



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-18- 04

**TITLE:** Approving With Conditions Applications for Public Development (Application Numbers 1985-0909.017, 1986-1334.002 & 2017-0149.001)

Commissioner Galletta moves and Commissioner Avery 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:

**1985-0909.017**

<b>Applicant:</b>	<b>Jackson Township Board of Education</b>
Municipality:	Jackson Township
Management Area:	Pinelands Village
Date of Report:	January 19, 2018
Proposed Development:	Demolition of a structure (abandoned sewage treatment plant), 50 years old or older;

**1986-1334.002**

<b>Applicant:</b>	<b>NJ DEP Parks and Forestry</b>
Municipality:	Washington Township
Management Area:	Pinelands Preservation Area District
Date of Report:	January 19, 2018
Proposed Development:	Forestry on 13 acres within Wharton State Forest; and

**2017-0149.001**

<b>Applicant:</b>	<b>New Jersey Department of Transportation</b>
Municipality:	Borough of Berlin Waterford Township Winslow Township
Management Area:	Pinelands Village Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	January 19, 2018
Proposed Development:	Guiderail and sidewalk improvements within the State Route 73 right-of-way.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1985-0909.017, 1986-1334.002 & 2017-0149.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

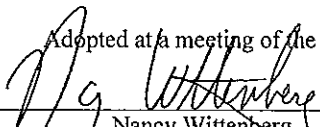
Record of Commission Votes

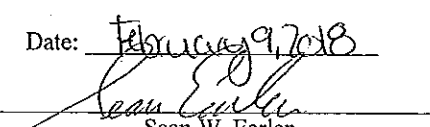
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun			X	Howell	X			Prickett	X		
Avery	X			Jannarone			X	Quinn	X		
Barr	X			Lloyd	X			Rohan Green			X
Chila			X	Lohbauer	X			Earlen	X		
Galletta	X			Pikolycky	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 9, 2018

  
 Nancy Wittenberg  
 Executive Director

  
 Sean W. Earlen  
 Chairman



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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www.nj.gov/pinelands



Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

January 19, 2018

Michelle Richardson, Business Administrator  
Jackson Township Board of Education  
151 Don Connor Boulevard  
Jackson, NJ 08527

Re: Application # 1985-0909.017  
Block 16601, Lot 10  
Jackson Township

Dear Ms. Richardson:

The Commission staff has completed its review of this application for demolition of an abandoned sewage treatment plant, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 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, Jackson Township Planning Board (via email)  
Jackson Township Construction Code Official (via email)  
Jackson Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
William Edwards (via email)





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General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

January 19, 2018

Michelle Richardson, Business Administrator  
Jackson Township Board of Education  
151 Don Connor Boulevard  
Jackson, NJ 08527

Application No.: 1985-0909.017  
Block 16601, Lot 10  
Jackson Township

This application proposes demolition of an abandoned sewage treatment plant, 50 years old or older, located on the above referenced 125.88 acre parcel in Jackson Township.

A proposed 80 linear foot temporary access way from Don Connor Boulevard will be cleared of vegetation to facilitate access to the proposed demolition area. After demolition, it is proposed to revegetate all disturbed areas.

### **STANDARDS**

The Commission staff has reviewed the proposed demolition 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. 7:50-5.27)**

The parcel is located in the Pinelands Village of Vanhiseville. The CMP permits the demolition of structures in the Pinelands Area.

#### **Wetland Transition Area Standard (N.J.A.C. 7:50-6.14)**

There are wetlands located within 300 feet of the structures proposed for demolition. The proposed clearing and demolition activities will be located no closer to wetlands than the existing structures.

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

The proposed demolition will be located within an oak/pine forested area. The proposed demolition will disturb approximately 4,792 square feet of forested land. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed demolition.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize the disturbed areas, 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 the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The CMP defines the proposed demolition as “minor” development. The CMP does not require notice for minor public development applications. The application was designated as complete on the Commission’s website on December 22, 2017. The Commission’s public comment period closed on January 12, 2018. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed demolition shall adhere to the plan, consisting of two sheets, prepared by Edwards Engineering Group, Inc. and both sheets dated September 19, 2017 and revised to December 15, 2017.
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 demolition, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

As the proposed demolition 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 demolition subject to the above conditions.



Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

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Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)



Sean W. Earlen  
Chairman

Nancy Wittenberg  
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 at the Commission's offices no later than 5:00 p.m. on February 6, 2018 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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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

January 19, 2018

John Sacco  
NJ DEP Parks and Forestry  
501 East State Street  
P.O. Box 420, Mail Code 501-04  
Trenton, NJ 08625

Re: Application # 1986-1334.002  
Wharton State Forest  
Block 19, Lot 6  
Washington Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry on 13 acres within Wharton State Forest. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 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, Washington Township Planning Board (via email)  
Washington Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)





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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

January 19, 2018

John Sacco  
NJ DEP Parks and Forestry  
501 East State Street  
P.O. Box 420, Mail Code 501-04  
Trenton, NJ 08625

Application No.: 1986-1334.002  
Wharton State Forest  
Block 19, Lot 6  
Washington Township

This application proposes forestry within Wharton State Forest on a 13 acre portion of the above referenced 468 acre parcel.

### **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. 7:50-5.22(a)3)

The 13 acres subject to forestry are located within the Pinelands Preservation Area District. Forestry is permitted in all Pinelands Management Areas.

#### Forestry (N.J.A.C. 7:50-6.41)

This application proposes forest thinning in uplands. The purpose of the proposed forest thinning is to encourage the development of a native Shortleaf pine stand and to reduce the risk of wildfire and southern pine beetle attack. The proposed forest thinning will allow for natural regeneration. The proposed forest thinning will maintain a Pine dominated forest, a Pinelands native forest type.

There are approximately 1,383 trees per acre in the 13 acres subject of the proposed forest thinning. After the proposed thinning, the forest will have from 134 to 201 trees per acre. The canopy cover will be reduced from approximately 75% to a variable percent canopy cover ranging from between 41% and 48%.



The applicant proposes to undertake post-harvest site preparation, as necessary. Proposed site preparation techniques are prescribed burning and the spot spraying of herbicides to control invasive species. The CMP (N.J.A.C. 7:50-6.46(a)9ii.) allows application of herbicide in association with forestry provided that, among other conditions, control of competitive plant species is clearly necessary and control by other non-chemical means is not practical. The applicant has represented that hand cutting or mechanical removal of competitive species is not feasible. As required by the CMP (N.J.A.C. 7:50-6.46(a)9ii.(4)), this recommended approval is specifically conditioned upon all herbicides used being expressly labeled for forestry use and mixed in a manner that is consistent with relevant State and Federal requirements.

#### Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed forestry. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests. Any trees containing potential T&E avian species cavities or nests will be marked and left standing. To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize only low ground pressure equipment for any forestry undertaken between November 1 and April 30.

The concerned T&E plant is a wetland associated species. To avoid potential irreversible adverse impact on the survival of any local populations of T&E plant species, no forestry is proposed within 100 feet of wetlands.

The proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

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

No disturbance will occur greater than six inches below the ground surface. The Commission staff determined that, since the proposed forestry will result in minimal ground disturbance, a cultural resource survey was not required.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced 13 acres subject of forestry was completed on October 19, 2017. Newspaper public notice was completed on October 25, 2017. The application was designated as complete on the Commission's website on December 19, 2017. The Commission's public comment period closed on January 12, 2018. No public comment was submitted to the Commission regarding this application.

### CONDITIONS

1. Except as modified by the below conditions, the proposed forestry activity shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands," prepared by the New Jersey Forest Service, dated November 15, 2017. The 13 acres subject of the proposed forestry is depicted on an untitled exhibit identified as a portion of a USGS Quad: Jenkins and dated December 14, 2017.
2. Prior to any forestry, the applicant shall obtain any other necessary permits and approvals.
3. Any herbicides that are applied for site preparation shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E avian species, prior to any forestry, the applicant shall complete a visual survey of the above referenced 13 acre forestry area for potential avian T&E species cavities or nests. Any trees containing potential avian T&E species cavities or nests shall be marked and left standing.
5. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any forestry undertaken between November 1 and April 30.
6. To avoid potential irreversible adverse impact on the survival of any local populations of T&E plant species, no forestry shall occur within 100 feet of wetlands.
7. This forestry approval is valid for a period of ten years from the February 9, 2018 date of Commission approval.

### CONCLUSION

As the proposed forestry 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 forestry subject to the above conditions.



Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

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Sean W. Earlen  
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Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5 PM on February 6, 2018 and must 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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Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

January 19, 2018

Brenna Fairfax  
New Jersey Department of Transportation  
1035 Parkway Avenue  
Trenton, NJ 08625

Re: Application # 2017-0149.001  
State Route 73  
Borough of Berlin, Waterford Township & Winslow Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for road improvements within the State Route 73 right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 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, Borough of Berlin Planning Board (via email)
- Borough of Berlin Construction Code Official (via email)
- Secretary, Waterford Township Planning Board (via email)
- Waterford Township Construction Code Official (via email)
- Waterford Township Environmental Commission (via email)
- Secretary, Winslow Township Planning Board (via email)



Winslow Township Construction Code Official (via email)  
Winslow Township Environmental Commission (via email)  
Secretary, Camden County Planning Board (via email)



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### **PUBLIC DEVELOPMENT APPLICATION REPORT**

January 19, 2018

Brenna Fairfax  
New Jersey Department of Transportation  
1035 Parkway Avenue  
Trenton, NJ 08625

Application No.: 2017-0149.001  
State Route 73  
Borough of Berlin, Waterford Township & Winslow Township

This application proposes road improvements within the State Route 73 right-of-way in the Borough of Berlin, Waterford Township and Winslow Township.

The application proposes the installation of additional guiderail to meet current safety standards along a seven mile section of State Route 73 between Braddock Avenue in Winslow Township and the New Jersey Transit Bridge in the Borough of Berlin. In addition, the application proposes to install concrete sidewalks at five intersections within that same seven mile section of State Route 73.

### **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. 7:50-5.27(a), 5.26(b)10 & 5.28(a))

The proposed road improvements are located in the Pinelands Village of Blue Anchor, a Pinelands Rural Development Area and a Pinelands Regional Growth Area. The proposed road improvements are permitted uses in these Pinelands management areas.

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

There are wetlands located within 300 feet of the proposed road improvements. The proposed road improvements will be located in the required buffer to wetlands.

The CMP permits roads (linear improvements) and accessory improvements to roads, such as guiderails and sidewalks, in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the

proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the proposed road improvements are necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

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

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

**PUBLIC COMMENT**

The CMP defines the proposed road improvements as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on December 6, 2017. The Commission’s public comment period closed on January 12, 2018. 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 17 sheets, prepared by the New Jersey Department of Transportation, all sheets dated November 9, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

**CONCLUSION**

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





Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

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Sean W. Earlen  
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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. PC4-18- 05

**TITLE:** Issuing an Order to Certify the Mays Landing Neighborhood Plan and Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township

Commissioner Galletta moves and Commissioner Lohbauer seconds the motion that:

**WHEREAS**, on March 8, 1985, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Hamilton Township; and

**WHEREAS**, Resolution #PC4-85-10 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to 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 #PC4-85-10 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 November 5, 2015, the Hamilton Township Planning Board amended the Hamilton Township Master Plan to include the Mays Landing Neighborhood Plan; and

**WHEREAS**, on February 5, 2016, the Pinelands Commission received a certified copy of the adopted Planning Board minutes memorializing the amendment of the Hamilton Township Master Plan to include the Mays Landing Neighborhood Plan; and

**WHEREAS**, the Mays Landing Neighborhood Plan includes multiple recommended action items that would require the adoption of one or more ordinances to implement said action items; and

**WHEREAS**, pursuant to N.J.A.C. 7:50-3.32 of the Comprehensive Management Plan, the Executive Director cannot accept a master plan amendment for formal review and certification without an adopted ordinance that implements said master plan, unless no such ordinance is necessary; and

**WHEREAS**, by letter dated February 9, 2016, the Executive Director notified Hamilton Township that the Mays Landing Neighborhood Plan would be deemed incomplete until such time that one or more implementing ordinances are adopted and submitted to the Commission for certification; and

**WHEREAS**, on October 16, 2017, the Hamilton Township Committee adopted Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township to implement the recommendations made by the Mays Landing Neighborhood Plan; and

**WHEREAS**, on October 23, 2017, the Pinelands Commission received a certified copy of Ordinance 1858-2017; and

**WHEREAS**, by letter dated October 25, 2017, the Executive Director notified Hamilton Township that the Mays Landing Neighborhood Plan and Ordinance 1858-2017 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on the Mays Landing Neighborhood Plan and Ordinance 1858-2017 was duly advertised, noticed and held on December 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 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 the Mays Landing Neighborhood Plan and Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Hamilton 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.

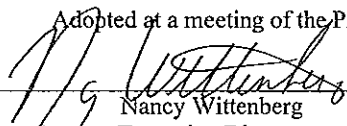
**Record of Commission Votes**

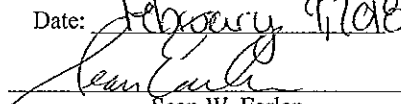
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Ashmun			X	Howell	X			Prickett	X		
Avery	X			Jannarone			X	Quinn	X		
Barr				Lloyd	X			Rohan Green			X
Chila			X	Lohbauer	X			Earlen	X		
Galletta	X			Pikolycky	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 9, 2018

  
 Nancy Wittenberg  
 Executive Director

  
 Sean W. Earlen  
 Chairman



State of New Jersey  
 THE PINELANDS COMMISSION  
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Philip D. Murphy  
 Governor  
 Sheila Y. Oliver  
 Lt. Governor

General Information: Info@njpinelands.state.nj.us  
 Application Specific Information: AppInfo@njpinelands.state.nj.us

Sean W. Earlen  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**REPORT ON HAMILTON TOWNSHIP'S MAYS LANDING NEIGHBORHOOD PLAN  
 AND ORDINANCE 1858-2017, AMENDING CHAPTER 203 (LAND USE AND  
 DEVELOPMENT) OF THE CODE OF HAMILTON TOWNSHIP**

January 26, 2018

Hamilton Township  
 6101 Thirteenth Street  
 Mays Landing, NJ 08330

**FINDINGS OF FACT**

I. Background

The Township of Hamilton is located in the south-central portion of the Pinelands Area in Atlantic County. Pinelands Area municipalities adjacent to Hamilton Township include the Townships of Mullica, Galloway, Egg Harbor, Weymouth and Buena Vista as well as Estell Manor City, Folsom Borough and the Town of Hammonton, all of which are located in Atlantic County.

