



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 03

TITLE: Expressing the Commission's Appreciation to Sean W. Earlen for his Service as a Member of the Commission From July 27, 2011 to December 12, 2020

Commissioner Avery moves and Commissioner Lloyd seconds the motion that:

WHEREAS, Sean W. Earlen served as Burlington County's representative on the Pinelands Commission from July 27, 2011 to December 12, 2020; and

WHEREAS, Mr. Earlen brought an important perspective of municipal governance to the Commission, given his years of experience as the Mayor of Lumberton Township and as a member of the Lumberton Township Committee; and

WHEREAS, Commission members are unpaid volunteers who dedicate countless hours of their time and expertise while serving on the Commission; and

WHEREAS, Mr. Earlen served as the Commission's Chairman from January 29, 2016 to May 14, 2019; and

WHEREAS, Mr. Earlen established the Land Use, Climate Impacts and Sustainability Committee, to review the effects of climate change on the Pinelands and the State and identify actions necessary to meet the State objectives to adapt to and mitigate the impacts; and

WHEREAS, in addition to serving on the Land Use, Climate Impacts and Sustainability Committee, Mr. Earlen served on the Commission's Agriculture, Audit, Plan Review, and Policy and Implementation committees; and

WHEREAS, during his tenure, the Commission adopted five amendments to the Pinelands Comprehensive Management Plan (CMP), including regulations that pertain to solar energy facilities; and

WHEREAS, during his tenure, the Commission completed an in-depth review of the CMP, approved 297 public development applications and received and reviewed more than 900 municipal ordinances and master plans; and

WHEREAS, during his tenure, the Commission contributed \$5,041,024 toward the permanent protection of 5,638 acres of land in the Pinelands; and

WHEREAS, during his tenure, the Commission installed and dedicated the Candace McKee Ashmun Pinelands Education Exhibit, which opened in the Commission's headquarters in December 2018 and will raise awareness and appreciation of the Pinelands for decades to come; and

WHEREAS, the members of the Commission want to recognize Mr. Earlen's significant contributions and express their appreciation for the service that he performed; 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 the members of the Pinelands Commission hereby express our appreciation to our colleague and friend, Sean W. Earlen, for his commitment to the Pinelands and for his service as a member of the Commission from July 27, 2011 and December 12, 2020.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 12, 2021



Nancy Wittenberg
Executive Director



Richard Prickett
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-04

TITLE: **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 2019-0143.001)

Commissioner Lloyd moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Waiver of Strict Compliance be approved with conditions:

2019-0143.001

Applicant: Eric & Ashley Schoeneberg
Municipality: Lacey Township
Management Area: Pinelands Village
Date of Report: January 22, 2021
Proposed Development: Single family dwelling.

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 Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 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 2019-0143.001 for a Waiver of Strict Compliance 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*
Avery	X				Irick	X				Pikolycky	X			
Christy			X		Jannarone			X		Quinn	X			
Higginbotham	X				Lloyd	X				Rohan Green			X	
Howell			X		Lohbauer	X				Prickett	X			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 12, 2021

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

January 22, 2021

Eric & Ashley Schoeneberg (via email)
 114 Mill Street
 Forked River, NJ 08731

Re: Application # 2019-0143.001
 Block 4108, Lots 12 & 13
 Lacey Township

Dear Mr. & Mrs. Schoeneberg:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 12, 2021 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling serviced by an individual on-site septic wastewater treatment system on the above referenced 0.92 acre parcel in Lacey Township. The parcel is located in a Pinelands Village Management Area and in Lacey Township’s VR zoning district. In this zoning district, Lacey Township’s certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling that is serviced by an individual on-site septic wastewater treatment system.

As no Commission approved individual on-site septic wastewater treatment system will meet the two parts per million average nitrogen concentration in the groundwater at the property line of the 0.92 acre parcel, the applicant is requesting a Waiver from the groundwater quality standard contained in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.84(a)5iv).

The appropriate resource capability maps and other information available to the Commission staff have been reviewed.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The proposed single family

dwelling will not result in a substantial impairment of the resources of the Pinelands Area as required by the CMP (N.J.A.C. 7:50-4.65(b)).

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on groundwater quality be minimized.

PUBLIC COMMENT

The applicant provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on July 23, 2020. Newspaper public notice was completed on July 23, 2020. The application was designated as complete on the Commission's website on September 1, 2020. The Commission's public comment period closed on September 11, 2020. No public comment was received by the Commission for this application.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the groundwater quality standard contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an individual on-site septic wastewater treatment system on a 0.92 acre (40,075 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights of way, and is located in a Pinelands Village. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Lacey Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the VR zoning district, Lacey Township's certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling that is serviced by an individual on-site septic wastewater treatment system. On October 5, 2020, the Lacey Township Board

of Adjustment adopted a Resolution for Appeal # 20-07 approving a residential lot size variance to develop a dwelling on the parcel. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. The CMP (N.J.A.C. 7:50-4.65(b)) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c), and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the groundwater quality standard (N.J.A.C. 7:50-6.84(a)5iv.), a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

The CMP (N.J.A.C. 7:50-4.62(d)1ii)) also requires the acquisition and redemption of any PDCs that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.27(c)) provides that any local approval in a Pinelands Village which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling unit or lot has been approved by the Commission. Since the applicant qualifies for a Waiver, PDCs are not required for any such local approval.

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. The septic system must be located in an area where the seasonal high water table is at least five feet below the natural ground surface.

2. The proposed dwelling must utilize an alternate design onsite wastewater treatment system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
3. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
4. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a recorded copy of a deed consolidating Block 4108, Lots 12 & 13 into one lot must be submitted to the Pinelands Commission.
5. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
6. This Waiver shall expire February 12, 2026 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after February 12, 2026 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
7. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall also state that the conditions are enforceable by the Pinelands Commission, Lacey Township, the Ocean County Health Department and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.84(a)5iv.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission APPROVE the requested Waiver of Strict Compliance subject to the above conditions.

APPEAL

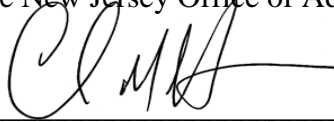
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 9, 2021 and include the following information:

1. the name and address of the person requesting the appeal;

2. the application number;
3. a brief statement of the basis for the appeal; and
4. 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.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: _____



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

- c:
- Secretary, Lacey Township Planning Board (via email)
 - Lacey Township Construction Code Official (via email)
 - Lacey Township Environmental Commission (via email)
 - Secretary, Ocean County Planning Board (via email)
 - Ocean County Health Department (via email)
 - Michelle Schoeneberg (via email)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 05

TITLE: Issuing an Order to Certify Medford Township Ordinance 2020-21, Adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, Amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area

Commissioner Lloyd moves and Commissioner Pikolycky seconds the motion that:

WHEREAS, on May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Medford Township; and

WHEREAS, Resolution #PC4-83-37 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 #PC4-83-37 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on October 6, 2020, the Medford Township Council adopted Ordinance 2020-21, approving a Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area; and

WHEREAS, Ordinance 2020-21 also adopts a number of zoning changes, including the rezoning of approximately 7.5 acres of land from the Regional Growth Area to the Rural Development Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2020-21 on November 4, 2020; and

WHEREAS, by email dated November 6, 2020, Commission staff informed the Township that revisions to the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area would be necessary for purposes of conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, by email dated November 9, 2020, Medford Township requested an extension of the Pinelands Commission's review period for Ordinance 2020-21 in order to provide an opportunity to adopt revisions to the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area prior to formal Commission action; and

WHEREAS, by letter dated November 12, 2020, the Executive Director notified the Township that an extension was granted through December 18, 2020; and

WHEREAS, on December 15, 2020, the Medford Township Council adopted Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2020-23 on December 22, 2020; and

