



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 21

TITLE: Approving With Conditions an Application for Public Development (Application Number 1982-3657.020)

Commissioner Lohbauer moves and Commissioner DACC seconds the motion that:

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

1982-3657.020
Applicant: Town of Hammonton
Municipality: Town of Hammonton
Management Area: Pinelands Agricultural Production Area
Date of Report: June 17, 2016
Proposed Development: Remove 10 acres of vegetation at the Hammonton Airport.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1982-3657.020 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

Table with 4 columns (AYE, NAY, NP, A/R) and 12 rows of member names and their corresponding vote marks.

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 8, 2016

Signature of Nancy Wittenberg, Executive Director

Signature of Sean W. Earlen, Chairman



State of New Jersey
 THE PINELANDS COMMISSION
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Chris Christie
 Governor

Kim Guadagno
 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

June 17, 2016

Stephen DiDonato, Mayor
 Town of Hammonton
 100 Central Avenue
 Hammonton, NJ 08037

Re: Application # 1982-3657.020
 Block 5301, Lot 31
 Block 5702, Lots 13 & 14
 Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application to remove 10 acres of vegetation at the Hammonton Airport. 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 July 8, 2016 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, Town of Hammonton Planning Board (via email)
 Town of Hammonton Construction Code Official (via email)
 Town of Hammonton Environmental Commission (via email)
 Atlantic County Department of Regional Planning and Development (via email)
 Dennis Yap
 Lynn Brass-Smith





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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 17, 2016

Stephen DiDonato, Mayor
 Town of Hammonton
 100 Central Avenue
 Hammonton, NJ 08037

Application No.: 1982-3657.020

Location: Block 5301, Lot 31
 Block 5702, Lots 13 & 14
 Town of Hammonton

This application proposes to remove 10 acres of vegetation at the Hammonton Airport located on the above referenced 96.74 acre parcel. Vegetation to be removed is comprised of both trees and shrubs.

The proposed vegetation removal is required to comply with the Federal Aviation Administration (FAA) Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace standards. As part of the FAA standards, the "Primary Surface" (runway) must be free and clear of any objects above the surface to allow for a safe, unobstructed and appropriate surface for aircraft landing.

This application proposes to remove vegetation within the following four areas on the airport parcel:

- Area One: Vegetation removal from 1.3 acres down to existing grade.
- Area Two: Vegetation removal from 4.7 acres down to existing grade.
- Area Three: Vegetation removal from 0.33 acres down to a height of three feet above grade; and
- Area Four: Vegetation removal from 3.77 acres to a height of 15 to 20 feet above grade.

All vegetation removal is located on the airport parcel. The proposed cutting methods are intended to minimize impacts to plant and animal species habitat. No soil disturbance is proposed as part of this application.

STANDARDS

The Commission staff has reviewed the proposed vegetation removal 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. 7:50-5.24(b)13)

The project is located in a Pinelands Agricultural Production Area. As accessory to the existing airport, the proposed vegetation removal is permitted in a Pinelands Agricultural Production Area.

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

There are wetlands located on the above referenced parcel. The proposed vegetation removal will result in the disturbance of 2.16 acres of wetlands. The CMP permits vegetation removal in wetlands and the required buffer to wetlands to accommodate accessory activities to an existing airport runway (linear facility) provided certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed vegetation removal. In addition, the proposed vegetation removal will not result in substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands. The proposed vegetation removal is required to comply with FAA safety standards. The applicant has demonstrated that the need for airport safety overrides the importance of protecting the wetlands.

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

The proposed vegetation removal is limited to that which is necessary to meet FAA safety standards.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to seed the two areas proposed to be cleared to existing grade with a grass seed mixture which meets this recommendation.

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

The applicant completed a threatened and endangered (T&E) species survey for Pine Barrens treefrog and a T&E species habitat assessment for potential T&E plant and animal species. The Pine Barrens treefrog survey did not locate the concerned species within the four areas subject of vegetation removal. The habitat assessment identified a population of Little ladies tresses, a Pinelands threatened plant species on the parcel. No clearing or land disturbance is proposed in the vicinity of that population. The proposed vegetation removal is consistent with the T&E species protection standards.

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

A cultural resource survey was completed for this application. No cultural resources eligible for Pinelands designation were found within the project area.

PUBLIC COMMENT

The applicant provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on March 31, 2016. Newspaper public notice was completed on April 6, 2016. The application was designated as complete on the Commission's website on May 24, 2016. The Commission's public comment period closed on June 10, 2016. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed vegetation removal shall adhere to the signed, sealed but undated plan, consisting of eight sheets, prepared by DY Consultants and received by the Commission on July 25, 2013.
2. Disposal of any vegetative waste shall 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 installed prior to vegetation removal to preclude sediment from entering wetlands and shall be maintained in place until all vegetation removal 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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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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 within eighteen days of the date of the Executive Director's determination 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.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 22

TITLE: Issuing an Order to Certify Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, Amending Chapter 190 (Zoning) of the Code of Pemberton Township

Commissioner Lohbauer moves and Commissioner Braun seconds the motion that:

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

WHEREAS, Resolution #PC4-83-52 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 #PC4-83-52 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on July 9, 2009, the Pemberton Township Planning Board adopted a new Master Plan for the Township, including Land Use, Housing, Circulation, Utility, Community Facilities, Recreation, Conservation and Open Space, Economic, Historic Preservation, Recycling and Farmland Preservation Plan Elements; and

WHEREAS, the Township's 2009 Master Plan recommends a series of changes to Pemberton's zoning map, including establishing a Neighborhood Commercial (NC) District and expanding the General Commercial/Light Industrial (GCLI) District in the Pinelands Area; and

WHEREAS, the Pinelands Commission received an adopted copy of the 2009 Master Plan, along with the Planning Board's resolution of adoption, on February 24, 2010; and

WHEREAS, on December 16, 2009, Pemberton Township adopted Ordinance 27-2009, amending Chapter 190 (Zoning) of the Township's Code by adopting a revised Zoning Map, dated July 9, 2009, for purposes of implementing the recommendations of the 2009 Master Plan; and