On March 8, 1985, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Hamilton Township.

On November 5, 2015, the Hamilton Township Planning Board amended the Township's Master Plan to include the Mays Landing Neighborhood Plan. The Mays Landing Neighborhood Plan incorporates new data, public input and analysis, and provides recommendations that address flood mitigation and resiliency, economic development initiatives, zoning changes, building character and land use changes, circulation and streetscape improvements, historic preservation, and the use of green infrastructure. Section four of the plan includes multiple recommended action items for implementing the plan. A subset of these recommendations would require amendments to zoning district boundaries as well as other land development regulations affecting areas within the Pinelands Area portion of the Township.

On February 5, 2016, the Pinelands Commission received a certified copy of the Planning Board minutes that memorialized the Master Plan amendment. By letter dated February 9, 2016, the Executive Director notified the Township that the Mays Landing Neighborhood Plan would be deemed incomplete until such time that implementing ordinances are adopted and submitted to the Commission for certification.

On October 16, 2017, the Hamilton Township Committee adopted Ordinance 1858-2017, which implements action items of the Mays Landing Neighborhood Plan. Ordinance 1858-2017 amends Chapter 203, Land Use and Development, of the Code of Hamilton Township and includes the rezoning of eleven lots as well revisions to permitted uses, conditional uses and development standards. In particular, eleven lots are rezoned to the Village Commercial (VC) district. The ordinance adds “Bed and Breakfasts” as a conditional use in the R-9 and R-22 districts. The ordinance also revises permitted uses in the VC district to include: bicycle and scooter rental establishments; museums, art galleries and similar uses; theaters; bars, pubs and taverns; and health and exercises facilities. The ordinance also adds mixed use development as a conditional use in the VC district and requires the redemption of Pinelands Development Credits in any mixed use development proposing five or more residential units.

The Pinelands Commission received a certified copy of Ordinance 1858-2017 on October 23, 2017. By letter dated October 25, 2017, the Executive Director notified the Township that the Mays Landing Neighborhood Plan and Ordinance 1858-2017 would require formal review and approval by the Pinelands Commission.

## II. Master Plans and Land Use Ordinances

The following master plan amendment and ordinance have been submitted to the Pinelands Commission for certification:

- \* Mays Landing Neighborhood Plan, adopted by the Hamilton Township Planning Board on November 5, 2015; and
- \* Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township, introduced on September 18, 2017 and adopted October 16, 2017.

The above-mentioned master plan amendment and ordinance have been reviewed to determine whether they conform with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. 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 Land Use Ordinance Relating to Development Standards**

#### *The Mays Landing Neighborhood Plan*

The stated purpose of the Mays Landing Neighborhood Plan is “to explore how redevelopment and green infrastructure can be used to enhance economic development, flood mitigation and resiliency, aesthetics and the quality of life in Mays Landing.” The plan analyzes the existing conditions of the study area and uses findings from a S.W.O.T. Analysis to identify the strengths,

weaknesses, opportunities and threats to improving the appearance, function and economic vitality of Mays Landing. The plan concludes with recommended action items that address flood mitigation and resiliency, economic development initiatives, zoning changes, building character, land use changes, circulation and streetscape improvements, historic preservation, and use of green infrastructure. A subset of these recommendations require amendments to zoning district boundaries as well as other land development regulations affecting areas within the Pinelands Area portion of Hamilton Township.

The plan acknowledges that the majority of the Mays Landing study area is located within the Pinelands Area, with the majority of those lands designated as Pinelands Regional Growth Area along with a small portion on northeastern edge of the study area designated as Pinelands Forest Area (see Exhibit 1). Additionally, the southern portions of the study area are outside of the Pinelands Area, but are within the Pinelands National Reserve.

### Ordinance 1858-2017

Ordinance 1858-2017 implements various recommended action items from the Mays Landing Neighborhood Plan and includes the rezoning of eleven lots as well revisions to permitted uses, conditional uses and development standards within the Mays Landing study area.

The ordinance rezones eleven lots to the Village Commercial (VC) District (see Exhibit 2). The VC district is an existing district within the Pinelands Regional Growth Area of the Township that permits single-family dwellings and a variety of nonresidential uses that are compatible with the existing historic and residential character of the area generally along Main Street and Mill Street. Five of the eleven lots are located outside the Pinelands Area in the Pinelands National Reserve, while the remaining six lots, which total approximately one acre, are located in the Pinelands Area. Those lots in the Pinelands Area are all within the Pinelands Regional Growth Area and contain existing development. Five of the lots in the Pinelands Area are rezoned from the R-9 (Residential) District to the VC District. The sixth lot in the Pinelands Area is rezoned from the GC (General Commercial) District to the VC District.

Ordinance 1858-2017 also establishes Bed and Breakfasts as a conditional use in the R-22 and R-9 (Residential) Districts. All land zoned R-22 and R-9 within the Pinelands Area is located within the Pinelands Regional Growth Area. The ordinance includes a number of conditions related to this use: the subject property must be located in the Mays Landing Historic District or have frontage on the Great Egg Harbor River or Lake Lenape; and the subject property must be owner-occupied and owner-managed. Additional regulations are also established requiring New Jersey Department of Community Affairs licensing, off-street parking, limitations on the number of guests and duration of accommodations, and that the residential character of the lot and dwelling is maintained.

The ordinance revises permitted uses, parking regulations and design standards in the VC District. All land zoned VC within the Pinelands Area is located within the Pinelands Regional Growth Area. Newly permitted uses in the VC district include: bicycle and scooter rental establishments; museums, art galleries and similar uses; theaters; bars, pubs and taverns; and health and exercises facilities. The ordinance also revises the VC District's off-street parking requirements and architectural design standards for both existing and new commercial development.

A new conditional use is also established in the VC District that would allow for mixed use development (residential-over-commercial). The established conditions would require residential units not occupy the ground floor and that nonresidential units not occupy an upper floor where there is an existing residential unit. Additional regulations establish the bulk requirements for such mixed use development as well as requirements for the redemption of Pinelands Development Credits in any mixed use development proposing five or more residential units (discussed further in section 8 below).

In the Pinelands Area, all of the lands affected by Ordinance 1858-2017 are located in a Regional Growth Area, where the CMP affords municipalities a great deal of flexibility in determining zoning boundaries and permitted uses. Specifically, N.J.A.C. 7:50-5.28(a) provides that municipalities may permit any use not otherwise limited by the minimum environmental standards of the CMP in their Regional Growth Areas. The revised zoning boundaries, permitted and conditional uses and other revisions recommended in the Mays Landing Neighborhood Plan and adopted by Ordinance 1858-2017 are therefore consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

**3. Requirement for Certificate of Filing and Content of Development Applications**

Not applicable.