WHEREAS, by letter dated December 28, 2020, the Executive Director notified the Township that Ordinances 2020-21 and 2020-23 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Medford Township Ordinances 2020-21 and 2020-23 was duly advertised, noticed and remotely held on January 13, 2021 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 Medford Township Ordinances 2020-21 and 2020-23 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 Medford Township Ordinances 2020-21 and 2020-23 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 Medford Township Ordinances 2020-21 and 2020-23 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Medford Township Ordinances 2020-21 and 2020-23 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 Medford Township Ordinance 2020-21, Adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, Amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Medford Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

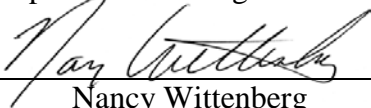
Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 12, 2021



Nancy Wittenberg
Executive Director



Richard Prickett
Chairman



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 THE PINELANDS COMMISSION
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PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON MEDFORD TOWNSHIP ORDINANCE 2020-21, ADOPTING THE REDEVELOPMENT PLAN FOR THE TAUNTON & TUCKERTON REHABILITATION AREA, AND ORDINANCE 2020-23, AMENDING THE REDEVELOPMENT PLAN FOR THE TAUNTON & TUCKERTON REHABILITATION AREA

January 29, 2021

Medford Township
 17 North Main Street
 Medford, NJ 08055

FINDINGS OF FACT

I. Background

The Township of Medford is located in central Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Medford Township include the Township of Waterford in Camden County as well as the Borough of Medford Lakes and the Townships of Evesham, Shamong, Southampton and Tabernacle in Burlington County.

On May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Development Ordinance of Medford Township.

On October 6, 2020, the Medford Township Council adopted Ordinance 2020-21, approving the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, which is located in a Pinelands Regional Growth Area. Ordinance 2020-21 also adopts a number of zoning changes, including the rezoning of approximately 7.5 acres from the Regional Growth Area to the Rural Development Area. The Pinelands Commission received a certified copy of Ordinance 2020-21 on November 4, 2020.

On November 6, 2020, Commission staff advised the Township that the redevelopment plan would need to be amended in order to conform to the standards of the Pinelands Comprehensive Management Plan. On November 9, 2020 the Township requested an extension of the Commission’s review period for Ordinance 2020-21 until such time that amendments could be adopted. By letter dated November 12, 2020, the Executive Director granted said extension until December 18, 2020.

On December 15, 2020, the Medford Township Council adopted Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area. The Pinelands Commission received a certified copy of Ordinance 2020-23 on December 22, 2020.

By letter dated December 28, 2020, the Executive Director notified the Township that Ordinances 2020-21 and 2020-23 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance 2020-21, adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, adopted October 6, 2020; and
- * Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, adopted on December 15, 2020.

These ordinances 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 Master Plans and Land Use Ordinances Relating to Development Standards**

Ordinance 2020-21 adopts the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area. The rehabilitation area is comprised of 28 lots and is located in the vicinity of the intersection of Taunton Road and Tuckerton Road (see Exhibit 1). Existing development within the rehabilitation area includes a mix of residential uses, non-residential uses, and vacant land. The rehabilitation area includes approximately 123 acres of which 113 acres were previously zoned CC (Community Commercial) and 10 acres were previously zoned GD (Growth District). The entirety of the rehabilitation area is located within a Pinelands Regional Growth Area.

The purpose of the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area is to facilitate an attractive, walkable, and vibrant commercial area. To that end, the plan establishes the Taunton & Tuckerton Rehabilitation Area (TTRA) Zone. The TTRA Zone permits a variety of commercial and institutional uses that closely align with the schedule of permitted uses of the existing CC Zone. Those uses include, among others, general offices, child-care centers, places of worship, medical and professional offices, general services, and full-service and limited-service restaurants. The TTRA zone does not permit residential uses. The redevelopment plan includes additional design and performance standards within the zone related to building and site design, sustainable practices, landscaping, and lighting.

The redevelopment plan implements zoning changes within the designated rehabilitation area. As summarized in Table 1 below, most of the rehabilitation area is rezoned from the CC Zone to the

new TTRA Zone. One commercially developed lot is rezoned from the GD Zone to the TTRA Zone. Additionally, three lots are rezoned from the CC Zone to the GD Zone. Two of these lots are undersized and in common ownership with adjoining, developed lots in the GD Zone. The third lot contains a single-family dwelling unit, and its rezoning to the GD Zone would render it a conforming use. Similarly, two lots containing single-family dwelling units are rezoned from the CC Zone to the RS-2 (Rural Suburban-2) Zone. The RS-2 Zone is located in a Rural Development Area; therefore, this rezoning constitutes a change in Pinelands management area designation from Regional Growth Area to Rural Development Area. Both lots are contiguous with the existing RS-2 Zone, contain single-family dwelling units with on-site wastewater treatment (septic systems) and have acreages slightly larger than 3.5 acres. Therefore, in recognition of the existing development, it is appropriate for these lots to be redesignated as Rural Development Area.

Table 1. Summary of Zoning Changes

Rezoning	Number of Lots	Total Area (in acres)
CC to TTRA	21	105
GD to TTRA	1	.75
CC to GD	3	.25
CC to RS-2	2	7.5
Total	27	113.5*

**Note: One lot, approximately 9.5 acres, within the rehabilitation area maintained its pre-existing GD Zone designation.*

Ordinance 2020-23 amends the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area in response to concern raised by Commission staff. The ordinance amends the plan to include a provision that all development in the newly established TTRA Zone must comply with the minimum environmental standards of the CMP. Provisions were also added that require the use of Pinelands Development Credits for any municipal variances or approvals that authorize residential development in the TTRA Zone. Lastly, Ordinance 20020 adds language to clarify that the Township's existing infill wetlands standards continue to be applicable to properties within the TTRA Zone, as they are for all of the Township's Regional Growth Area zones.

Ordinances 2020-21 and 2020-23 are consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

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.

Ordinance 2020-21 does increase the amount of residentially zoned land in Medford's Regional Growth Area by rezoning several lots from a commercial zone in the Regional Growth Area (the CC Zone) to a residential zone (the GD Zone). However, the rezoned lots are either already residentially developed or significantly undersized. No additional development on these lots is expected.

Additionally, as discussed above, Ordinance 2020-21 includes the establishment of the TTRA Zone. The new TTRA Zone is composed of land that was previously within the CC Zone, a non-residential zone that does not permit residential development, and one commercially developed lot rezoned from the GD Zone. The use of PDCs in the TTRA Zone is required only if a residential use is approved by the Township through a use variance or other means. Ordinance 2020-23 amends the Redevelopment Plan to include this PDC requirement.

The zoning changes made by Ordinance 2020-21 in the Township's Regional Growth Area have no effect on residential zoning capacity or opportunities for the use of PDCs. This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinances 2020-21 and 2020-23 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinances 2020-21 and 2020-23 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The Redevelopment Plan adopted by Ordinance 2020-21 and amended by 2020-23 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Medford Township's application for certification of Ordinances 2020-21 and 2020-23 was duly advertised, noticed and held on January 13, 2021 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinances 2020-21 and 2020-23 were accepted through January 15, 2021. Comments were submitted by the following individual:

Judith D. Wert (see Exhibit 3)

EXECUTIVE DIRECTOR'S RESPONSE

Ms. Wert expressed concerns that the redevelopment or rehabilitation of the Tuckerton and Taunton Road intersection may have a negative impact on the surrounding residential areas, wetlands and lakes. Ms. Wert's concerns are appreciated as wetlands protection is of critical importance to the Pinelands Commission.

The area impacted by the redevelopment plan is located within a Pinelands Regional Growth Area. The CMP states that:

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 (N.J.A.C. 7:50-5.13(g)).

As such, the uses permitted in the new TTRA Zone have been evaluated and found to be consistent with the goals, objectives and permitted uses for Regional Growth Areas (N.J.A.C. 7:50-5.28(a)). In fact, they are largely uses that have been permitted in this location for decades, under the prior CC zoning designation. Furthermore, all development in the newly established TTRA Zone, as well as the existing GD and RS-2 zones discussed above, must comply with the minimum environmental standards of the CMP, including those that serve to protect wetlands and wetlands transition areas (N.J.A.C. 7:50-6.1 et seq.). This requirement is explicitly stated in the redevelopment plan.

