

P U B L I C     H E A R I N G  
before

SENATE ENERGY AND ENVIRONMENT COMMITTEE

on

S-3091 and S-3138  
(Pinelands Protection Act)

Held:  
March 20, 1979  
Winslow Township Municipal Building  
Braddock, New Jersey

COMMITTEE MEMBERS PRESENT:

Senator Frank J. Dodd, Chairman  
Senator Lee B. Laskin  
Senator Barry T. Parker

ALSO:

Michael F. Catania, Research Associate  
Office of Legislative Services  
Aide, Senate Energy and Environment Committee

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SENATOR FRANK J. DODD (Chairman): Good morning, this is the second public hearing of the Senate Energy and Environment Committee. We will be considering Senate Bill 3091, and we will also be talking to the bill Senate 3138, introduced by Senators Russo, Perskie, Bedell and Cafiero, and we will be talking about the Governor's Executive Order on pinelands. That is why we are here. The members of the Committee are as follows: Senator Laskin, to my far right; Senator Barry Parker; Michael Catania, our Senate Committee Aide; Kathleen Crotty, the Director of the Senate; and, of course, the ever popular Senator Joseph Maressa. (Applause) It is at Senator Maressa's urging that we are here today, along with Senators Laskin and Parker. We have brought this hearing to the pinelands. This is where it should be heard and that is why we are here. We will try to conduct the meeting as orderly as possible. We are here to listen. We are not here to make any determination, or pre-determination. With your cooperation, we will be listening to testimony both for and against, and I will ask that courtesy be given to both sides, so that we may attentively hear the testimony.

MEMBER OF THE AUDIENCE: Let's have the pledge of allegiance to the flag before we start. We have a flag here. But, just in case they didn't have one, I brought one along with me. (Applause)

(Whereupon the Pledge of Allegiance to the flag was recited.)

SENATOR DODD: It is going to be a lively day, folks. I am going to ask Mike Catania to give a little background on the bill and the selection of the testimony that will be given, and how it was arrived at.

SENATOR PARKER: Before you start, I think you ought to outline as to how the people are going to be called and explain who is going to be called and how it was determined that they would be called. Second of all, it appears that as these hearings go, the number of people that have requested to be heard will not be able to be covered by any means at one hearing. So, there are going to have to be other hearings. If everybody is not going to be given an opportunity to be heard today, I respectfully request that the next hearings be held in Burlington and Ocean Counties, the heart of the pinelands. (Applause)

SENATOR DODD: Michael.

M I C H A E L C A T A N I A: The list we will be working on was developed by those who requested to testify at the last public hearing in Trenton, with the exception of the first three or four witnesses. Senator Maressa will make an opening statement, followed by Assemblyman Gewertz, and the local Mayor, Mr. Maise, and your Tax Assessor from Winslow Township. Following those four individuals, people will be testifying in the order in which they registered. Whoever is not heard today, the next hearing is scheduled for April 3, in Trenton in the Assembly Chambers. The list will be continued as of that day. If there is anyone here who has not yet testified who is interested in doing so, during one of the breaks today please see me, and I will put your name on the list, and we will get to you as soon as we can.

SENATOR DODD: Senator Maressa.

J O S E P H A. M A R E S S A: Thank you, Mr. Chairman. I just want to thank you for coming down here today, Pat, along with the other members of your Committee. You came here from East Orange. I know it was a long haul, and you are taking a lot of interest in determining and ascertaining what the true meaning of the bill is. That is rather important.

I want everybody here to know also in addition to this hearing that has been scheduled for April 3, Senator Dodd has indicated that he is willing to take a helicopter ride to view the pinelands and the pine barrens, whatever you want to call it, from the air. He will maybe even take a bus tour. Testimony is one thing. I have argued this with Pat. You can sit and listen to statistics, but there is no substitute for actually getting out and seeing what it is all about. (Applause)

So, I won't go into a long discourse. I want to thank you for giving me the privilege of saying what I have, and I appreciate what you are doing. Thank you.