WHEREAS, on September 4, 2014, the Pemberton Township Planning Board adopted a Master Plan Re-Examination Report, recommending both management area and zoning changes, as well as the creation of a new NCP (Neighborhood Commercial Pinelands) District; and

WHEREAS, the Pinelands Commission received an adopted copy of the 2014 Master Plan Re-Examination Report, along with the Planning Board's resolution of adoption, on October 10, 2014; and

WHEREAS, on December 17, 2014, Pemberton Township adopted Ordinance 14-2014, amending Chapter 190 (Zoning) by creating the Neighborhood Commercial Pinelands District; and

WHEREAS, on December 17, 2014, Pemberton Township adopted Ordinance 16-2014, amending Chapter 190 (Zoning) to require the use of Pinelands Development Credits when a variance or other approval is granted for a residential use in the TC, HD, GI, or NCP Districts or in the Regional Growth Area of the GCLI District; and

WHEREAS, the Pinelands Commission received certified copies of Ordinances 14-2014 and 16-2014 on January 6, 2015; and

WHEREAS, on March 2, 2016, Pemberton Township adopted Ordinance 20-2015, amending Chapter 190 (Zoning) by adopting a revised Zoning Map, dated December 7, 2015, that adjusts the boundaries of existing zoning districts and establishes the boundaries of a new zoning district within the Pinelands Area in response to the recommendations of the 2009 Master Plan and 2014 Master Plan Re-Examination Report; and

WHEREAS, the 2015 Zoning Map adopted by Ordinance 20-2015 supersedes that previously adopted by Ordinance 27-2009; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 20-2015 on March 18, 2016 and a copy of the adopted zoning map on March 22, 2016; and

WHEREAS, by letter dated March 31, 2016, the Executive Director notified the Township that the 2009 Master Plan, 2014 Master Plan R-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony concerning the Township's application for certification of its 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 was duly advertised, noticed and held on April 27, 2016 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 the above-referenced amendments 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 the issuance of an order to certify that Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton Township, 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 recommended that the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 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

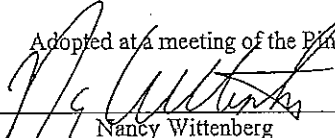
1. An Order is hereby issued to certify that Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to the 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.

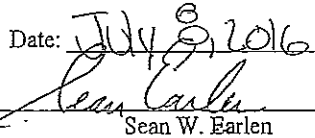
Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date: July 9, 2016

 Sean W. Earlen
 Chairman



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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

**REPORT ON PEMBERTON TOWNSHIP'S 2009 MASTER PLAN, 2014 MASTER PLAN RE-
EXAMINATION REPORT AND ORDINANCES 27-2009, 14-2014, 16-2014 AND 20-2015,
AMENDING CHAPTER 190 (ZONING) OF THE CODE OF PEMBERTON TOWNSHIP**

May 27, 2016

Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton, NJ 08068

FINDINGS OF FACT

I. Background

The Township of Pemberton is located in eastern Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Pemberton Township include New Hanover, Springfield, Southampton and Woodland Townships in Burlington County and Manchester and Plumsted Townships in Ocean County.

On June 3, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Pemberton Township.

On July 9, 2009, the Pemberton Township Planning Board adopted a new Master Plan for the Township, including Land Use, Housing, Circulation, Utility, Community Facilities, Recreation, Conservation and Open Space, Economic, Historic Preservation, Recycling and Farmland Preservation Plan Elements. The Township's 2009 Master Plan recommends a series of changes to Pemberton's zoning map, including establishing a Neighborhood Commercial (NC) District and expanding the General Commercial/Light Industrial (GCLI) District in the Pinelands Area. The Pinelands Commission received an adopted copy of the 2009 Master Plan, along with the Planning Board's resolution of adoption, on February 24, 2010.

On December 16, 2009, Pemberton Township adopted Ordinance 27-2009, amending Chapter 190 (Zoning) of the Township's Code by adopting a revised Zoning Map, dated July 9, 2009, for purposes of implementing the recommendations of the 2009 Master Plan. The Pinelands Commission received a certified copy of Ordinance 27-2009 on January 15, 2010.

On September 4, 2014, the Pemberton Township Planning Board adopted a Master Plan Re-Examination Report, recommending both management area and zoning changes, as well as the creation of a new NCP (Neighborhood Commercial Pinelands) District. The Pinelands Commission received an adopted copy of the 2014 Master Plan Re-Examination Report, along with the Planning Board's resolution of adoption, on October 10, 2014.

On December 17, 2014, Pemberton Township adopted Ordinance 14-2014, amending Chapter 190 (Zoning) by creating the Neighborhood Commercial Pinelands District. The Township also adopted Ordinance 16-2014, amending Chapter 190 (Zoning) to require the use of Pinelands Development Credits when a variance or other approval is granted for a residential use in nonresidential zoning districts in the Regional Growth Area. The Pinelands Commission received certified copies of Ordinances 14-2014 and 16-2014 on January 6, 2015.

On March 2, 2016, Pemberton Township adopted Ordinance 20-2015, amending Chapter 190 (Zoning) by adopting a revised Zoning Map, dated December 7, 2015, that adjusts the boundaries of existing zoning districts and establishes the boundaries of a new zoning district within the Pinelands Area in response to the recommendations of the 2009 Master Plan and 2014 Master Plan Re-Examination Report. The 2015 Zoning Map adopted by Ordinance 202-15 supersedes that previously adopted by Ordinance 27-2009. The Pinelands Commission received a certified copy of Ordinance 20-2015 on March 18, 2016 and a copy of the adopted zoning map on March 22, 2016.

By letter dated March 31, 2016, the Executive Director notified the Township that the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 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:

- * Planning Board Resolution PB-33-2009, adopting the 2009 Master Plan of Pemberton Township, adopted on July 9, 2009; and
- * Planning Board Resolution P-16-2014, adopting the 2014 Master Plan Re-Examination Report, adopted on September 4, 2014;
- * Ordinance 27-2009, amending Chapter 190 (Zoning) of the Code of Pemberton Township, including a Zoning Map dated July 9, 2009, introduced on November 4, 2009 and adopted on December 16, 2009 (the zoning map adopted by this ordinance was subsequently superseded by Ordinance 20-2015);
- * Ordinance 14-2014, amending Chapter 190 (Zoning) of the Code of Pemberton Township, introduced on November 14, 2014 and adopted on December 17, 2014;
- * Ordinance 16-2014, amending Chapter 190 (Zoning) of the Code of Pemberton Township, introduced on November 14, 2014 and adopted on December 17, 2014; and
- * Ordinance 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton Township, including a Zoning Map dated December 7, 2015, introduced on December 16, 2015 and adopted on March 2, 2016.