Lastly, Ms. Wert described excessive tree removal within the Village at Taunton Forge shopping center, which is located within the new TTRA Zone. Commercial development was approved on this parcel in recent years. The removal of trees on the parcel was permitted as part of that approved development. At this time, Commission staff is not aware of any violations related to excessive tree removal.

CONCLUSION





Based on the Findings of Fact cited above, the Executive Director has concluded that Medford Township Ordinance 2020-21, adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, comply 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 Ordinances 2020-21 and 2020-23 of Medford Township.

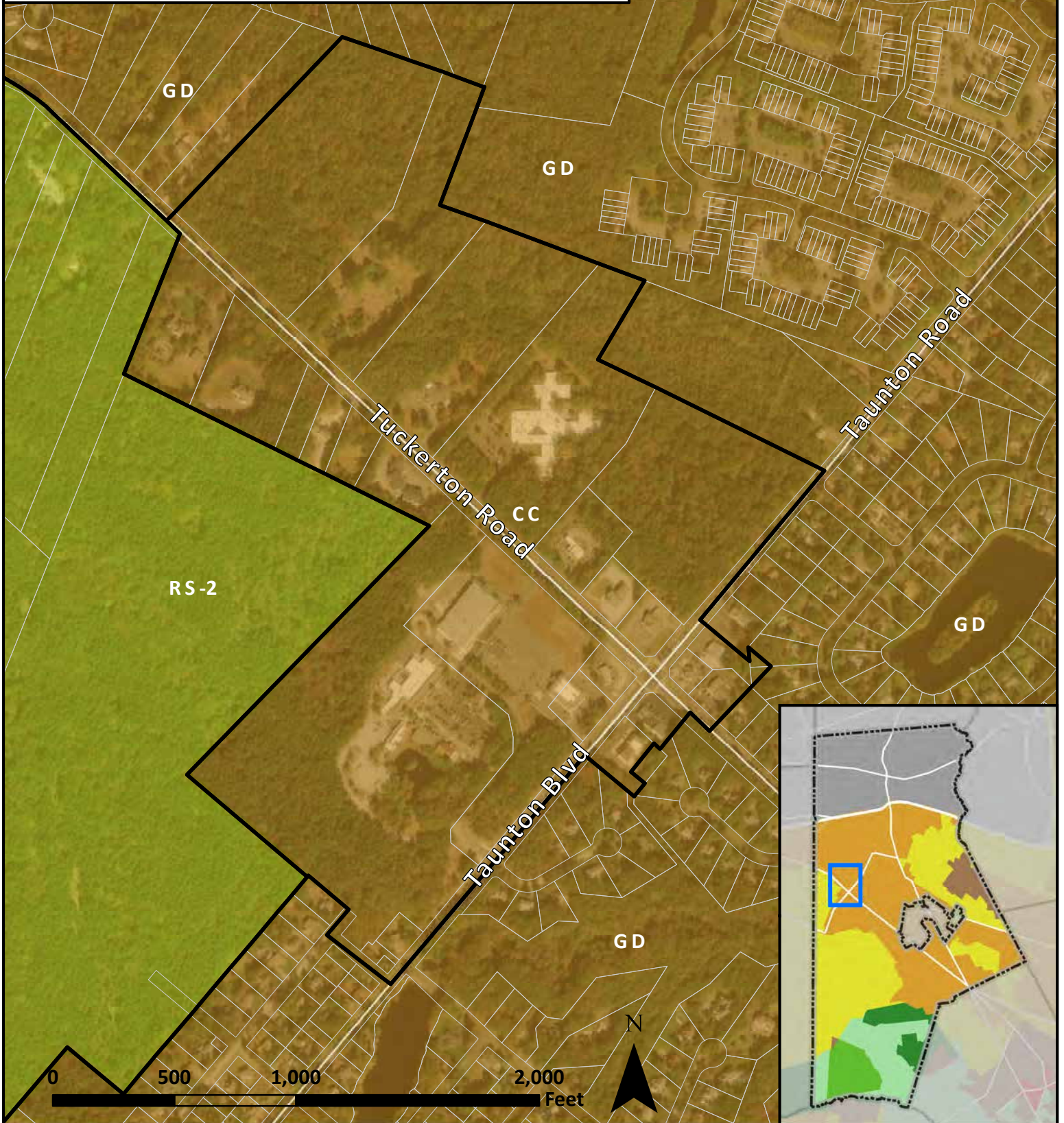
SRG/DBL/CME
Attachments

Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area Existing Zoning

Executive Director's Report
Medford Ord. 2020-21, 2020-23
Exhibit 1
1/29/2021

Pinelands Management Areas


-  Regional Growth Area
-  Rural Development Area
-  Existing Zoning
-  Existing Lots



Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area Proposed Zoning

Executive Director's Report
Medford Ord. 2020-21, 2020-23
Exhibit 2
1/29/2021


Pinelands Management Areas


 Regional Growth Area


 Rural Development Area

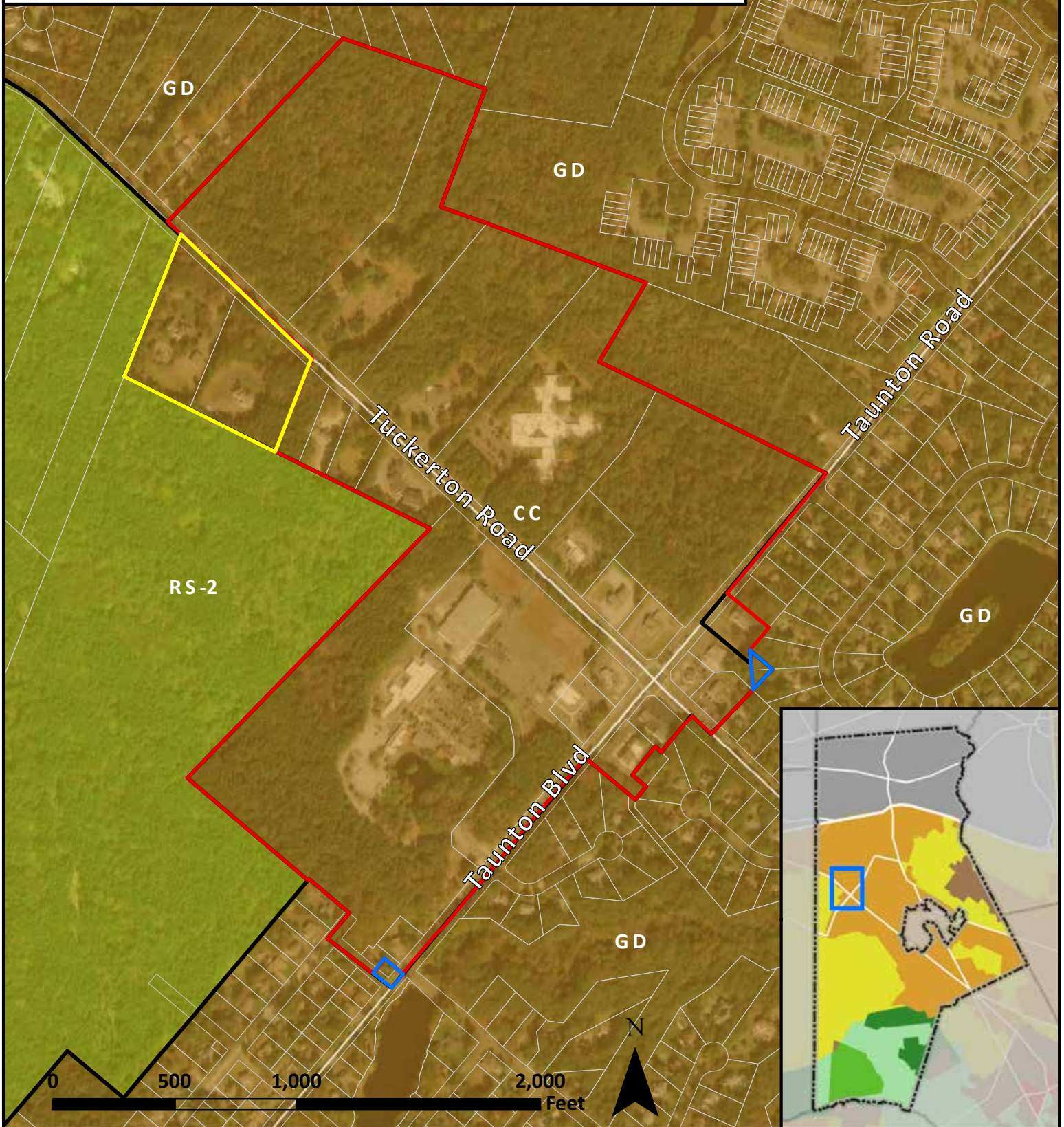
 Existing Zoning

 Existing Lots

 Rezoned TTRA

 Rezoned GD

 Rezoned RS-2



-----Original Message-----

From: Judith D. Wert [<mailto:judith.wert@comcast.net>]
Sent: Thursday, January 14, 2021 4:30 PM
To: Comments, PC
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by Judith D. Wert (judith.wert@comcast.net) on Thursday, January 14, 2021 at 16:29:34

email: judith.wert@comcast.net

subject: Public Comment Submissions

Name: Judith D. Wert

Mailing Address: 2 Kansas Court

Phone Number: 6096545414

Comment Topic: selected=

Message: If handled incorrectly, the redevelopment or rehabilitation of the Tuckerton Taunton Road intersection will have an extremely negative impact on the surrounding residential areas, wetlands, and lakes. Twenty-eight parcels have been included in the designated development area. Fifteen of those parcels are significantly impacted by wetlands. A planning board official pointed out at the September 23 meeting that money is being spent in the area on new construction and remodeling. He also noted 96% of the properties are well maintained and do not owe back taxes. It makes no sense to allow any action that would damage wetlands in the designated area. There has been enough destruction of wetlands in Medford; affecting our environment, recreation, water quality, wildlife, and character of our our town.

As an example of what can go wrong, I would like to use Taunton Forge as an example. It is located on one corner of the intersection. It was a small shopping center with an anchor grocery store. It was surrounded by trees which let it blend into the community. The DePetris family tried for years to get approval from the Pinelands Commission to make changes that would allow Taunton Forge to be more visible and attract more business. They finally got their approval around 2014. The result is an attractive buffer of trees is gone, the grocery store is gone, (lots of rumors about that), no landscaping was done, the parking lot is a disgrace, and 7 stores are empty. Plus, our community thinks that the number of trees removed was more than approved.

The Pinelands Commission was formed to protect our wetlands, forests, and lakes. I am asking you to honor that commitment when you review changes the new ordinance.

Thank you for your time.

Submit: Submit



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 06

TITLE: Issuing an Order to Certify Monroe Township Ordinance O:27-2020, Adopting the Second Amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, Adopting the St. Mary's Redevelopment Plan

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, on September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Monroe Township; and

WHEREAS, Resolution #PC4-83-76 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 #PC4-83-76 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on October 26, 2020, the Monroe Township Council adopted Ordinance O:27-2020, approving the second amendment to the Williamstown Square Redevelopment Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O:27-2020 on October 29, 2020; and

WHEREAS, by email dated November 6, 2020, Commission staff informed the Township that review of Ordinance O:27-2020 could not be completed without the Township's adoption and submission of the St. Mary's Redevelopment Plan as the redevelopment plans require joint-review given their relationship in meeting the Pinelands Development Credit requirements of the Pinelands Comprehensive Management Plan; and

WHEREAS, by email dated November 9, 2020, Monroe Township requested an extension of the Pinelands Commission's review period for Ordinance O:27-2020 in order to provide an opportunity to adopt and submit the St. Mary's Redevelopment Plan prior to formal Commission action; and

WHEREAS, by letter dated November 19, 2020, the Executive Director notified the Township that an extension was granted through January 29, 2021; and

WHEREAS, on December 14, 2020, the Monroe Township Council adopted Ordinance O:29-2020, approving the St. Mary's Redevelopment Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O:29-2020 on December 23, 2020; and

WHEREAS, by letter dated December 29, 2020, the Executive Director notified the Township that Ordinances O:27-2020 and O:29-2020 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Monroe Township Ordinances O:27-2020 and O:29-2020 was duly advertised, noticed and remotely held on January 13, 2021 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 Monroe Township Ordinances O:27-2020 and O:29-2020 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 Monroe Township Ordinances O:27-2020 and O:29-2020 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 Monroe Township Ordinances O:27-2020 and O:29-2020 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Monroe Township Ordinances O:27-2020 and O:29-2020 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 Monroe Township Ordinance O:27-2020, Adopting the Second Amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, Adopting the St. Mary’s Redevelopment Plan, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Monroe Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

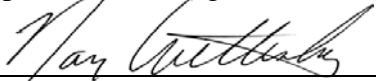
Record of Commission Votes

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


*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 12, 2021



 Nancy Wittenberg
 Executive Director



 Richard Prickett
 Chairman



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



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

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON MONROE TOWNSHIP ORDINANCE O:27-2020, ADOPTING THE SECOND AMENDMENT TO THE WILLIAMSTOWN SQUARE REDEVELOPMENT PLAN, AND ORDINANCE O:29-2020, ADOPTING THE ST. MARY'S REDEVELOPMENT PLAN

January 29, 2021

Monroe Township
 125 Virginia Avenue
 Williamstown, NJ 08094

FINDINGS OF FACT

I. **Background**

The Township of Monroe is located in the western section of the Pinelands Area in Gloucester County. Pinelands municipalities that abut Monroe Township's Pinelands Area include Franklin Township in Gloucester County, Winslow Township in Camden County and the Borough of Folsom and the Township of Buena Vista in Atlantic County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Comprehensive Land Management Ordinance of Monroe Township, now codified as Chapter 175 (Land Management) of the Township's Code.

On October 26, 2020, the Monroe Township Council adopted Ordinance O:27-2020, approving the second amendment to the Williamstown Square Redevelopment Plan. The Williamstown Square Redevelopment Area is located in a Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance O:27-2020 on October 29, 2020.

On November 6, 2020, Commission staff the Township that review of Ordinance O:27-2020 could not be completed without the Township's adoption and submission of the St. Mary's Redevelopment Plan as the redevelopment plans require joint-review given their relationship in meeting the Pinelands Development Credit requirements of the Pinelands Comprehensive Management Plan. On November 6, 2020, the Township requested an extension of the Commission's review period for Ordinance O:27-2020 until such time the St. Mary's Redevelopment Plan could be adopted. By letter dated November 19, 2020, the Executive Director granted the extension.

On December 14, 2020, the Monroe Township Council adopted Ordinance O:29-2020, approving the St. Mary's Redevelopment Plan. The St. Mary's Redevelopment Area is located in a Pinelands Regional

Growth Area. The Pinelands Commission received a certified copy of Ordinance O:29-2020 on December 23, 2020.

By letter dated December 29, 2020, the Executive Director notified the Township that Ordinances O:27-2020 and O:29-2020 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance O:27-2020, adopting the second amendment to the Williamstown Square Redevelopment Plan, adopted on October 26, 2020; and
- * Ordinance O:29-2020, adopting the St. Mary's Redevelopment Plan, adopted on December 14, 2020.