SENATOR DODD: The Committee would like to call Assemblyman Kenneth Gewertz as our first witness. (Applause)

K E N N E T H     A .     G E W E R T Z: Senator Dodd, members of the Committee, my testimony basically will be limited to those aspects that I feel have been encroached upon by not only the Executive Order, but the text of what is endeavored to be done. I have to go along with the assumption that when we first founded this country it was with the idea that no one would ever amass so much power that they could become a dictator, therefore the divisions of power were separated into the various branches of government. We who are here today are part of the legislative branch, and in that function, I feel we have an obligation to protect the rights of people.

Now, I have to start out by saying that I personally am not opposed to anything that will save the core of the pinelands. I am in total agreement with that, but I am afraid that what is being proposed goes far beyond the saving of the pinelands. It goes to the ruining of people's lives; it goes to the taking of property without just compensation; it goes to the trial by the Executive Branch of government with the issuance of an order of this magnitude to test whether or not they are going to get away with it.

When legislation is promulgated, it should be promulgated from the Legislature. Unfortunately, Senator Merlino is not here, and I understand his feelings. I have known him for a good many years, and I believe him to be a decent person. To take a bill that the Governor hands you that is written so that it identically conforms to what I consider to be an abusive power of executive order, and submit that to the Legislature, and tell you that is the only choice you have, is not my thought of a democratic form of government. So, I think that the best way to settle the Merlino bill is to file it in its proper place. (Applause)

And what should replace that, Mr. Chairman, are the thoughts of the members of the Legislature, the people that are affected, be they environmentalists, or people that live in the area, the business community, the farmers, the sportsmen that are going to be affected and the people in the State of New Jersey, all of whom at some point in time are going to feel the repercussions of this executive order and the proposal presently before this Committee - both bills. The Russo bill is only the lesser of the two evils.

Now, I had occasion to read Executive Order 71. The Governor is in violation of his own executive order because on page two, section 1A, he decrees and orders that the Pinelands Planning Commission, pursuant to the Federal Act, all appointments shall be made no later than March 10, 1979, and we are all obviously aware of the fact that March 10, 1979, has come and gone and there are no appointments. Now, this raises some very serious problems. The first problem is, what do you do to a Governor who violates his own Executive Order? It certainly doesn't set a good example for all of the people who are affected, all the departments that have pulled all of the permits that have told people, you can't work, you can't make

proper use of your ground, or do you take the Governor's position and say, the hell with the law. We are a country of laws, but if he doesn't have to abide by his own order, then we really don't, either.

In violating the Executive Order, he also causes several other problems to occur. I understand that His Majesty has now returned from all of his various jaunts, and trips --- (Applause) To my knowledge, there are no celebrity tennis tournaments in the next week or so, and there are no parades, and he hasn't been invited to any foreign country at our expense, so I assume he will be in the State House, maybe. The question is, when the Federal act was passed, it stated that within thirty days of the day of enactment, the Secretary of the Interior shall request the Governor of the State of New Jersey within ninety days of such request to appoint this Planning Commission.

The Secretary of the Interior's letter is dated December 10th, and it starts out, of course, "Dear Brendan, as you know, Section 502 of the National Parks and Recreation Act of 1978, signed on November 10th, establishes the Pineland National Reserve in New Jersey. Pursuant to Section 502-D, this letter is to request that you establish within ninety days, a planning entity to develop a comprehensive management plan for the pinelands," and then it goes on. Now, ninety days from December 10th is March 10th. I honestly do not believe that any appointments made after that day would be valid without an extension of an act of Congress, because the law is the law.