These amendments 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**

Pemberton 2009 Master Plan

Pemberton Township's 2009 Master Plan outlines new land use policies and objectives including (1) enhancing the Browns Mills town center by creating a sense of place through new residential and commercial development and by designating the entire Browns Mills downtown as a Redevelopment area; (2) encouraging a plan that is pedestrian friendly while also providing opportunities for public transportation and public parking; (3) creating economic opportunities along the State Route 206 corridor outside the Pinelands Area; and (4) enhancing the aesthetic qualities through a downtown form-based code and improving the scenic qualities of the Township's gateways. To achieve these goals, the 2009 Master Plan recommends amendments to the zoning code and several changes to existing zoning district boundaries. The 2009 Pemberton Master Plan was adopted by the Township's Planning Board through Resolution PB-33-2009 on July 9, 2009.

Pemberton 2014 Master Plan Re-Examination Report

Pemberton Township's 2014 Master Plan Re-Examination Report reassesses the strengths and weaknesses of the Township's Master Plan, reaffirming prior goals as well as adding new objectives. These include: (1) encouraging more commercial ratables, (2) enhancing the Browns Mills town center, (3) retaining the Township's rural character and the aesthetics of arterial gateways, and (4) encouraging senior citizen focused development and zoning outside the Pinelands Area. Based on these objectives, the Master Plan Re-Examination report recommends a series of land use ordinance amendments and rezonings, one of which involves changes in Pinelands management area designations. A number of these recommendations are identical to those previously proposed by the Planning Board as part of the 2009 Pemberton Master Plan; however many of the prior recommendations were abandoned as they were believed to be incompatible with the CMP. The Re-Examination Report clarified some of the proposals to ensure all of the recommended changes are compliant with the CMP.

Pinelands Management Area Changes

As recommended in the 2014 Master Plan Re-Examination Report, Ordinance 20-2015 affects a number of zoning changes, including the rezoning of 143 acres from the R-17 (Very Low Density Single-Family Residential) District to AP (Agricultural Production) District. The R-17 District is in the Pinelands Forest Area while the AP District is in the Pinelands Agricultural Production Area. The map attached as Exhibit #1 indicates the location of this management area change. The affected area consists of 11 lots and a portion of a linear lot located along Mount

Misery Road. The primary existing use is agriculture (including cranberry bogs), with associated farm-related housing. Including the area in the Agricultural Production Area recognizes the existing agricultural operations and qualifies the properties for allocations of Pinelands Development Credits. It also recognizes the interest of the two affected property owners in participating in Burlington County's Farmland Preservation Program. In general, the County purchases farmland easements in the Pinelands Area only on properties in Pinelands Development Credit sending areas (the Agricultural Production Area, Special Agricultural Production Area and Preservation Area District).

N.J.A.C. 7:50-5.15 of the CMP provides an opportunity for municipalities to designate new Agricultural Production Areas, provided the area to be designated is primarily agricultural in use, is of a size capable of sustaining active agriculture operations and includes surrounding actively used agricultural lands. The area redesignated by Ordinance 20-2015 meets these criteria.

Other Zoning Changes

Ordinance 20-2015 also adopts several rezonings that do not involve changes in Pinelands management area designations.

First, Ordinance 20-2015 expands the GCLI (General Commercial/Light Industrial) District located along Burlington County Route 530 from a depth of 300 feet to 600 feet (see Exhibit 2). This change occurs within the Pinelands Agricultural Production Area; no change in Pinelands management areas is involved. Approximately 22 acres are rezoned from the AP District to the GCLI District. Small portions of three large lots are affected, all of which are currently split between the AP and GCLI Districts and are assessed as farms. It is worth noting that one of the affected lots is actively seeking to participate in the County's Farmland Preservation Program.

The GCLI District permits a wide variety of retail, office and light industrial uses. It was established in this portion of Pemberton's Agricultural Production Area based on N.J.A.C 7:50-5.24(b)1 of the CMP, which permits new roadside retail sales and service establishments within 300 feet of similar uses that were in existence on February 7, 1979 (prior to adoption of the CMP). The original GCLI District boundaries encompassed several pre-existing commercial uses and surrounding vacant lands in the Agricultural Production Area, and also recognized that there were pre-existing businesses located outside the Pinelands Area, across Route 530. The Township expanded the depth of the GCLI District in recognition of the impacts the ongoing widening of Route 530 is expected to have on existing businesses in the zone. Widening the GCLI District may offset the loss of property to the road widening project, thereby preserving the already limited opportunities these property owners have to expand current businesses or engage in new business opportunities. It may also allow the existing businesses to be relocated further back from the road, to the extent they have not already been acquired by the County. A strict interpretation of CMP standards would dictate that the original 300 foot depth of the GCLI District should remain; however, a commercial zone of that size in this particular location is no longer feasible. In order to preserve the commercial development opportunities of the affected properties, Pemberton has made a slight adjustment to its zoning boundaries. This is an appropriate use of the municipal flexibility afforded to Pinelands municipalities by the CMP.

Second, Ordinance 20-2015 rezones 16 acres from the R-80 (Single-Family Residential) District to the RA (Infill Residential) District (see Exhibit 3). This zoning change involves a single lot and is entirely within the Regional Growth Area; no change in Pinelands management areas is

involved. The RA zone is a zone intended for single and multiple family residential units. Planned retirement community housing is also permitted as a conditional use. The parcel is currently occupied by low- and moderate-income apartments that are a non-conforming use in the R-80 District, which only allows detached dwelling units. The rezoning recognizes the existing development on the lot and makes it a permitted, conforming use.