These ordinances 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 Master Plans and Land Use Ordinances Relating to Development Standards**

St. Mary's Redevelopment Area

Ordinance O:29-2020 adopts the St. Mary's Redevelopment Plan, dated November 2020. The St. Mary's Redevelopment Area consists of a four-acre portion of an existing 18.42-acre lot (Block 11501, Lot 1), with frontage along Blue Bell Road (see Exhibit 1). The portion of the lot within the redevelopment area is vacant, wooded and does not appear to contain any wetlands or required wetlands buffers. The remainder of the lot outside of the redevelopment area contains a church, church offices, and a pre-k to 8th grade school, along with an affiliated parking area and storage shed. The lot is located within the Township's Regional Growth Planned Residential (RG-PR) District, where single-family detached units are permitted at a density of 1.25 units per acre. This density may be increased to 2.25 units per acre through the use of Pinelands Development Credits.

The purpose of the St. Mary's Redevelopment Plan is to facilitate the development of affordable housing in accordance with the Township's certified Housing Element and Fair Share Plan and the approved settlement agreement between Monroe Township and the Fair Share Housing Center. To that end, the redevelopment plan permits the development of age-restricted apartments at a maximum density of 20 units per acre. All units must be made affordable to low-

and moderate-income households. No other principal uses are permitted in the Redevelopment Area. The plan includes additional bulk requirements and design standards. Any development that occurs within the redevelopment area must comply with the Pinelands Comprehensive Management Plan (CMP).

Second Amendment to the Williamstown Square Redevelopment Area

Ordinance O:27-2020 adopts the second amendment to the Williamstown Square Redevelopment Plan. This existing redevelopment area totals 75 acres in size and is located on the north side of the Black Horse Pike (US Route 322), directly across from the Acme Shopping Center Redevelopment Area (see Exhibit 2). Aside from two vacant dwelling units and two billboards, the redevelopment area is vacant and wooded. It is located entirely within a Pinelands Regional Growth Area.

The certified Williamstown Square Redevelopment Plan, whose last amendment was certified by the Commission in August 2019, permits a planned, mixed-use center consisting of office, retail, commercial and residential uses. Residential units are permitted at a maximum density of 4.75 units per acre with permitted unit types that include apartments in free-standing or mixed-use buildings, townhouses and duplexes. Permitted nonresidential uses include retail businesses and services, business and professional offices, medical offices, restaurants, indoor recreation and day care facilities. A minimum of 350 residential units is required as part of any redevelopment project, as is a minimum of 60,000 square feet of non-residential floor area.

The second amendment to the Williamstown Square Redevelopment Plan increases the required minimum number of residential units from 350 to 425. It also replaces the maximum density of 4.75 units per acre in favor of establishing a maximum number of permitted residential units of 595 units. This is effectively an increase in maximum density from 4.75 dwelling units per acre to 7.9 dwelling units per acre. Additionally, the amendment adds assisted living facilities as a permitted use. The Pinelands Comprehensive Management Plan (CMP) expressly authorizes assisted living facilities as a permitted use in a Regional Growth Area provided that certain standards are met (N.J.A.C. 7:50-5.34). Among these standards is the establishment of a permitted residential density applicable to assisted living facilities. The amended redevelopment plan satisfies this requirement by considering assisted living units as residential units and expressly counting them towards the minimum and maximum number of residential units permitted within the redevelopment area.

In terms of affordable housing, the second amendment to the Williamstown Square Redevelopment Plan continues to require that 15% of all units be set aside as affordable housing units if the units are provided as rentals, and 20% of all units if the units are provided as for-sale units. However, the amended redevelopment plan applies the set-aside requirement to the net total of units less the additional 75 units that the amendment adds to the minimum required residential units. These 75 units were added to the Williamstown Square Redevelopment Plan to offset the lost PDC opportunities from the 100% affordable housing project to be facilitated by the St. Mary's Redevelopment Plan.

The second amendment to the Williamstown Square Redevelopment Plan also continues to require that Pinelands Development Credits be acquired and redeemed for 30% of all residential units in redevelopment area, including assisted living units. Units that are required to be made affordable for low- and moderate- income housing to meet the set-aside requirements of the redevelopment plan are exempt from the PDC requirement, up to a maximum of 70 units or 20%

of the total number of units, whichever is less. Any development that occurs within the redevelopment area must comply with the Pinelands Comprehensive Management Plan (CMP).

Ordinances O:27-2020 and O:29-2020 both increase the residential zoning capacity of Monroe Township's Regional Growth Area. Together, the ordinances allow for approximately 310 additional units, 71 in the St. Mary's Redevelopment Area and 239 in the Williamstown Square Redevelopment Area. In terms of density, the two redevelopment plans permit a total of 675 residential units on approximately 79 acres of land in the Regional Growth Area. The resulting 8.5 unit per acre density and residential zoning capacity are higher than that prescribed by the CMP for Monroe's Regional Growth Area. The CMP requires the Township to zone for a density of only 2.0 units per upland acre throughout its Regional Growth Area (N.J.A.C. 7:50-5.28(a)1 and 3). However, the CMP does provide municipalities with the ability to zone portions of their Regional Growth Areas for higher densities, provided that the lands in question are appropriate for more intensive development, infrastructure exists or can be provided to support the increased density and sufficient opportunities for the use of Pinelands Development Credits are provided (N.J.A.C. 7:50-5.28(a)7). The St. Mary's and Williamstown Square Redevelopment Areas meet these standards.

Ordinances O:27-2020 and O:29-2020 are consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

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.

In order to comply with N.J.A.C. 7:50-5.28(a)3, the previously certified Williamstown Square Redevelopment Plan required that PDCs be acquired and redeemed for thirty percent of the residential units developed within the redevelopment area. Units that are required to be made affordable for low- and moderate- income housing to meet the set-aside requirements of the redevelopment plan are exempt from the PDC requirement, up to a maximum of 70 units or 20% of the total number of units, whichever is less. The amended redevelopment plan maintains this requirement.

As discussed in Section II.2 above, Ordinances O:27-2020 and O:29-2020 increase the intensity of permitted residential development in Monroe Township's Regional Growth Area by a total of approximately 310 additional units.

The St. Mary's Redevelopment Area accounts for 71 of the additional units. The CMP would normally require that opportunities for the use of PDCs be provided in association with such an increase in residential zoning capacity. In this case, however, the Township has provided for increased density as a means of facilitating development of the 100% affordable housing project called for in the municipality's settlement agreement with the Fair Share Housing Center. Rather than imposing PDC requirements on the 100% affordable housing development, the Township elected to shift the PDC obligation to the Williamstown Square Redevelopment Area. This was effectuated by increasing the minimum number of residential units required as part of any development in the Williamstown Square Redevelopment Area by 75 units. Given the PDC requirements included in the second amendment to the Williamstown Square Redevelopment, 30% of these additional 75 units will be required to acquire and redeem PDCs. This results in the potential use of an additional 23 rights (5.75 PDCs). It is important to note that these 75 units are part of the minimum required as part of any redevelopment project in the Williamstown Square Redevelopment Area. The amended Williamstown Square Redevelopment Plan makes clear that these 75 units are not exempt from the PDC requirements, even if made affordable. They represent new opportunities for PDC use in Monroe's Regional Growth Area to account for the increase in density and lack of PDC obligation for development at the St. Mary's site.

The amended Williamstown Square Redevelopment Plan accounts for 239 of the additional units, 30% of which would also be required to acquire and redeem PDCs. It also now includes assisted living facilities as a permitted use. With respect to assisted living facilities in the Regional Growth Area, the CMP specifies that PDC use must be accommodated when the density of such facilities exceeds 8 units per acre. Rather than establishing a base density of 8 units per acre, the amended Williamstown Redevelopment Plan requires that PDC use be a significant component of any assisted living project, regardless of density. Thirty percent of all assisted living facility units, excepting those that meet affordable housing provisions discussed above, will require the redemption of PDCs, whether an assisted living facility is constructed at a density that exceeds 8 units per acre or not. This approach is consistent with the intent of N.J.A.C. 7:50-5.34(a)(2) of the CMP.