Now, it further causes me a problem that by not conforming to the congressional act, Public Law 95-625, has the Governor in fact jeopardized the \$3 million that the act carries as an appropriation, because in order to get the money, you have to conform to the criterias and he has not conformed. In addition to that fact - in my opinion, this Executive Order is only the start of many that are going to affect many, many people's lives - I have to look at what it is going to do to the State of New Jersey. Nowhere in the history that I can remember has anybody been able to take a million acres of ground, most of which is still privately owned, and have the use of that ground or the control of that ground without having first paid for it.

The problems that this thing raises are beyond people's comprehension and people will say, well, the pinelands, that is the Wharton Tract. That doesn't concern us. People have to remember that people who own land there, many of whom have borrowed money to buy it, how are they going to pay their taxes? They will be lucky if they can pay the banks. If they can't pay the banks, then the banks don't have money to lend out to other people, do they? And, if they don't pay the taxes, then the reserve for uncollected taxes in each of the municipalities has to be increased on every property owner in order to make up that deficit. How do you get money for schools, or for other things if there is no industrial/commercial growth? How are we going to eat? What are we going to eat, the Governor's tennis balls, when the farmers can't grow food? I mean, this reaches the point of absolute absurdity. I don't want to belittle the matter, because this should be time given to the public. I cannot express in strong enough terms my feelings that this is the beginning of a total dictatorship in this State, absolutely unequalled in the history of any state in this nation. You have to remember that the Governor under the Constitution of the State of New Jersey has more power than in any other of the fifty states. Besides consideration given to all of this, I think we should start to look to a constitutional convention to straighten out some of these problems.

Power is a great thing. We have a problem that the individual who has that power has a lack of understanding of how to use it for the good of people. (Applause)

SENATOR DODD: Thank you. Senator Parker.

SENATOR PARKER: You may know, or you may not know, that the Legislative Counsel has indicated that the Governor may have overstepped his boundaries in the Executive Order. There has been some thought that the Legislature should intervene in the lawsuit now pending before the Supreme Court to exercise its rights. Have you any comments on that as to whether we should, or whether the Legislature should, in any way, participate, or whether this Committee should urge them to participate in the lawsuit to define the rights of the Governor, vis-a-vis, the Legislature.

ASSEMBLYMAN GEWERTZ: Yes, I forgot to mention that. I am going to move two-fold. First, I am going to talk to the Assembly leadership and ask that when we go back into session that a resolution be introduced and passed asking our Counsel to intercede in the lawsuit on the basis of separation of powers. I personally am going to introduce on the 26th a resolution for impeachment of the Governor for abuse of his--- (Applause)

SENATOR DODD: The Supreme Court will issue a ruling, I believe, on May 8th, on the Executive Order.

SENATOR PARKER: The point I wanted to make, and the point that maybe we should discuss as a Committee, is whether or not the Committee should recommend or advise our counsel to file a petition outlining the position of the Legislature. It would appear that there are certain rights, as the Assemblyman has indicated, that may be violated in the Constitution. And I think that the Legislature which has the primary responsibility for effectuating the will of the people and the laws of this State should be involved to protect their rights.

SENATOR DODD: We did that in the case of the Meadowlands.

SENATOR PARKER: We did that with the Meadowlands. We did that with the appointment of Senator Wiley, in which we were successful. He was not permitted to take a seat on the Supreme Court, and I think there is a vital interest here that should be guarded to protect us against what the Assemblyman has indicated here.

ASSEMBLYMAN GEWERTZ: Thank you. (Applause)

SENATOR DODD: This Committee will call Mayor Domenick Maise, Winslow Township. We first thank you for your hospitality in opening up your town hall which is magnificent.

D O M E N I C K M A I S E: Well, you are certainly welcome. I want you to know you are in a CAFRA area.

Chairman Dodd, distinguished Senators, I would like to introduce the people who are sitting here with me for the record. To my right we have our Planning Board Solicitor, Mr. Lewis Malony, and on my left, is Mr. Vincent Scrow, the Solicitor for the majority of the mayors of south Jersey who have selected me for better or for worse to represent them in presenting to you some suggested changes in reference to the Merlino bill.