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

Not applicable.

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

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

N.J.A.C. 7:50-3.39(a)8 requires that municipal ordinances provide for sufficient residentially zoned property in the Pinelands Regional Growth Area to be eligible for an increase in density via Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3. Ordinance 1858-2017 does not change the total area of residentially-zoned land in Hamilton Township's

Pinelands Regional Growth Area. As discussed in section 2 above, the ordinance does establish mixed use development (residential-over-commercial) as a conditional use within the VC District. This subsequently increases the residential zoning capacity of the Township's Regional Growth Area. It is important to note that the VC District is within the historic district of Mays Landing and is generally built out. Therefore, the potential increases in residential units from the conversion of existing building stock would likely be minimal. Additionally, it is difficult to estimate how many conversions may take place or to assign a permitted residential density to this type of mixed use redevelopment. However, in the case that a substantial redevelopment occurs, development that would create five or more residential units, Ordinance 1858-2017 requires the redemption of PDCs at a rate of one right for every four non-income restricted units. Such an approach allows the Township to pursue redevelopment opportunities in the historic district that will advance the Mays Landing Neighborhood Plan while still incorporating the PDC requirements of the CMP.

This standard for certification is met.

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

Not applicable.

**10. General Conformance Requirements**

The Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

The Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

A portion of the study area identified in the Mays Landing Neighborhood Plan is adjacent to Weymouth Township. However, the amendments adopted by Ordinance 1858-2017 do not impact any lands or zoning districts located along Hamilton's boundary with Weymouth



Township. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

### **PUBLIC HEARING**

A public hearing to receive testimony concerning Hamilton Township's application for certification of the Mays Landing Neighborhood Plan and Ordinance 1858-2017 was duly advertised, noticed and held on December 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which testimony was received from Philip Sartorio, Community Development Director of Hamilton Township.

Mr. Sartorio stated that the Mays Landing Neighborhood Plan built off of previous planning efforts including the 2004 Livable Community Action Plan and the 2014 Hamilton Township Strategic Recovery Planning Report. He stated that Plan has approximately 43 recommended action items for economic revitalization and stabilization in Mays Landing along with some regulatory and administrative action items. He stated that Ordinance 1858-2017 is the first implementing ordinance of the Mays Landing Neighborhood Plan. He stated that the ordinance includes the rezoning of two areas, both to Village Commercial. The first area would remedy a legacy spot-zoned property and the other area would expand the existing Village Commercial district eastward to include some lots in the Pinelands Area and some lots in the CAFRA area. He stated that the rezoning would recognize the concentration of existing businesses in the area and would negate the need for them to go to the Zoning Board as nonconforming uses. He also stated that the ordinance adds a conditional use for owner-occupied Bed and Breakfasts in the R-22 and R-9 districts. In the Village Commercial District, permitted and conditional uses would be expanded to encourage more economic activity. He noted that residential-over-commercial mixed use would be permitted, and that, based upon the recommendations of Pinelands Commission staff, requirements were added for the redemption of Pinelands Development Credits at a rate of 1 right for every 4 market rate units, if five or more units are created.

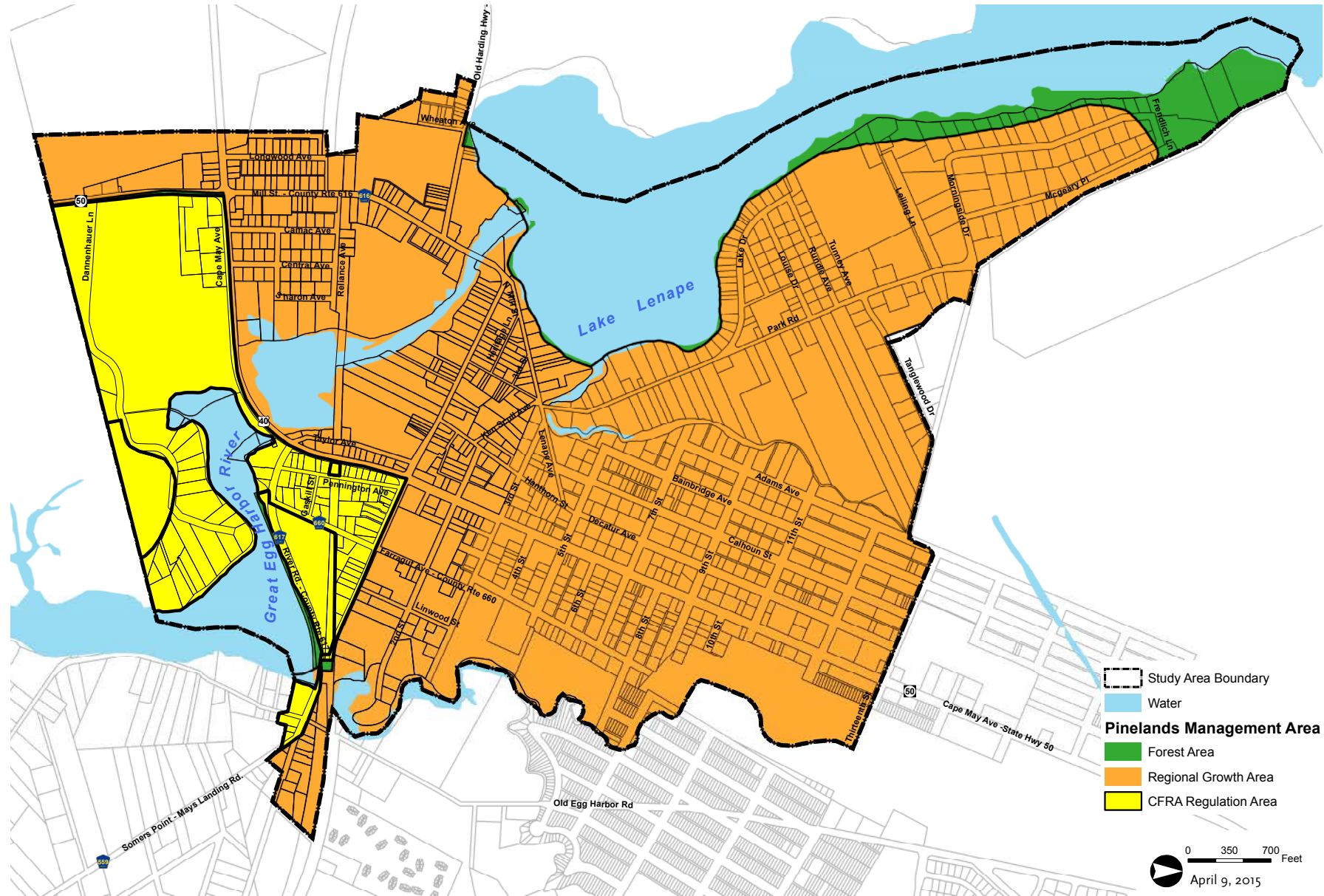
Written comments on the Mays Landing Neighborhood Plan and Ordinance 1858-2017 were accepted through December 13, 2017. However, no written comment was received.

### **CONCLUSION**








Based on the Findings of Fact cited above, the Executive Director has concluded that Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017.

