corrals must be erected around neonate hibernacula so that neonates can be recovered in the spring upon emergence, since their small transmitters will have run out of power and must be removed. Adults must be captured in the network of drift fence traps and tracked through *at least 2 autumns*, because they often use different hibernacula in successive years. Unless this is done properly, it is impossible to determine critical habitat associated with winter hibernacula.

All current published research and ongoing Pinelands Commission staff research points to the necessity for such an intensive study to determine critical habitat. Any study short of this protocol would be irresponsible, as a proper picture of critical habitat for northern pine snake could not be obtained.

Respectfully submitted,  
Emile DeVito, Ph.D., New Jersey Conservation Foundation