While I concur with the Assemblyman, I do not want to tear a lot of papers up and create a show here, because I am more realistic about this problem, maybe, than he is at this point. I have a funny feeling when all the smoke has risen, we may find ourselves with legislation that we may or may not like.

At the Mayor's meeting, of which we have had five executive sessions, and several groups of the mayors together, we prepared something for your review and hopefully we will get you to understand our feelings with regard to the law that has been presented to us by Senator Merlino.

I would like to read a statement, and I will also give you a quick synopsis

of Winslow Township and how this affects us, because that in its own way tells a story, in that it affects the other 54 mayors.

Attached to my statement are four amendments to the Merlino-Yates bill, and I would like you to review them at your leisure. This statement is presented by me, on behalf of the majority of mayors affected.

It is admitted that there are rare ecological values in the Pinelands region. It is also admitted that there are sections of the so-called preservation zone which should be preserved in their natural state such as the Dwarf Pine Forest, the West Plains, East Plains, and the stream corridors of the various streams that empty into the Mullica River.

It is also admitted that the Cohansey aquifer and the aquifers that are lying beneath it should be protected. However, it is the contention of the mayors of the Pinelands that these considerations must be balanced with proper consideration of economic factors. Accordingly, the steering committee of the Pinelands Mayors Association submits the attached proposed amendments to the subcommittee of the New Jersey Senate for its review. In areas where there were contrary opinions expressed within the steering committee there are alternatives posed which are minority reports from the steering committee. We present to the Senate for a determination at their discretion both the majority and minority reports for their consideration.

The first consideration was given to the creation and implementation of the Commission required under the Federal Act. In this area many of the recommendations of the Perskie-Russo Bill were incorporated. The steering committee accepted and recommends unanimously the provision in the Perskie-Russo bill providing that the gubernatorial appointments to the commission be with the advice and consent of the Senate. It also accepts unanimously the Perskie-Russo position that all actions by the Commission appeals should be by a majority vote of the entire membership because it is the belief of the steering committee that to require a two-thirds vote on individual appeals would be contrary to the intent of the Federal Act which prescribes a balanced appointment process with seven members being appointed by the Governor and seven members being appointed by the County Boards of Freeholders. A two-thirds vote could give control to any faction that desired to obstruct relief for hardship cases.

Conversely, it is the position of the Commission that the comprehensive management plan that will determine the long term destiny of the entire Pinelands area of over one million acres should be approved by a two-thirds vote. This position is taken because it is the feeling of the steering committee that requiring a two-thirds vote in this area forces the appointee to compromise and reach some sort of agreement in areas of controversy before the plan can be adopted. This is in line with the balancing of environmental, economic and local interests as required by the Federal Act. These recommendations as set forth above are all unanimous recommendations of the Committee.

Inserted in the bill attached hereto as the majority report is a provision completely removing the power of the Governor to veto any action of the Commission. This provision was desired by the entire committee.

However, certain information has reached the committee which would indicate that the preservation of the veto power may be a provision that is not the subject of compromise with the administration or with the sponsor of S-71. Because of this practical political problem, the steering committee has drafted an alternative to the exclusion of the veto power calling for giving the Legislature an override power which is Schedule A of this statement.

The steering committee has adopted the position that the executive director of the Commission should be appointed by the Commission, shall have a stated term of three years and shall be removable for cause only. This provides continuity for the administrative input the Commission needs in the planning process. The steering committee also takes the position that the commission should appoint its own chairman from among its members who shall serve at the commission's pleasure.

The executive director should be serving the Commission and be subject to its jurisdiction and control. To do otherwise would make the executive director solely an agent of the administration whose first allegiance would be to the Governor as to the source of his appointment. This would especially be true if the executive director served only at the pleasure of the Governor as stated in S-71. The steering committee could accept, if absolutely necessary, the appointment of the executive director by the Governor for a three year term and with the advice and consent of the Senate as set forth in the Perskie-Russo bill. This would at least give the executive director a degree of independence so that he would not be under the complete control of forces outside of the Commission. The right of the commission to appoint its own chairman would appear to be an inherent right of an autonomous commission which is alleged to be an ongoing regional planning board with some of the attributes of a regional zoning board.