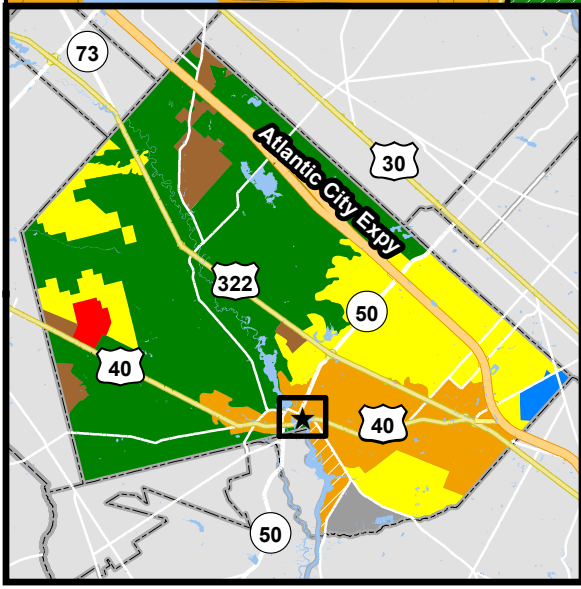
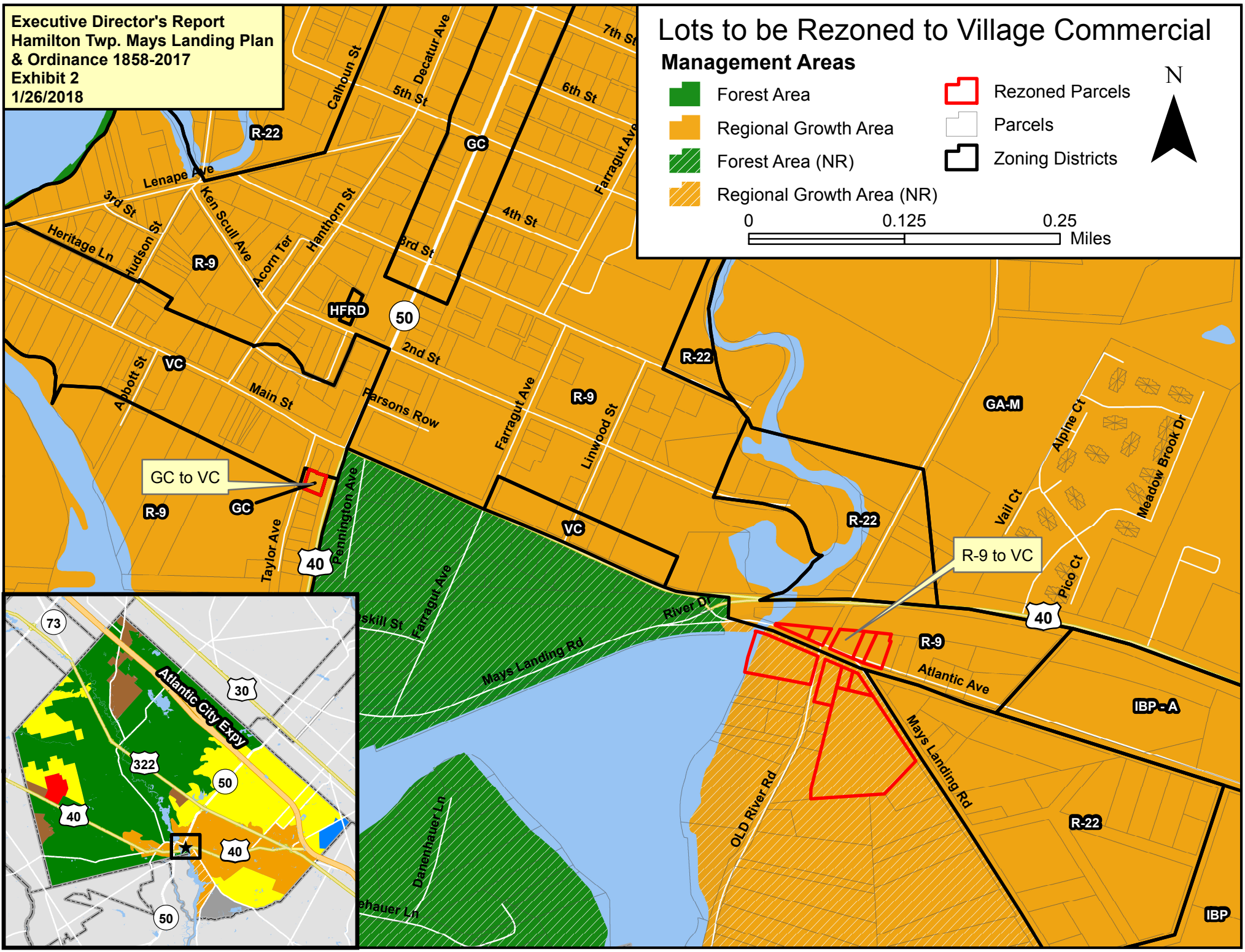
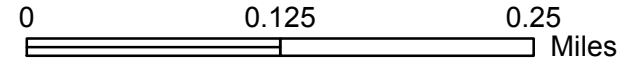
SRG/DBL/CHA  
Attachments

## PINELANDS MANAGEMENT AREAS MAP



# Lots to be Rezoned to Village Commercial Management Areas

-  Forest Area
-  Regional Growth Area
-  Forest Area (NR)
-  Regional Growth Area (NR)
-  Rezoned Parcels
-  Parcels
-  Zoning Districts





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

NO. PC4-18- 06

**TITLE:** Issuing an Order to Certify Planning Board Resolution 2017-15, Adopting the June 2017 Amended Housing Element and Fair Share Plan of Jackson Township, and Ordinance 22-17, Amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township

Commissioner Barr moves and Commissioner Lloyd  
seconds the motion that:

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

**WHEREAS**, Resolution #PC4-83-58 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to 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 #PC4-83-58 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 June 19, 2017, the Jackson Township Planning Board adopted Resolution 2017-15, approving the Township's Amended Housing Element and Fair Share Plan, dated June 2017; and

**WHEREAS**, the Amended Housing Element and Fair Share Plan outlines the mechanisms by which the Township intends to satisfy its affordable housing obligation, including the imposition of inclusionary housing requirements in the RG-2 and RG-3 Zones located in the Pinelands Regional Growth Area; and

**WHEREAS**, on November 22, 2017, the Jackson Township Council adopted Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Township's Code by adopting standards for conditional residential uses in the RG-2 and RG-3 Zones; and

**WHEREAS**, these conditional use standards include provision of public sewer, conformance with the affordable housing set aside requirements of the Fair Housing Act, submission of a traffic impact assessment and acquisition and redemption of Pinelands Development Credits; and

**WHEREAS**, the Pinelands Commission received an adopted copy of Ordinance 22-17 on November 27, 2017 and an adopted copy of Planning Board Resolution 2017-15 on November 28, 2017; and

**WHEREAS**, by letter dated November 29, 2017, the Executive Director notified the Township that Resolution 2017-15 and Ordinance 22-17 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Resolution 2017-15 and Ordinance 22-17 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