As indicated in Section II.2 of this report, the permitted densities and other standards adopted by the two redevelopment plans allow for a total of 675 residential units. Thus, the PDC requirements adopted by Ordinances O:27-2020 could result in the use of as many as 157.5 rights (39.25 PDCs), if the maximum number of residential units is developed in the Williamstown Square Redevelopment Area. At minimum, 106.5 rights (26.5 PDCs) will be required.

While the 30% PDC requirement applied to Williamstown Square Redevelopment Area is not as high a number as would be provided through the more traditional zoning approach (where PDCs would account for 33% of the total number of permitted units), it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance O:27-2020 *guarantees* a certain level of PDC use in association with any development within the Williamstown Square Redevelopment Area, regardless of project density or number of units which are ultimately built. Given the greater certainty provided by this approach and its relationship with Ordinance O:29-2020, both ordinances should be viewed as consistent with the CMP requirements for accommodation of PDCs.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinances O:27-2020 and O:29-2020 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinances O:27-2020 and O:29-2020 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The Redevelopment Plans related to Ordinances O:27-2020 and O:29-2020 do not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Monroe Township's application for certification of Ordinances O:27-2020 and O:29-2020 was duly advertised, noticed and held on January 13, 2021 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinances O:27-2020 and O:29-2020 were accepted through January 15, 2021. Comments were submitted by the following individual:

Fred Akers, Administrator, Great Egg Harbor Watershed Association (see Exhibit 3)

EXECUTIVE DIRECTOR'S RESPONSE

Mr. Akers thanked the Commission staff for its application of the Wetlands Buffer Delineation Model as it relates to the Williamstown Square Redevelopment Area and noted that the redevelopment plan included a very comprehensive and robust runoff mitigation plan. However, Mr. Akers expressed some concern with implementing such complicated stormwater management measures and Commission staff's reliance on engineers hired by developers to make sure stormwater management is well-financed and well-executed.

The Executive Director appreciates Mr. Akers' comments as the water quality and natural resources of the Squankum Branch subwatershed, and the Great Egg Harbor Watershed as a whole, are of importance to the Pinelands Commission. The Commission issued a Letter of Interpretation in 2010 confirming the extent of wetlands on some of the lots included in the Williamstown Square Redevelopment Area. Shortly thereafter, required buffers to the wetlands were established based on the results of the wetlands buffer delineation model referenced in the CMP. A buffer of 175 feet was deemed to be appropriate to a swale/ditch on the property as well as to a degraded wetland. A buffer of 240 feet was deemed necessary to the hardwood swamp at the rear of the property. These buffer requirements are noted in the Redevelopment Plan and are common for development in a Regional Growth Area. When and if new applications for development in the Redevelopment Area are submitted to the Commission, the appropriate wetlands buffers for that development will be determined, once again using the wetlands buffer delineation model.

With respect to stormwater management, the Commission does not have a licensed Professional Engineer (PE) on staff. However, a staff member in the Commission's Regulatory Programs Office is highly-trained, experienced and dedicated to the review of all stormwater plans submitted to the Commission as part of an application for major development. Importantly, a licensed PE does ultimately review all stormwater plans in his or her capacity as the municipal planning, zoning or land use board engineer. The Commission has discussed hiring a licensed PE to review stormwater management plans in the past, and if an opportunity arose in the future, it would be considered as an option. In the meantime, the Executive Director is confident that, in partnership with municipal





engineers, stormwater management plans are receiving the necessary diligent scrutiny to ensure they meet the minimum standards of the CMP.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Monroe Township Ordinance O:27-2020, adopting the second amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, adopting the St. Mary's Redevelopment Plan of Monroe Township, comply 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 Ordinances O:27-2020 and O:29-2020 of Monroe Township.

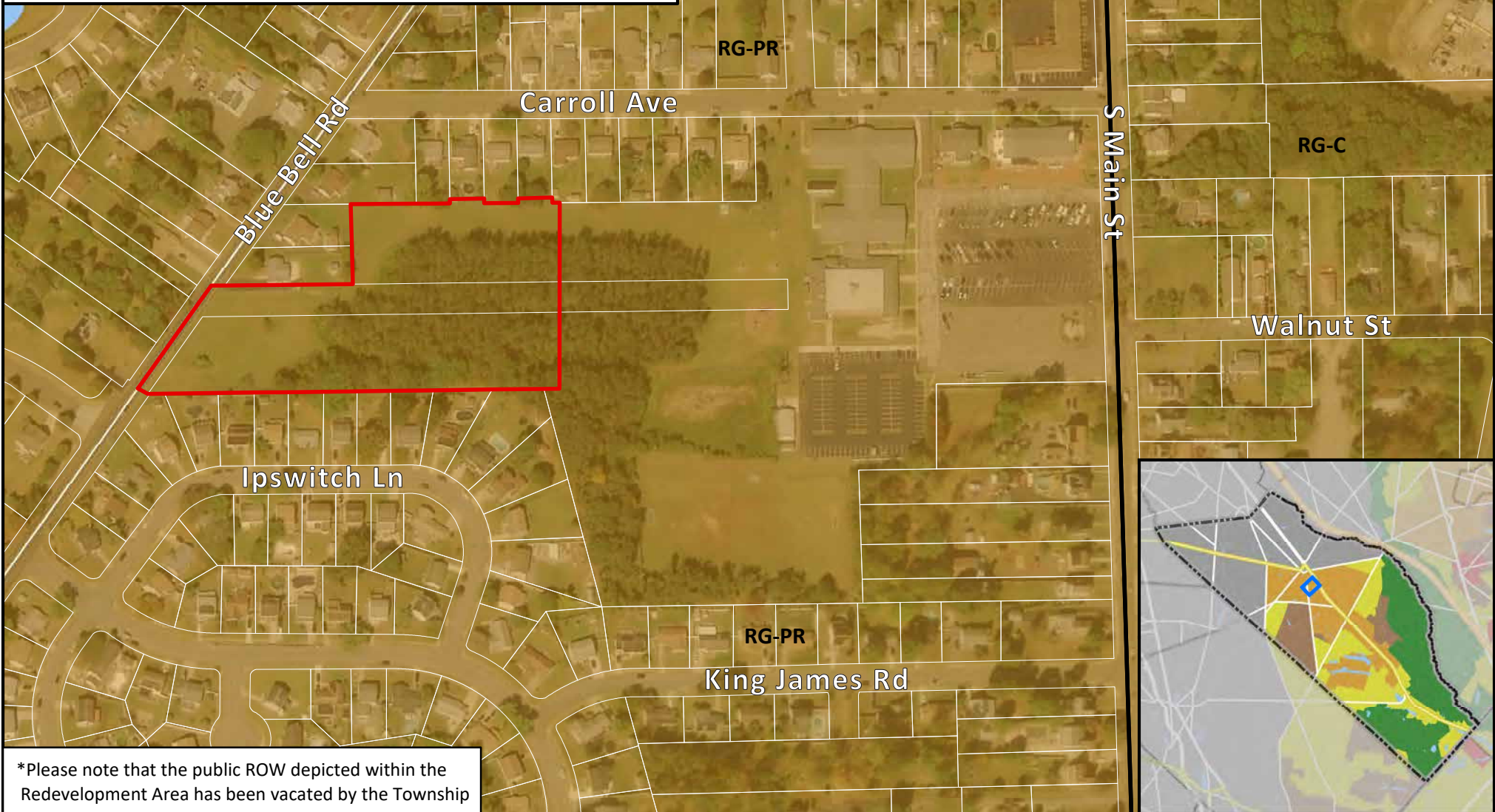
SRG/DBL/CMO
Attachments

Monroe Township St. Mary's Redevelopment Area

-  Regional Growth Area
-  Redevelopment Area
-  Existing Zoning
-  Monroe Twp Parcels



Executive Director's Report
Monroe Ord. O:27-2020, O:29-2020
Exhibit 1
1/29/2021



*Please note that the public ROW depicted within the Redevelopment Area has been vacated by the Township