The steering committee has also revised the terms of the county representatives who would receive the particular terms as designated on the commission. It was the unanimous position of the steering committee that the three counties most affected by the Legislature are Ocean, Burlington and Atlantic Counties. Accordingly, it is the feeling of the commission that the representatives of these counties should have three year terms.

The steering committee unanimously takes the position after reviewing the permits that have been issued in the past two years through the Pinelands area, that there has not been any "current pace of random and uncoordinated development and construction in the Pinelands area that poses any immediate threat to the resources thereof." Our review indicates that the building permits issued in most of the communities involved in the so-called preservation zone have been minimal in number with the possible exception of the senior citizen community in Manchester Township. Accordingly, the third paragraph of the legislation inserted to justify the moratoriums imposed by S-71 has been amended accordingly.

The steering committee unanimously adopted a clarifying amendment to Section 3a entitled "Application for Development." The unanimous position of the steering committee was that those applications for development which should be controlled are subdivisions, site plans, planned developments, conditional uses or zoning variances relating to undersized lots or use variances or zoning variances relating to undersized lots or use variances as set forth in the Municipal Land Use Law. It is the position of the steering committee that the additional language added to that definition in S-71 only obscures its scope and creates ambiguity and if the original language was intended to create exceptions to the scope of the definition, such exceptions should be covered in separate sections inserted in appropriate sections of the act.

Two overall concerns unanimously motivated the steering committee. These concerns were S-71's lack of legislative oversight over commission or executive action and the act as presently constituted would create an additional huge bureaucracy and an excess of red tape and delay as relates to affected individuals. Accordingly,

suggestions have been made with these problems in mind.

The comprehensive management plan which is so vital to the future of the entire Pinelands area should definitely be subject to review by the elected representatives of the State of New Jersey, namely the State Legislature. Accordingly, this act provides that after the commission adopts its comprehensive management plan by a two-thirds vote, said plan shall be submitted to the Senate and General Assembly to be reviewed by the legislative oversight committee with the Legislature having the right after said committee review is completed to either adopt said plan, disapprove said plan or modify same. If the plan is rejected or modified by the Legislature it is returned to the commission for action on the recommendations of the Legislature which must be completed within 90 days from the time of resubmission to it. If the plan is accepted as originally submitted, it must be approved by a concurrent resolution of the Legislature and it is then submitted to the Department of the Interior. If it is resubmitted to the commission and then returned to the Legislature after reconsideration, it is presumed adopted if the Legislature does not pass a resolution within 60 days after it is returned to Legislature disapproving the plan as resubmitted, and it is then forwarded to the Department of the Interior.

Two minor changes have been made to the boundaries as set forth in Section 11. A triangular area of approximately 5,000 to 6,000 acres lying between Jackson Road and Taunton Road on the east, Stokes Road on the north, Route 73 on the south and coming to a point at Marlton has been omitted from the Pinelands area. This has been done because the area in question is already the subject of extensive development with improvements being constructed and a sewage disposal plan having been approved. Subjecting this area to change through a comprehensive management plan at this late date within an area already almost completely in the process of development would create extreme hardship on the developers who have made substantial financial commitments therein.

The preservation zone has been amended to omit therefrom the areas in close proximity to State Highway 206 that are not part of the State Forest, those areas within the Rancocas Watershed which are privately owned in areas of Woodland Township Shamong Township and Tabernacle Township and portions of the existing built-up communities in said townships. All of these areas are at least 15 miles west or north of the Dwarf Forest, the East and West Plains and the other areas which have rare and endangered plant and animal species and have unique ecological characteristics. State acquisition of these areas would appear to be completely unjustified.