Third, Ordinance 20-2015 rezones 73 acres from the GCLI District to the TC (Town Center) District, within the Regional Growth Area (see Exhibit 4). The TC District permits general commercial activities (e.g. retail, restaurants, banks, offices, etc.) in the Browns Mills town center. This zoning change would extend Browns Mills' existing TC District westward along the southern side of Pemberton-Browns Mills Road. Existing uses in the rezoned area are primarily residential, with a few commercial uses.

Fourth, Ordinance 20-2015 establishes the boundaries of a Neighborhood Commercial Pinelands District (NCP), a new zoning district that was created by Ordinance 14-2014 (see *Other Amendments* for more information on the new zone). The ordinance rezones a portion of the Country Lakes neighborhood along Lakehurst Road from the GCLI District to the new NCP district (see Exhibit 5). Approximately 56 acres are affected by this zoning change. Ordinance 20-2015 also rezones two other portions of the GCLI District to the NCP district; the southern portion comprises about three acres and the northern portion comprises about nine acres (see Exhibit 6). All of these zoning changes occur within the Regional Growth Area; no change in Pinelands management areas is involved. Whereas the GCLI District permits a wide variety of commercial and industrial uses, the new NCP District is focused on small-scale retail and neighborhood service-oriented establishments.

Finally, Ordinance 20-2015 rezones approximately two acres from the R-1 District to the new NCP District (see Exhibit 6). This zoning change occurs entirely within the Regional Growth Area; no change in Pinelands management areas is involved. Four residentially-developed lots are affected by the rezoning. The existing homes will become non-conforming uses. The rezoning is intended to allow for additional commercial opportunities at a Township gateway near the recently-redesigned intersection at Hanover Street and the Pemberton Bypass.

The official Pemberton Township zoning map certified by the Pinelands Commission was created in 1983 and was subsequently updated by hand-drawn changes, as needed. The use of geographic information technologies as well as improved record keeping has enhanced the ability for the Township and the Commission to track and implement revised zoning boundaries over time. Pemberton Township and Commission staff worked together to translate the prior official zoning map to an improved GIS version. As such, a comparison of the older map against the new map will show numerous minor changes that were made where the prior zoning district boundaries were unclear due to the use of heavy black lines or when the boundaries simply did not align well with existing lot lines or roads, although that was clearly the intent. These changes are too numerous to list in this report but all are insignificant in terms of size or impact on development potential.

Exhibit 7 provides a visual overview of the proposed zoning changes adopted by Ordinance 20-2015.

Other Amendments

Ordinance 14-2014 amends Chapter 190 (Zoning) of Pemberton Township's Code to establish the Neighborhood Commercial Pinelands zoning district. The purpose of the new zone is to recognize and provide for small scale retail and neighborhood service-oriented establishments in residential neighborhoods. It is located entirely within the Regional Growth Area. As noted above, lands now included in the NCP District were previously located a different nonresidential zone (the GCLI District) or were in a residential zone (the R-1 District) where the Township is seeking to encourage the conversion of existing homes to commercial uses.

Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015 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. 7:50-5.28(a)5(ii)1 specifies that municipal land use ordinances must require Pinelands Development Credit (PDC) use in any instance where a variance or other municipal approval is granted that authorizes residential development in a zone in which residential development is not otherwise permitted. The number of PDCs required is determined by the number of units proposed and the acreage of the parcel in question.

Ordinance 16-2014 amends Chapter 190 (Zoning) of the Township's Code to require that when a variance or other approval is granted for a residential use in the TC, HD, GI, GCLI (only in Regional Growth Areas), or NCP zoning districts, Pinelands Development Credits (PDCs) must be used. The purpose of this ordinance is to ensure that all nonresidential zones in the Township's Regional Growth Area, including the new NCP District created by Ordinance 14-2016, are included.

Although Ordinance 20-2015 adopts a number of zoning changes affecting land in the Regional Growth Area, the lands being rezoned are either already developed or are being changed from one nonresidential zone to another. Opportunities for the use of Pinelands Development Credits are therefore unaffected.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

The 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton 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

The 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton 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

As noted previously, Ordinance 20-2015 expands the depth of an existing GCLI (General Commercial/Light Industrial) Zone in Pemberton Township's Agricultural Production Area. The

existing GCLI zoning district in Pemberton Township borders Southampton Township along Burlington County Route 530. It extends south from the road to a distance of 300 feet. Ordinance 20-2015 expands the GCLI Zone from 300 feet to 600 feet to recognize the impact of the Route 530 widening project. Directly across the Township border and adjacent to the expanded GCLI zone is Southampton Township's Agricultural Production Area. The proposed zoning change by Pemberton Township is merely an expansion of an existing zone that does not introduce new uses or bulk area requirements; nor does the rezoning impact the size or boundary of the existing Pinelands Agricultural Production Area. As such, any additional development that might occur as a result of the zone expansion would be in keeping with the rural character of the surrounding lands and no intermunicipal conflicts are anticipated.

This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Pemberton Township's application for certification of its 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 was duly advertised, noticed and held on April 27, 2016 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 May 4, 2016; however, none were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015 comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015 of Pemberton Township.