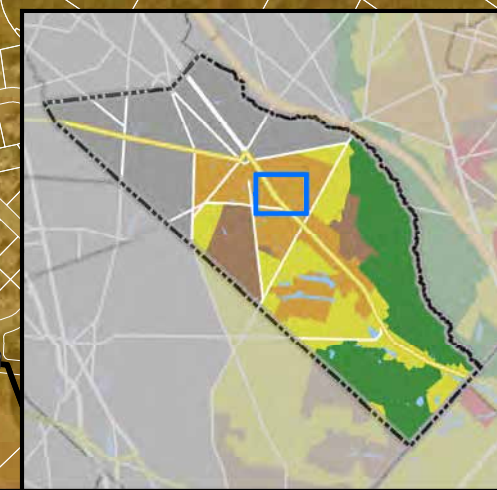
Monroe Township Williamstown Square Redevelopment Area

-  Regional Growth Area
-  Redevelopment Area
-  Existing Zoning
-  Monroe Twp Parcels

0 500 1,000 2,000 Feet



Executive Director's Report
Monroe Ord. O:27-2020, O:29-2020
Exhibit 2
1/29/2021





The Great Egg Harbor Watershed Association

P.O. Box 109
Newtonville, NJ 08346

Fred Akers, Administrator
856-697-6114
fred_akers@gehwa.org

Executive Director's Report
Monroe Ord. O:27-2020, O:29-2020
Exhibit 3
1/29/2021

January 14, 2020

Pinelands Commission Public Comments
Sent via Email: comments@pinelands.nj.gov

RE: Monroe Township Ordinance 0:27-2020, Williamstown Square Redevelopment Plan

Dear Pinelands Commission:

One of the purposes for which the Great Egg Harbor Watershed was formed in 1990 was to protect and restore the natural, cultural and recreational resources of the Great Egg Harbor Watershed.

The Squankum Branch subwatershed (HUC14-02040302030050), in which the Williamstown Square Redevelopment Plan will be located, is significantly urbanized and developed in its headwaters upstream from the planned redevelopment area. (See Map 1, page 3).

In the "Impervious Cover Assessment for Monroe Township, Gloucester County, New Jersey", published by the Rutgers Cooperative Extension Water Resources Program dated 1/31/19, the Squankum Branch subwatershed had 11.6% impervious cover. (See page 9 here):
http://water.rutgers.edu/Projects/GEHWA/Monroe%20Township_ICA.pdf

According to the Center For Watershed Protection's updated Impervious Cover Model (see page 4 in the above referenced report), water quality in the Squankum Branch is already being impacted by impervious cover and upstream development at 11.6% impervious cover.

While we are concerned about negative impacts to water quality and natural resources in the Squankum Branch Subwatershed, and we recently invested in the Rutgers impervious cover assessment and analysis to help us better protect this subwatershed, we understand that most of the existing development pre-dates the Pinelands Comprehensive Management Plan (CMP), and that the CMP created the Regional Growth Area here to receive increased development and impervious cover transferred from the core of the Pinelands to better protect other areas.

(continued next page)

www.gehwa.org – The Official Website of the Great Egg Harbor Watershed Assoc.

Julie Akers
President

Ed Curry
Vice President

Dick Colby
Treasurer

TRUSTEES

Steve Eisenhauer

Jamie Cromartie

Clark Sprigman

Pat Sprigman

Clay Emerson

Paul Ludgate

Carol Jones

STAFF

Lynn Maun
Secretary &
Coordinator

Fred Akers
Administrator

So given the regionally planned increased development in the Squankum Branch subwatershed under the Pinelands CMP and the PDC program, we thank the Pinelands Commission staff for its interpretation of the old Wetlands Buffer Delineation Model to establish 175ft. and 240ft. buffers to the wetlands of the Squankum Branch on this redevelopment site.

We suggest that the old Wetlands Buffer Delineation Model should be reevaluated for modern day effectiveness given how old it is. Also, downstream preserved open space and designated Wild and Scenic Rivers should be significant factors included in the Pinelands Commission's development analysis in the Regional Growth Areas. (See Maps 1 & 2, pages 3 & 4)

Finally, we know that the most important way to minimize degradation to downstream water quality from impervious cover is to keep the stormwater generated by the impervious cover on the site, and disconnected from downstream.

While the requirements in the Williamstown Square Redevelopment Plan, Amendment #2, Runoff Mitigation Plan, page 24 seem very comprehensive and robust, it also says that "Compliance with these standards will be determined through engineering review".

We know that the devil can be in the details of the actual implementation of complicated stormwater management. We know that the Pinelands Commission does not have an engineer on staff to review stormwater management implementation, and is therefore dependent on engineers hired by developers to make sure stormwater management is well financed and well executed.

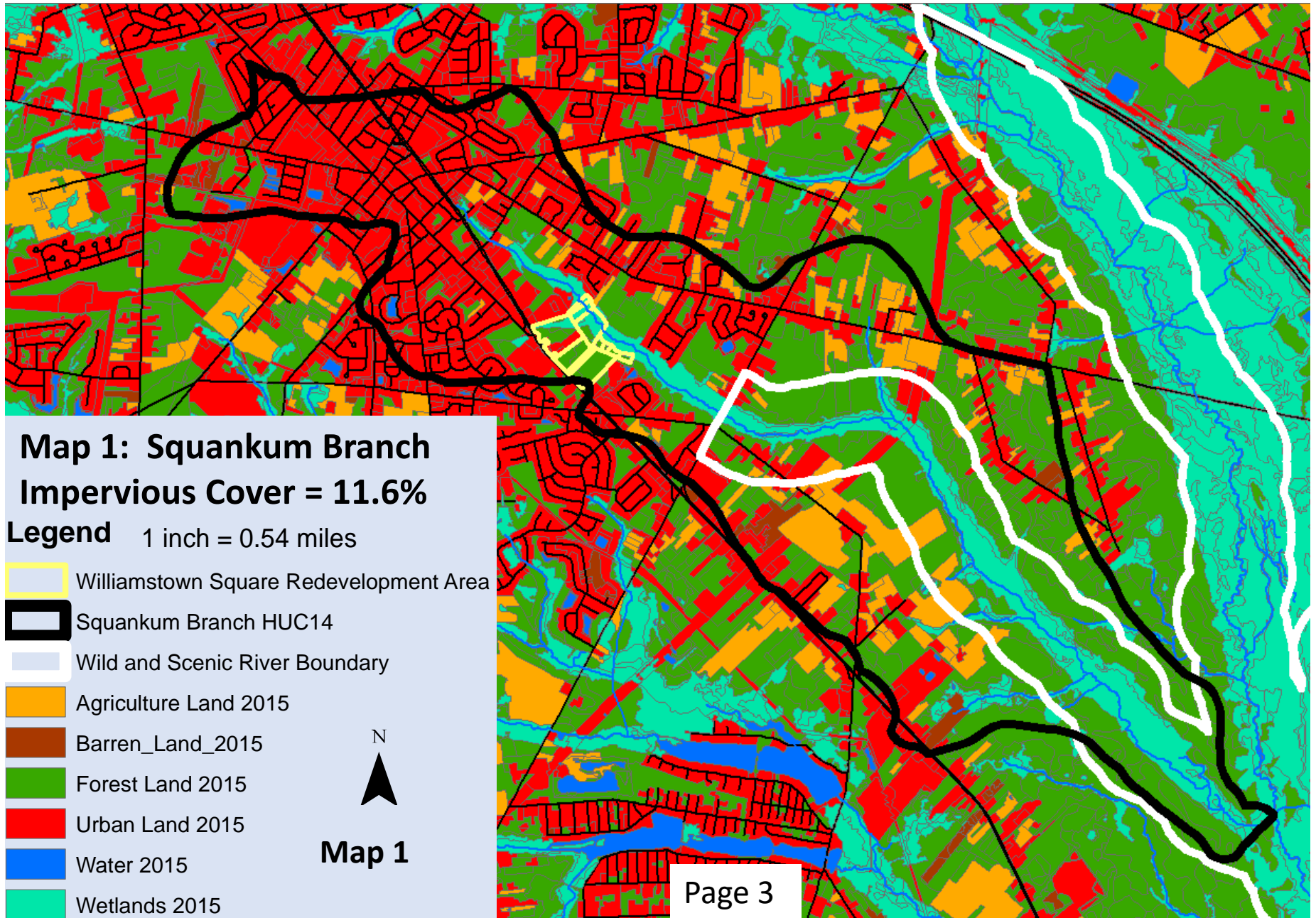
Given this deficiency of the Pinelands Commission, and the fact that NJPACT <https://www.nj.gov/dep/njpact/> is predicting a 35% increase in stormwater volume due to climate change, we suggest that it might be a good time for the Pinelands Commission to establish an independent stormwater engineer that can peer review the design and implementation of future stormwater management measures in the Pinelands Regional Growth Areas and other management areas.