An obvious rule of construction has been unanimously adopted. Where a preservation zone boundary is an existing road, the boundary of the zone has been set 500 feet from the edge of the right of way toward the interior of the zone. To do otherwise would be to permit homes on one side of the road and not on the other, despite identical environmental characteristics.

The steering committee has also unanimously recommended the elimination from this act of all lands within the C.A.F.R.A. zone in the belief that to subject this area to control by the commission in view of the present CAFRA controls would create an overlapping bureaucracy. However, the provision requiring CAFRA areas within the Federal boundaries to be coordinated with the goals of the Federal Act remains in order that the Federal mandate can be met.

A major concern of the steering committee was the scope of the duties given the commission. We feel it is unreasonable to expect 15 part time commissioners to develop a comprehensive management plan covering over one million acres and serve

as well as a regional zoning board hearing every single appeal of those who are being hurt by either the moratorium or by the eventual plan. We have preserved as part of the majority report, the procedure set forth in S-71 during the 18 month interim period under which the applications for relief are heard by the commission. This, however, is only feasible if the moratorium is lifted completely on the so-called protection zone. The commission would then only have to hear appeals within the preservation zone. The majority opinion thus completely removes the moratorium in the protection zone and provides for review by the commission of all hardship applications in the preservation zone which review would be determined through a majority vote as per the Perskie-Russo application. Retaining the present moratorium along with the present appeal procedure would in effect result in individual rights being determined by staff personnel in view of the huge workload, and this the committee found extremely undesirable.

If, however, the need to protect the aquifer requires some kind of interim restraints on the protected zone, it would then be absolutely necessary that the procedure for hearing individual appeals during the planning period be streamlined. Accordingly, there is attached hereto an alternative (Schedule B) which would preserve a limited moratorium in the protection area but would provide that all applications for relief throughout the Pinelands area would be heard first by the local planning or zoning boards as the case may be, then by the county planning board where required, with any aggrieved party having the right to appeal the final planning board or zoning board decision within 15 days to the commission. This would limit substantially the number of individual appeals that the commission would have to hear and concentrate on those where there is a substantial question as to the decision made on the local and county levels. This would vastly reduce the load on the commission and limit the size of the staff that would be required to handle these matters. This part of alternative B could stand alone as Alternative C even should the moratorium be lifted in the protection zone and is recommended as a separate minority report.

However, the steering committee in the majority report provided by unanimous vote for the same procedure on applications for development within the Pinelands area shown as part of Alternate B and as a separate Alternative C be used after the plan is adopted with applications for development to be through the local boards with appeals to the commission by aggrieved parties in the manner above stated. This is so the Commission after it completes the plan would remain in existence as a planning entity and only as an appellant tribunal from local decisions as to applications on developments. All appeals to the commission would be on the record below and limited to the issue of whether the application complies with the final plan.

The steering committee unanimously adopted the recommendations of the Perskie-Russo bill that the commission would prepare and adopt an economic impact report and has used the language of the Perskie-Russo recommendations but have extended the scope of the economic impact report throughout the entire Pinelands area in the belief that the economic impact in terms of loss to the municipality and to the individual landowner should be evaluated in the entire area. The steering committee cannot understand why these loss factors should not be evaluated as to all affected landowners or municipalities. However, the steering committee has not incorporated the Perskie-Russo provisions relating to the referendum and bond issue as a condition precedent as it was the feeling of the commission that such would unduly restrict the implementation of the plan when adopted and possibly fail to carry out the mandate of the Federal Act with resulting loss of Federal funding.