**WHEREAS**, the Executive Director has found that Resolution 2017-15 and Ordinance 22-17 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Resolution 2017-15 and Ordinance 22-17 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Resolution 2017-15 and Ordinance 22-17 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Resolution 2017-15 and Ordinance 22-17 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

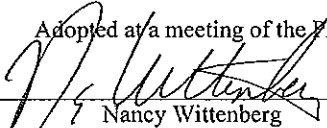
1. An Order is hereby issued to certify that Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan of Jackson Township, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Jackson 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

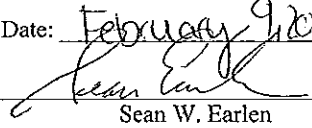
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Ashmun			X	Howell			A	Prickett	X			
Avery	X			Jannarone			X	Quinn	X			
Barr	X			Lloyd	X			Rohan Green			X	
Chila			X	Lohbauer	X			Earlen	X			
Galletta	X			Pikolycky	X							

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

  
 Nancy Wittenberg  
 Executive Director

Date: February 9, 2018

  
 Sean W. Earlen  
 Chairman



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 www.nj.gov/pinelands



Philip D. Murphy  
 Governor  
 Sheila Y. Oliver  
 Lt. Governor

General Information: Info@njpinelands.state.nj.us  
 Application Specific Information: AppInfo@njpinelands.state.nj.us

Sean W. Earlen  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**REPORT ON PLANNING BOARD RESOLUTION 2017-15, ADOPTING THE JUNE 2017 AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN OF JACKSON TOWNSHIP, AND ORDINANCES 8-17 AND 22-17, AMENDING CHAPTER 244 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CODE OF JACKSON TOWNSHIP**

January 26, 2018

Jackson Township  
 95 W. Veterans Highway  
 Jackson, NJ 08527

**FINDINGS OF FACT**

I. **Background**

The Township of Jackson is located in the northern portion of the Pinelands Area, in Ocean County. Pinelands municipalities that abut Jackson Township include the Townships of Manchester, Plumsted and Toms River in Ocean County.

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

As part of its originally certified land use ordinance, Jackson Township established a number of zoning districts within its Pinelands Regional Growth Area. Among these were the RG-2 and RG-3 (Regional Growth) Zones, which contained the majority of vacant land in the Township’s Regional Growth Area. Single-family detached dwelling units were a permitted use in both zones, on 3.2 acre lots if using a conventional septic system and on 1.0 acre lots if using an advanced treatment system. Higher density residential development was permitted as a conditional use in both zones, with conditions relating to sewer service, traffic impacts and consistency with the Township’s master plan and the Comprehensive Management Plan. If these conditions were met, densities of 2.0 units per acre in the RG-2 Zone and 2.5 units per acre in the RG-3 Zone were permitted. The originally certified ordinance also included provisions allowing these densities to be increased to 3.0 units per acre in RG-2 Zone and 4.5 units per acre in RG-3 through the use of Pinelands Development Credits.

Although the physical size of Jackson Township’s Regional Growth Area was reduced over time, permitted uses, conditional uses and permitted densities in the RG-2 and RG-3 Zones remained the same until November 2010, when the Township adopted Ordinance 29-10. This ordinance eliminated sewer residential development as a conditional use in the RG-2 and RG-3 Zones and, along with it, any opportunity for the use of Pinelands Development Credits in either zoning district. Ordinance 29-10

left only single-family detached units on 3.2 acre lots (with conventional septic systems) or 1.0 acre lots (with advanced treatment systems) as a permitted use in the two zones. The elimination of density and PDC opportunities rendered the Township's Regional Growth Area zoning plan inconsistent with the CMP. The Township requested and was granted numerous extensions of the Commission's review period for Ordinance 29-10 so that an alternative approach could be pursued. The Township's focus for the next several years was on the creation of a new nonresidential zone to encompass all, or large portions of, the RG-2 and RG-3 Zones. Ordinance 29-10 was never certified by the Commission; therefore, it never took effect pursuant to N.J.A.C. 7:50-3.45.

On August 12, 2014, the Township adopted another ordinance (13-14), creating a new zoning district referred to as the JB MDL RGC-3 (Joint Base McGuire-Fort Dix-Lakehurst Compatible Commercial Development) Zone. Based on the standards adopted by Ordinance 13-14, the JB MDL RGC-3 Zone was envisioned as a nonresidential zoning district where a wide variety of commercial and industrial uses were permitted, as well as a limited amount of residential development. Ordinance 13-14 established permitted uses in the new zone but did not amend the Township's zoning map to establish its boundaries. In order to do so, the Township introduced a second ordinance (6-15) on February 24, 2015 that would have rezoned all lands in the RG-2 and RG-3 Zones to the new JB MDL RGC-3 Zone. However, the Township Council did not proceed with adoption of Ordinance 6-15. Ordinance 13-14 therefore remained incomplete for purposes of the Commission's review and was never certified. As a result, the JB MDL RGC-3 Zone does not exist in the Pinelands Area and the certified boundaries of the RG-2 and RG-3 Zones have remained in effect.

Discussions with Jackson Township concerning the need to restore permitted residential densities to its Regional Growth Area continued over the next several years. On May 15, 2017, the Commission received a copy of Ordinance 8-17, which had been introduced by the Jackson Township Council on May 9, 2017 and was scheduled for public hearing and adoption on May 23, 2017. Ordinance 8-17 proposed to add sewer residential development back to the RG-2 and RG-3 Zones as a conditional use. Upon receipt and review of the draft ordinance, the Executive Director notified the Township that staff had identified a number of issues that required discussion. A conference call with various Township representatives was held on May 19, 2017 to review the identified issues in detail. Commission staff subsequently drafted suggested revisions to Ordinance 8-17 and provided them to the Township for its consideration.

On May 23, 2017, Jackson Township adopted Ordinance 8-17, amending Chapter 244 (Land Use and Development Regulations) of the Township's Code by adopting standards for sewer residential development as a conditional use in the RG-2 and RG-3 Zones. The Pinelands Commission received a certified copy of Ordinance 8-17 on May 30, 2017. Amendments to address the issues previously identified by Commission staff were not made upon adoption of the ordinance.

On June 19, 2017, the Jackson Township Planning Board adopted Resolution 2017-15, approving the Township's Amended Housing Element and Fair Share Plan, dated June 2017. The Amended Housing Element and Fair Share Plan outlines the mechanisms by which the Township intends to satisfy its affordable housing obligation, including the imposition of inclusionary housing requirements in the RG-2 and RG-3 Zones located in the Pinelands Regional Growth Area.

By letter dated July 7, 2017, the Township requested an extension of the Commission's review period for Ordinance 8-17 in order to draft and consider amendments in response to the concerns identified by Commission staff. By letter dated July 19, 2017, the Executive Director notified the Township that an extension through September 30, 2017 was granted.

By letter dated September 27, 2017, the Township requested a second extension of the Commission's review period for Ordinance 8-17 in order to complete the adoption process for a series of amendments intended to resolve inconsistencies with the Comprehensive Management Plan. By letter dated September 28, 2017, the Executive Director notified the Township that a second extension through October 31, 2017 was granted. A third and final extension was granted on November 9, 2017 through November 30, 2017 to accommodate the Township's revised adoption schedule.