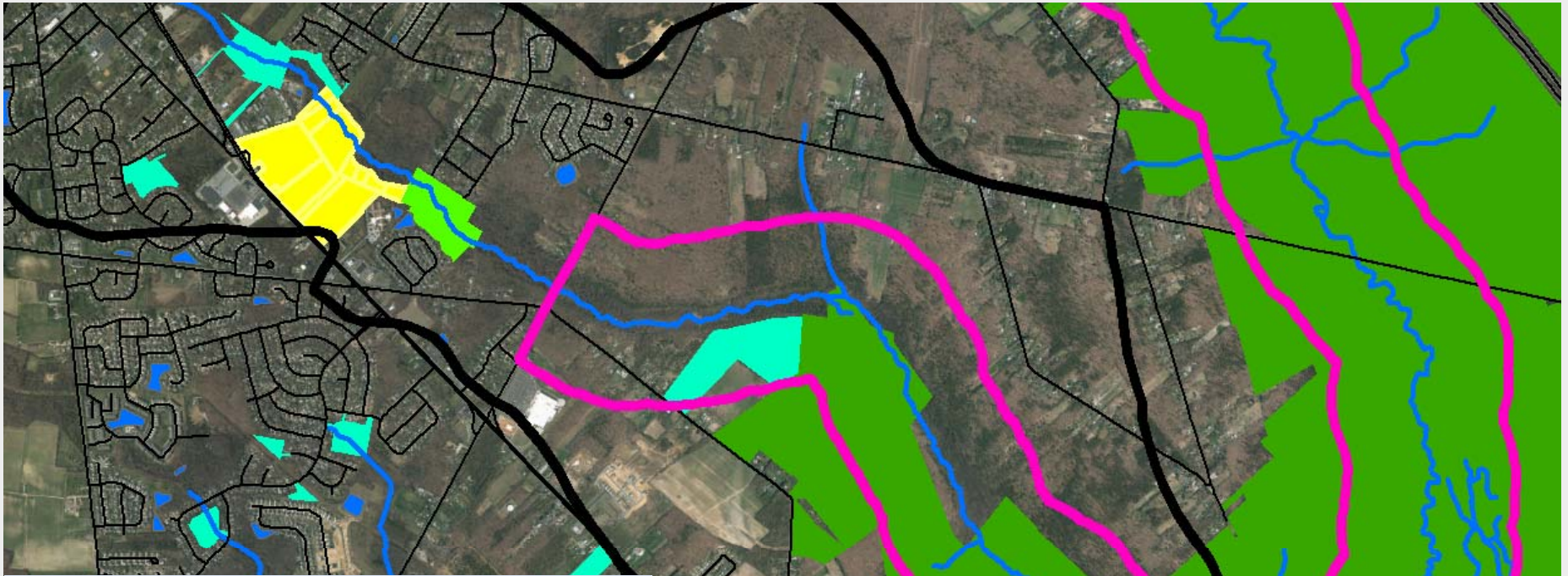
Thank You for the opportunity to comment on Monroe Township Ordinance 0:27-2020, Williamstown Square Redevelopment Plan.

Sincerely,

A handwritten signature in dark ink that reads "Fred Akers". The signature is written in a cursive, slightly slanted style.

Fred Akers, Administrator
Great Egg Harbor Watershed Association





Map 2: Squankum Branch Preserved Open Space

Legend 1 inch = 0.38 miles

-  Williamstown Square Redevelopment Area
-  Squankum Branch HUC14
-  Wild and Scenic River Boundary
-  New Jersey Natural Lands Trust
-  Monroe Township Open Space
-  Winslow Wildlife Management Area





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 07

TITLE: Celebrating the 40th Anniversary of the Pinelands Comprehensive Management Plan

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

WHEREAS, the Pinelands Protection Act of 1979 recognized the significant natural, ecological, agricultural, scenic, cultural and recreational resources of the Pinelands Area of southern New Jersey; and

WHEREAS, the Pinelands Protection Act also directed the Pinelands Commission to prepare and adopt a comprehensive management plan designed to preserve, protect and enhance the resources of the Pinelands; and

WHEREAS, members of the Pinelands Commission staff showed tremendous determination by working seven days a week and often into the early morning hours while drafting the Comprehensive Management Plan (CMP) over many months in 1980; and

WHEREAS, members of the Commission are volunteers who devoted hundreds of hours of their time and expertise while discussing and reviewing the CMP in 1980; and

WHEREAS, members of the Commission convened more than 40 regular meetings as the plan was being developed and adopted in 1980, and many of these meetings were held weekly and would run from 9:30 a.m. until 5 p.m.; and

WHEREAS, the Commission adopted the CMP in two phases in 1980, and the plan became effective under state law on January 14, 1981; and

WHEREAS, since its adoption, the CMP has encouraged appropriate patterns of growth as a means to protect the Pinelands environment from the impacts of scattered and piecemeal development; and

WHEREAS, through its implementation of the CMP, the Pinelands Commission has successfully safeguarded the core of the Pinelands Area while channeling growth toward designated areas with the infrastructure needed to support it; and

WHEREAS, the Pinelands Development Credit (PDC) program contained in the CMP is one of the most successful regional transfer of development rights programs in the world. As of June 2020, 55,391 acres in the Pinelands Area have been preserved through the PDC program. The program has also served as a model. Over the years, representatives from Czech Republic, Japan, Russia and South Korea have contacted the Commission to learn more about the PDC program; and

WHEREAS, the CMP is considered one of the most successful models of large-scale, regional conservation planning in the world, and the Commission desires to raise awareness of the plan and its remarkable achievements in protecting a million-acre region that is located in the most densely populated state in the country; and

WHEREAS, the Commission will celebrate the 40th anniversary of the CMP this year by creating and sharing a series of informative video interviews with former Commissioners and former staff, and it will write and share social media postings that chart the history, implementation and success of the plan; 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) The Commission formally recognizes and extends its gratitude and appreciation to the former staff members and Commissioners for their tireless work to create the CMP 40 years ago.
- 2) The Commission formally recognizes and extends its gratitude and appreciation to all former and current Commissioners and all former and current staff members for their often challenging but critical work to implement and strengthen the plan.
- 3) The Commission formally recognizes and extends its gratitude and appreciation to representatives from municipal, county, state and federal entities that have been a critical part of the collaborative effort to implement the CMP during the past four decades.
- 4) The Commission is proud of the CMP and supports the staff's efforts to celebrate and raise awareness about the history, implementation and success of the plan.
- 5) The current members of the Commission are committed to continuing the agency's work to preserve, protect and enhance the Pinelands from perhaps even greater degradation than 40 years ago.

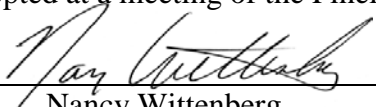
Record of Commission Votes

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

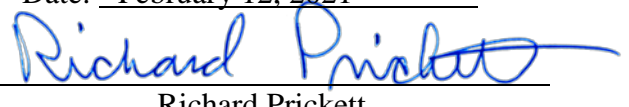
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 12, 2021



 Nancy Wittenberg
 Executive Director



 Richard Prickett
 Chairman