SRG/JS/CPE
Attachments

Pemberton Township

Proposed Zoning Changes

Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 1

R-17 District

Proposed AP District

Mount Pleasant Road

P District

Forest Area
Preservation Area

Four Mile Road

Agricultural Production Area

AP District

Legend

-  Proposed Area For Rezoning
-  Parcel Boundary
-  Zoning Boundary



Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 2

Pemberton Township

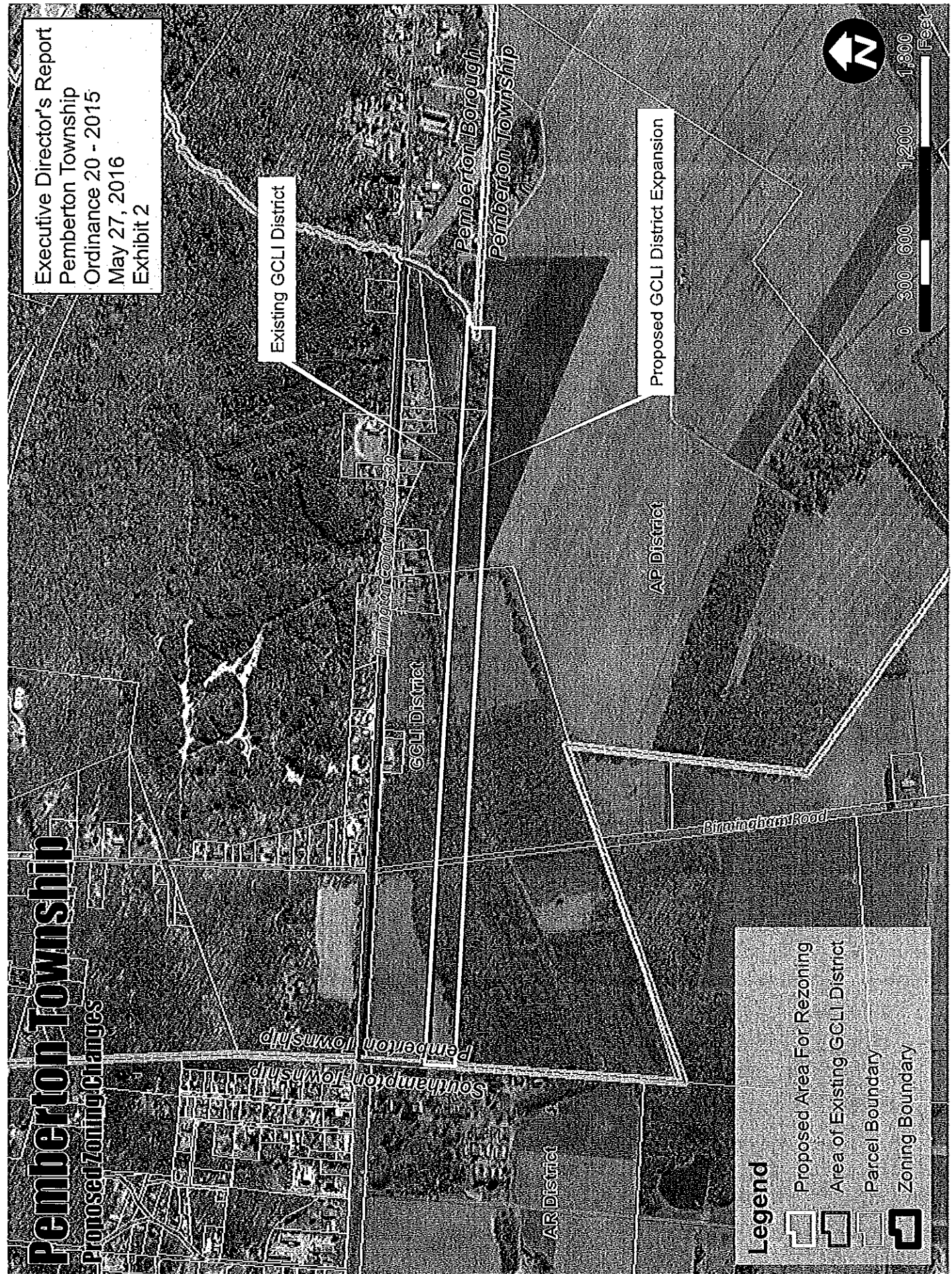
Proposed Zoning Changes

Existing GCL District

Proposed GCL District Expansion

Legend

- Proposed Area For Rezoning
- Area of Existing GCL District
- Parcel Boundary
- Zoning Boundary