Certain exceptions have been inserted to the scope of the act. These are firstly an agricultural exemption; secondly, an exemption of individual lots acquired prior to the moratorium of Governor Byrne, where the lots conform to the then existing DEP ground water and septic system standards where the lands are in the critical area and where the lot conforms to both local zoning regulations of the municipality and Chapter 199 of the Individual Sewage Disposal System Code and where the particular lot if it is in the preservation zone is one acre or more in size. The third exception has been inserted for developments where all or part of the permanent improvements as required by the Local Subdivision Ordinance have been installed or in the alternative where the performance bond has been filed and individuals have been sold lots within the subdivision prior to February 8, 1979, in reliance on the prior preliminary approvals. These last two exceptions are required to protect vested rights in lot owners and developers who have invested substantial sums of money in reliance on existing law prior to the imposition of the Governor's moratorium. In some cases, the entire life savings of individual lot owners and small developers are at stake or borrowed capital is involved.

In the protection zone only an exception has been inserted for developers who have their applications in to the local board by February 7, 1979, because of the financial losses involved.

Section 13A of S-71 has been completely removed since an interim restraint on all local applications would appear to accomplish the purposes of the act without subjecting the individual to the risk of bureaucratic freeze in Trenton where the provisions of the act as to local approvals have been fully complied with.

The first refusal provisions of S-71 have been deleted pursuant to the Perskie-Russo recommendation as we do not see where the Executive Branch should have a right to control ownership of land as an adjunct to land use controls and we feel this section is a completely unwarranted intrusion into the constitutional rights of landowners.

I have attached schedules A and B, and they are self-explanatory. I would just like to say this was presented to the Mayors last Sunday evening. It was adopted unanimously at that meeting, and we present it to you for your consideration and review. I would at this point like to make a reference to Winslow Township. In Winslow Township we have fifty-eight square miles of land throughout the area, and we have 37,000 acres. In this giant so-called area we have farmland that is about 8,000 acres and we have exempt land that is either charged or exempt by regulations of law, something like 6,100. And I emphasize this. Why in the hell does the Governor see fit to make that area of Winslow Township part of the protection zone is beyond me. Because here he has direct control right now of 5,000 acres in Winslow Township that we cannot build anything on at no time. I think if the Governor took a look and saw some of these towns in the area which he made the protective zone, he would have seen that he had enough land to protect the rights of the State, if that is what he is trying to do.

I might also say in Winslow Township we can only build on about one-third of the properties. Just to show you, because pictures are louder than words, the green on this map is Winslow Township and this is what Mr. New Jersey owns, all this green throughout here, and this is Winslow Township.

SENATOR DODD: Is that state owned property?

MAYOR MAISE: This is land that they purchased. They just purchased about 1600 acres and the rest of it we gave to them many years ago and some of this is owned by the Ancora Hospital which is really taking tax dollars away from us, when

you look at it realistically - and I don't like to complain - if this goes on and on, somebody has to stand up and tell somebody. Somebody has to have the guts to say, hey, look, it is about time we stopped taking encroachments in these towns. If they are going to say in one breath put 5% caps and you are going to say in another breath hey, you can't expand and grow, and yet in another breath you are saying, hey, you can't expand and grow and in another breath you say, hey you have to have sewer and water, and then in the other breath, when you do buy a plant for sewer and water, and you have a 50% capacity, how in the hell are we going to get the money to pay for the other 50%? We are in that dilemma right now in Winslow Township. And I plead with you to go back and do something to help not only Winslow Township, because we are one of many I am sure there is another township that has the exact same problem.

We try to comply with the rules and the regulations. We try to play the game right, but when we look at our tax structure and you continue to say, hey, you cannot continue to build your little town while we have this empty space - and we build it on the growth of about \$10 million in rateables a year, and there will be a saturating point, and it will stop some day - but while you build that, at least we don't have a local purpose tax. And, I am proud to say that to you. If you want to come down to south Jersey to live, we don't have a local purpose tax yet. But, I am telling you--- (Applause)