On November 22, 2017, the Jackson Township Council adopted Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Township's Code by adopting standards for sewer residential development as a conditional use in the RG-2 and RG-3 Zones. These conditional use standards include provision of public sewer, conformance with the affordable housing set aside requirements of the Fair Housing Act, submission of a traffic impact assessment and acquisition and redemption of Pinelands Development Credits. Ordinance 22-17 supersedes the previously adopted Ordinance 8-17 in its entirety.

The Pinelands Commission received an adopted copy of Ordinance 22-17 on November 27, 2017 and an adopted copy of Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan, on November 28, 2017.

By letter dated November 29, 2017, the Executive Director notified the Township that Resolution 2017-15 and Ordinance 22-17 would require formal review and approval by the Pinelands Commission.

## II. Master Plans and Land Use Ordinances

The following master plan and ordinance amendments have been submitted to the Pinelands Commission for certification:

- \* Resolution 2017-15, adopting an Amended Housing Element and Fair Share Plan, adopted by the Jackson Township Planning Board on June 19, 2017; and
- \* Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, introduced on October 24, 2017 and adopted on November 22, 2017.

These amendments have been reviewed to determine whether they conform to 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. 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**

### *Housing Plan*

Jackson Township's June 2017 Amended Housing Element and Fair Share Plan contains updated data and analysis pertaining to the Township's current and projected demographic, housing stock and employment characteristics, as well as an updated Fair Share Plan for the cumulative period 1987-2025. The Fair Share Plan provides information on the Township's past efforts to provide affordable housing and outlines the mechanisms that will satisfy the Township's affordable housing obligation, as established pursuant to an October 2016 settlement agreement between Jackson Township and the Fair Share Housing Center. Based on that agreement, Jackson Township has a rehabilitation obligation of 28 units, a prior round obligation of 1,247 units, and a third round prospective need of 1,250 units.

The Fair Share Plan identifies a number of specific sites for inclusionary and other future affordable housing developments, the majority of which are located outside the Pinelands Area. Within the Pinelands Area, the Fair Share Plan identifies one project previously located in the Pinelands Village of Cassville that is expected to produce one affordable unit in accordance with a 2010 settlement agreement between the Township and the developer. More significantly, the Fair Share Plan identifies three residential projects in the RG-2 Zone within the Regional Growth Area that are expected to yield a total of 874 single-family detached units, of which 20 percent (175 units) are to be set aside for low- and moderate-income households. None of these three projects are built or under construction; they are all in various stages of the application and approval process. The Fair Share Plan further recommends the imposition of an inclusionary (20%) housing requirement on all other future residential development in the RG-2 and RG-3 Zones. This inclusionary housing requirement is projected to yield an additional 290 affordable units. The boundaries of the RG-2 and RG-3 Zones are depicted on the map attached as Exhibit 1.

### *RG-2 and RG-3 Zones*

Ordinance 22-17 amends Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township by adding sewer residential development as a conditional use in the RG-2 and RG-3 Zones. Ordinance 22-17 establishes permitted densities for such residential development of 3.0 units per acre in the RG-2 Zone and 4.5 units per acre in the RG-3 Zone, as well as minimum lot size and setback requirements. In order to receive conditional use approval, the proposed developments must be serviced by a public sanitary sewer system and comply with the affordable housing set aside requirements of the Fair Housing Act. A traffic impact assessment must be submitted for all preliminary major subdivisions proposed under the conditional use provisions. Finally, the acquisition and redemption of Pinelands Development Credits is required for 30 percent of the units in all projects proposed under the conditional use provisions, with an exemption for those affordable units required for compliance with the Fair Housing Act. Any such affordable units may be constructed as attached dwellings, with a maximum of four dwelling units per building, whereas all market rate units must be single-family detached dwellings.

By adopting the above-described amendments, Ordinance 22-17 implements the recommendations of the Amended Housing Element and Fair Share Plan and, in so doing,

restores permitted residential densities in the RG-2 and RG-3 Zones to their originally certified intensities. Revisions have been made to the conditional use standards for sewerred residential development in both zones to ensure that affordable housing and Pinelands Development Credit requirements are satisfied. The residential zoning capacity of the Township's Regional Growth Area remains unchanged and is in compliance with the CMP.

Jackson Township's June 2017 Amended Housing Element and Fair Share Plan and Ordinance 22-17 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

**3. Requirement for Certificate of Filing and Content of Development Applications**

Not applicable.

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

Not applicable.

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

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

N.J.A.C. 7:50-3.39(a)8 requires that municipal ordinances provide for sufficient residentially zoned property in the Pinelands Regional Growth Area to be eligible for an increase in density via Pinelands Development Credits as provided for in N.J.A.C. 7:50-5.28(a)3. Pursuant to N.J.A.C. 7:50-5.28(a), Jackson Township is required to provide an opportunity for the development of residential units at a base-density of 3.0 units per vacant upland acre, with a bonus-density of up to 4.5 units per vacant upland acre with the use of PDCs. This traditional approach requires that municipal zoning ordinances provide the *opportunity* for use of PDCs for 33% of the total number of residential units permitted in the Regional Growth Area.

As discussed in section 2, Ordinance 22-17 does not affect the residential zoning capacity of Jackson Township's Regional Growth Area. Instead, Ordinance 22-17 merely restores maximum

permitted densities in the Township's RG-2 and RG-3 Zones to their originally certified intensities. Maximum densities of 3.0 units per acre and 4.5 units per acre, respectively, will continue to be permitted in the RG-2 and RG-3 Zones. In order to obtain approval for a project at these densities, Ordinance 22-17 establishes a number of conditions that must be met. One of these conditions is the acquisition and redemption of PDCs for 30 percent of all units, regardless of project density. Units made available to low- and moderate-income households may be excluded from this PDC requirement, up to the 20% set-aside recommended in the Amended Housing Element and Fair Share Plan and required by the Fair Housing Act. Any affordable units above and beyond the required 20 percent will require acquisition and redemption of PDCs at the 30% rate specified in Ordinance 22-17. A similar requirement for redemption of Pinelands Development Credits is also imposed by Ordinance 22-17 on all developments of five or more units in the RG-2 and RG-3 Zones proposed at lower densities to be served by standard or alternate design septic systems.

While the overall PDC opportunity provided by Ordinance 22-17 is not as high a number as would be provided through the more traditional approach described above requiring 33%, it is important to remember that the traditional base-density/bonus-density approach typically used by Pinelands municipalities only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that PDCs be used in any particular development project. The need to use PDCs would be triggered only if a project is proposed at a higher density (in other words, above the permitted base density). Jackson's Regional Growth Area, where **zero** PDCs have been redeemed since 1981, is a prime example of the shortcomings of the traditional PDC approach. Ordinance 22-17 *guarantees* a PDC redemption rate of 30% for most residential development in the RG-2 and RG-3 Zones while recognizing Jackson's need to provide for a significant amount of affordable housing in its Pinelands Regional Growth Area. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance 22-17 are consistent with Comprehensive Management Plan standards.

This standard for certification is met.

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

Not applicable.

## **10. General Conformance Requirements**

Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

Not applicable.