Pemberton Township

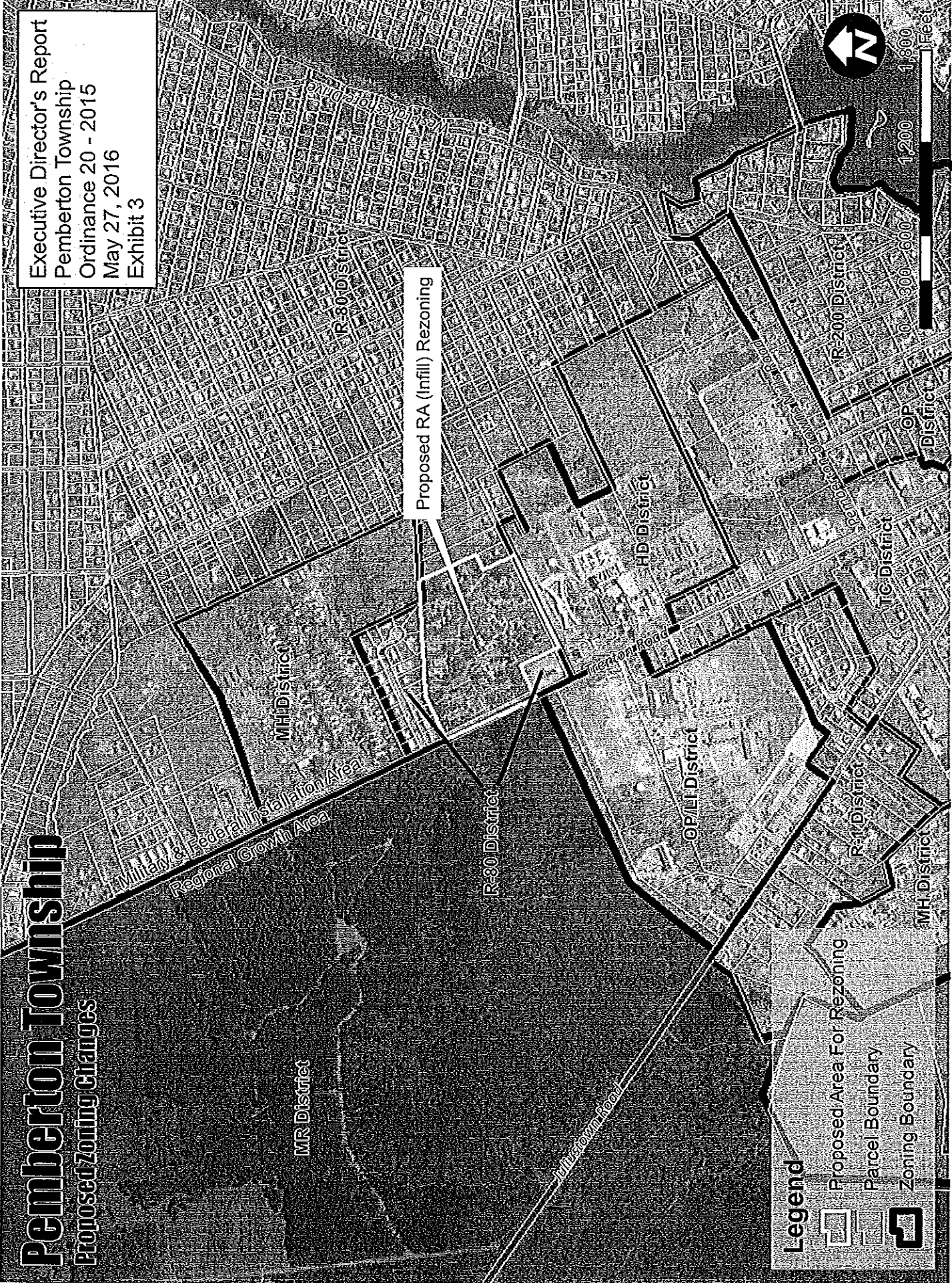
Proposed Zoning Changes

Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 3

Proposed RA (Infill) Rezoning

Legend

- Proposed Area For Rezoning
- Parcel Boundary
- Zoning Boundary



Pemberton Township

Proposed Zoning Changes

Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 4

MR District

Proposed TC Rezoning

Military & Federal Installation Area

Regional Growth Area

Military & Federal Installation Area

Regional Growth Area

R-3 District

MH District

R-30 District

TC District

R-3 District

Regional Growth Area

Forest Area

R-17 District

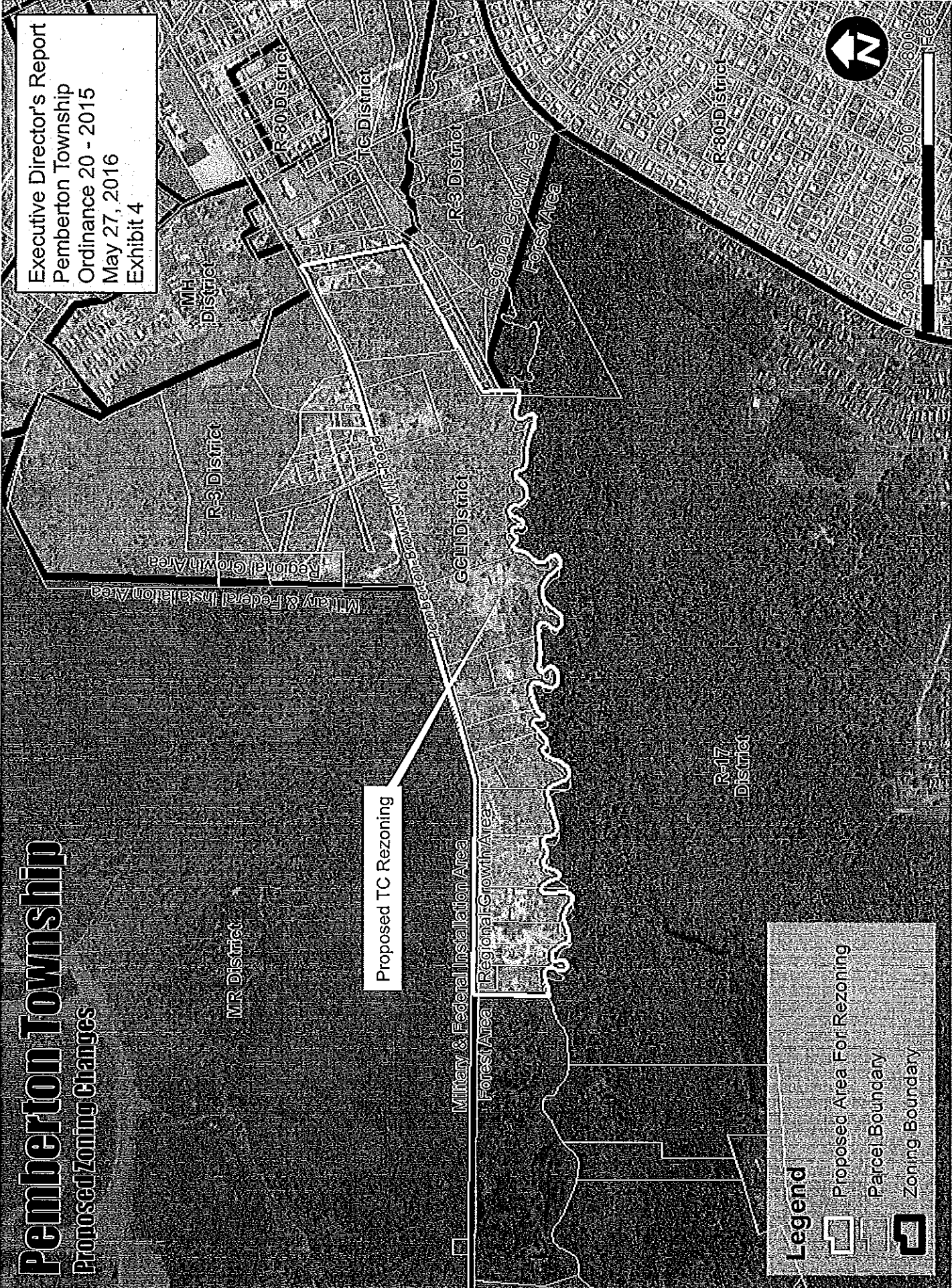
R-30 District

Legend

 Proposed Area For Rezoning

 Parcel Boundary

 Zoning Boundary



Pemberton Township

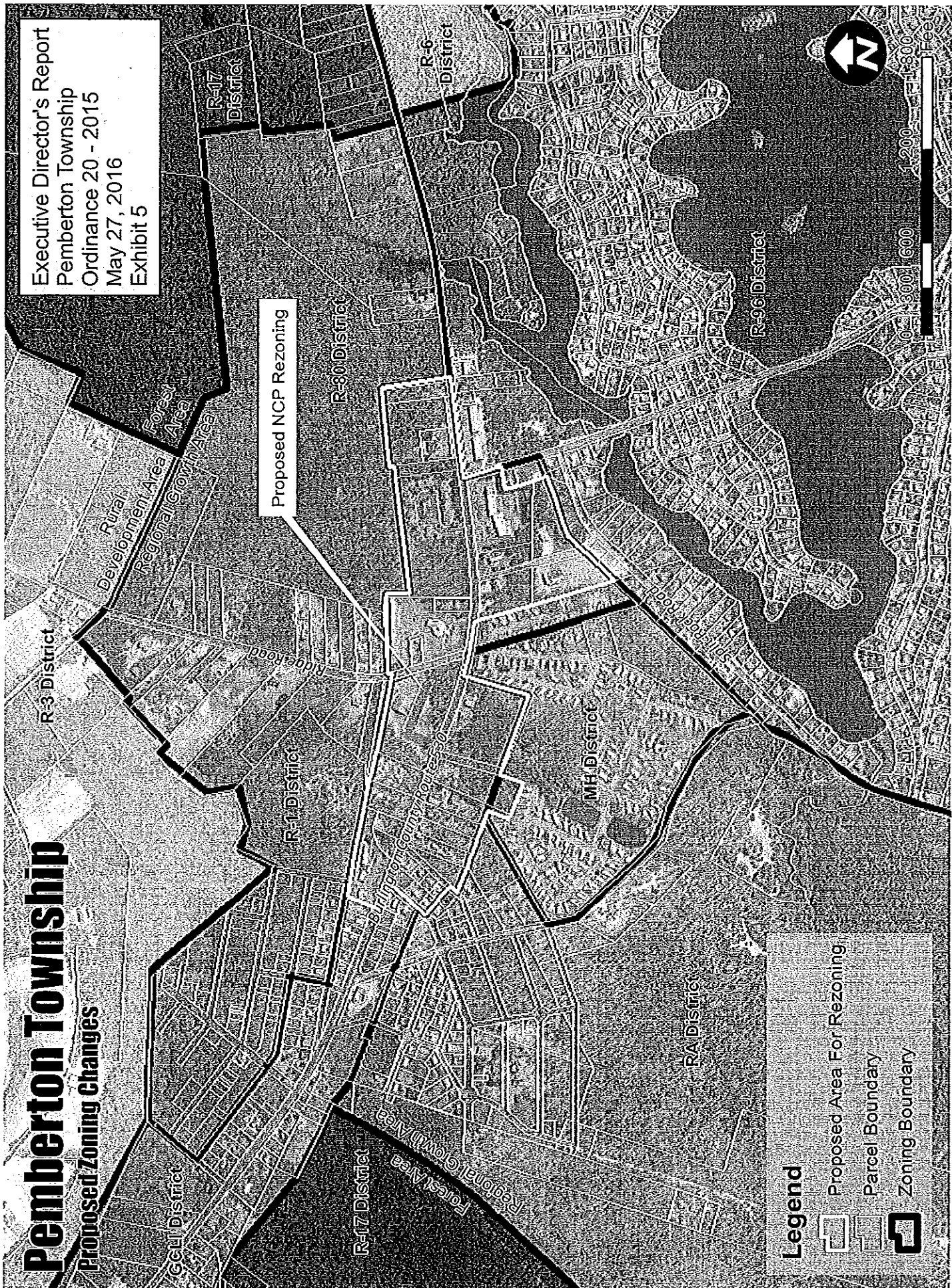
Proposed Zoning Changes

Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 5

Proposed NCP Rezoning

Legend

- Proposed Area For Rezoning
- Parcel Boundary
- Zoning Boundary



Pemberton Township

Proposed Zoning Changes

Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 6

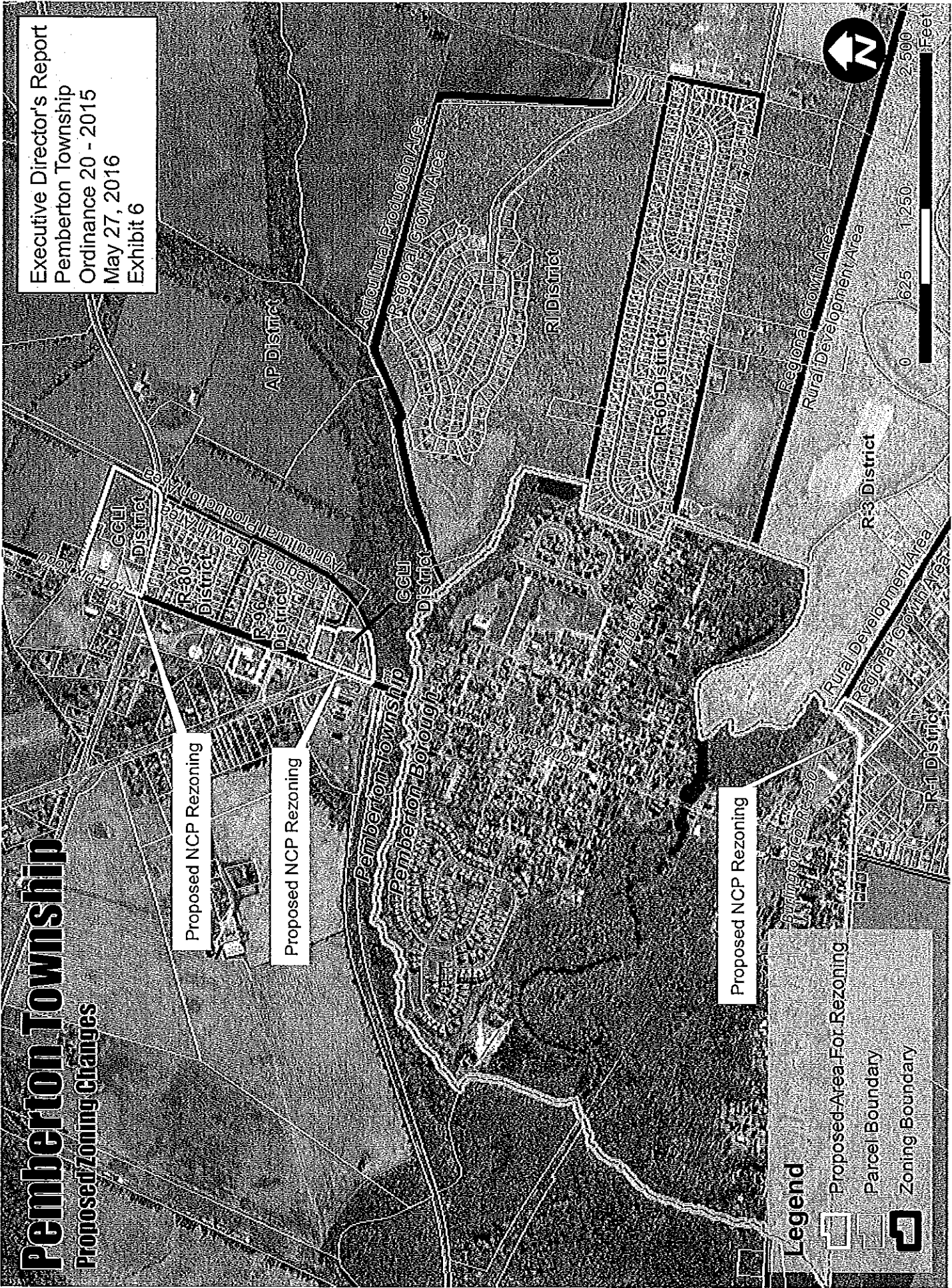
Proposed NCP Rezoning

Proposed NCP Rezoning

Proposed NCP Rezoning

Legend

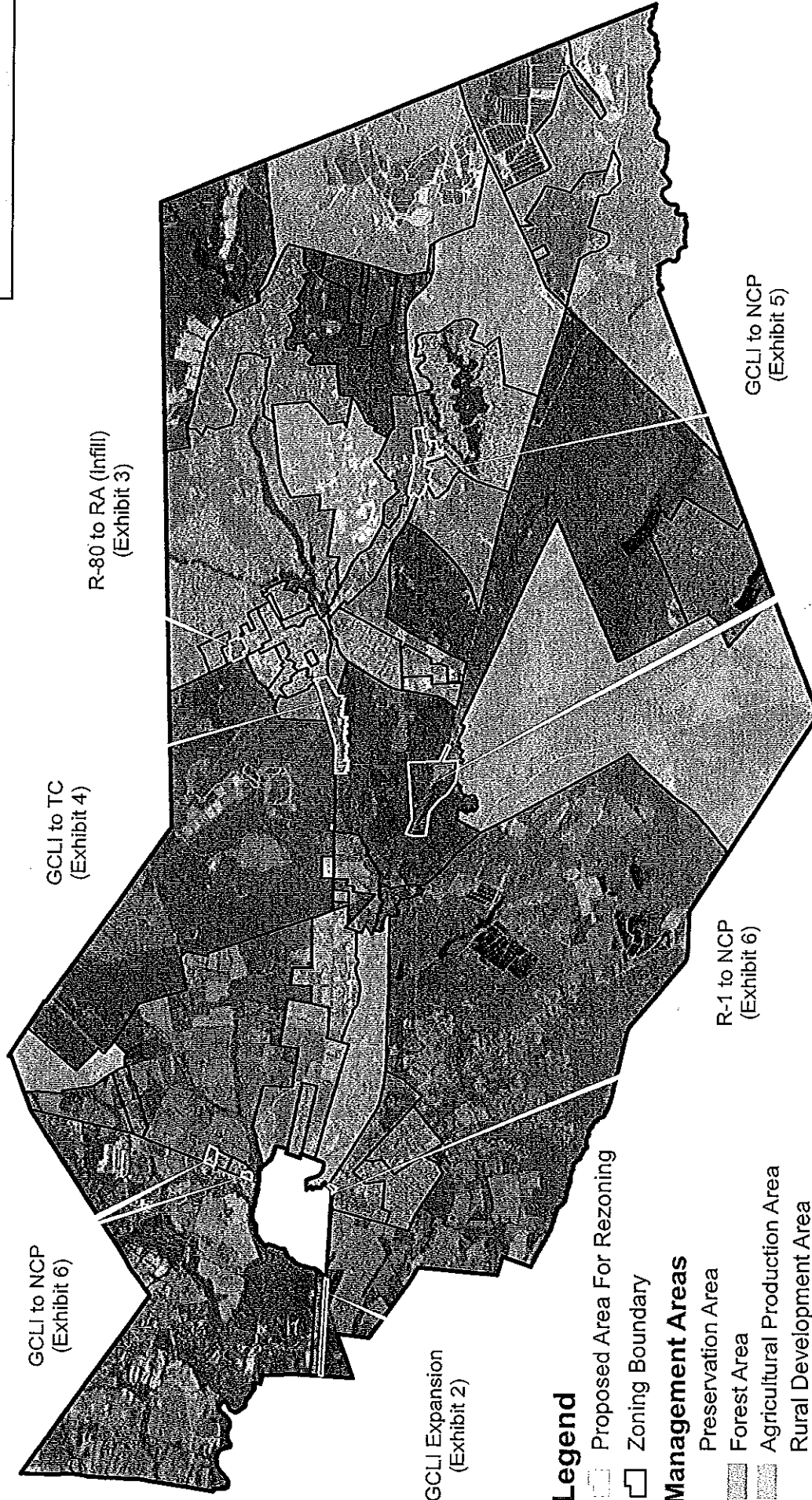
- Proposed Area For Rezoning
- Parcel Boundary
- Zoning Boundary



Pemberton Township

Overview of Proposed Zoning Changes

Executive Director's Report
 Pemberton Township
 Ordinance 20 - 2015
 May 27, 2016
 Exhibit 7



GCLI Expansion
 (Exhibit 2)

GCLI to NCP
 (Exhibit 6)

GCLI to TC
 (Exhibit 4)

R-80 to RA (Infill)
 (Exhibit 3)

R-1 to NCP
 (Exhibit 6)

R-17 to AP
 (Exhibit 1)

GCLI to NCP
 (Exhibit 5)

Legend

- Proposed Area For Rezoning
- Zoning Boundary
- Management Areas**
- Preservation Area
- Forest Area
- Agricultural Production Area
- Rural Development Area
- Regional Growth Area
- Pinelands Town
- Federal or Military Facility
- Pinelands Village
- Special Ag. Production Area