**PUBLIC HEARING**

A public hearing to receive testimony concerning Jackson Township's application for certification of Resolution 2017-15 and Ordinance 22-17 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments were accepted through January 10, 2018; however, none were received.

**CONCLUSION**

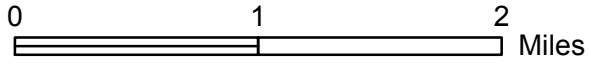
Based on the Findings of Fact cited above, the Executive Director has concluded that Resolution 2017-15 and Ordinance 22-17 comply with the Comprehensive Management Plan's standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Resolution 2017-15 and Ordinance 22-17 of Jackson Township.

SRG/CJA  
Attachment

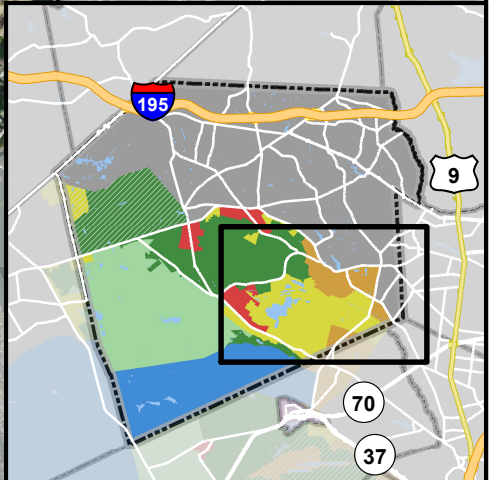
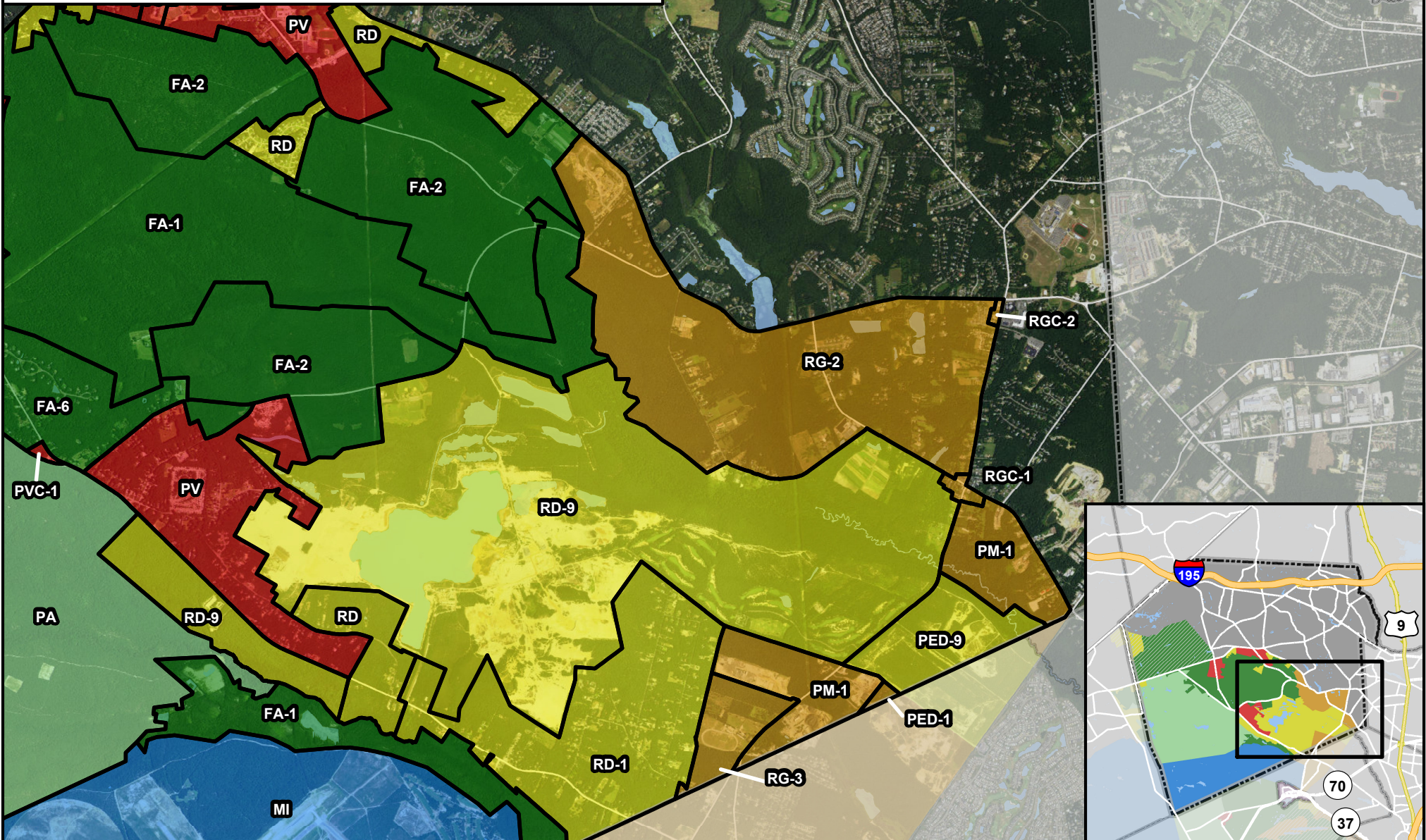
# Jackson Township Regional Growth Area

## Pinelands Management Areas

- Preservation Area
- Forest Area
- Rural Development Area
- Regional Growth Area
- Pinelands Village
- Federal or Military Facility
- Zone Boundary



Executive Director's Report  
Jackson Twp. Ord. 22-17  
Exhibit 1  
1/26/2018





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

NO. PC4-18- 07

**TITLE:** Issuing an Order to Certify Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township

Commissioner Lohbauer moves and Commissioner Lloyd 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 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 November 13, 2017, the Manchester Township Committee adopted Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township by revising permitted uses and zoning district boundaries within the Pinelands Area; and

**WHEREAS**, on November 14, 2017, the Pinelands Commission received a certified copy of Ordinance 17-025; and

**WHEREAS**, by letter dated December 6, 2017, the Executive Director notified Manchester Township that Ordinance 17-025 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony concerning Manchester Township's application for certification of Ordinance 17-025 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

**WHEREAS**, the Executive Director has found that Ordinance 17-025 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 17-025 is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 17-025 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 17-025 and has reviewed the Executive Director's report; and

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

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

**NOW, THEREFORE BE IT RESOLVED** that

1. An Order is hereby issued to certify that Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, 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.

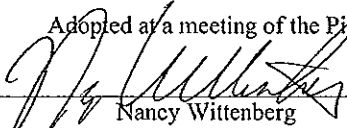
**Record of Commission Votes**

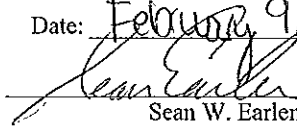
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun			X		Howell	X				Prickett	X			
Avery	X				Jannarone			X		Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila			X		Lohbauer	X				Earlen	X			
Galletta	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 9, 2008

  
 Nancy Wittenberg  
 Executive Director

  
 Sean W. Earlen  
 Chairman