But, I am telling you this is what has me jumping around more than anything, because now we are taking away, at least as I see this bill, the right of towns to grow in an orderly fashion and to create the rateables to carry on our business. While we talk about these problems, I am sure I can go a little bit deeper into that. The Ancora situation has bugged me forever. You know, we have a situation right there at Ancora where we at one time got \$38,000 to teach about \$150,000 worth of schooling to children. Now they took that away and now they are saying we are not entitled to that for some reason or another. So, now we have a situation where people live at Ancora and pay no tax to this township, and let me tell you there are over 150 some houses, maybe more over there, and they live very healthy, and wise, and God bless them, if that is the way the State wants to operate. But, we teach their kids and we take care of their problems and we can't get one dime for the things that we have to service that area with, cops, schools, roads, you know, all the things, plus the fact of the walk-aways, and the chasing after them, that kind of an expense.

When you continue to take away from us like this, I say to you, my dear friends, take a good look at this bill. Personally, I think that we ought to scrap the whole damn thing--- (Applause)

My reason for that is, simply, when I find the pine barren area is about 33,000 or 36,000 acres already owned by the State, and I think if they were able to buy a little bit more, they would then preserve that area, and I think by going out into the protective area, and by my suggesting that you do that, it is certainly to the detriment of all those concerned.

I have just one more statement and I am sure you know about this. But, I would like to repeat it. I have the best friends in north Jersey, in New York and Pennsylvania, and God be it for me that I wouldn't want to give them water if they needed water, but when I talk to some of the environmentalists and some of the other people, they are saying, we have to preserve the water. We want to keep the water here for us, yes. They do not know or don't care to look at the Army Corps of Engineers study, and here it is, my friends, south Jersey groundwater, pine barrens, here are the pumps, here are the lines going into New York, Pennsylvania. I have no objections to that. (Applause)

Here is the study; you can have it. Honorable Senators, I think it is rather important. I mentioned it because I wanted to make sure that if it is a question of water we are talking about, making it pure, then say to us, hey, Mr. Winslow Township, put sewer and water in that town and make it come out pure so we don't pollute the ground; let's do that; let's go in that direction, not by taking over the land and confiscating it in this manner, where we get all these people aggravated, and on my back and on your back and on the poor Governor's back. I am sure he doesn't want to do this to intimidate anybody. I am sure he has his problems. I am sure he is trying to do the best thing for the people, and I am sure when we elected you fine people that that is the checks and balance system.

With these few remarks, I wish you will go back and throw this in the waste paper basket or come up with something that is workable and reasonable. (Applause)

SENATOR DODD: I would like to explain to you people that if we do take the bill or bills and throw them in the garbage can, the Executive Order still stands. That is our problem. That is why we are here.

MAYOR MAISE: Well, let me just say this: The Executive Order, you say you fellows are going into the courts in reference to that matter, on May 8th. That was my reason for saying that if I had to support the bill, and if I had to ask for some discussions in that matter, I appreciate your bringing it up.

As long as the moratorium is on, we are going to have to support the Senate and the Assembly, those who are interested, to do something to have some peace in the matter and relief for everybody. I hope the Governor can be persuaded by you fine gentlemen. You know, we are all human beings, and after your hearings throughout the State of New Jersey, if you suggest to him, maybe you ought to lift this moratorium on the facts that you have before you, he may reconsider that. I doubt it; I don't know, but there might be other reasons he has, but I don't know of them. But, I agree with you, and that is why I am supporting these bills, with the few changes in the bill that you have before you, hoping you will do at least that much for us.

SENATOR DODD: On behalf of the Committee, the detailed work that you did, the proposed amendments of the Mayor's Coalition and the Solicitors, you are to be absolutely complimented. We hear so much rhetoric, everybody is against this. It is easy to be against anything. But, to come up with positive changes that can make a workable bill, you are to be complimented. (Applause)

SENATOR PARKER: I have just a couple of questions. You are speaking as a representative for all the south Jersey Mayors; do I understand you correctly?

MAYOR MAISE: The majority of the south Jersey mayors; I have been selected as their chairman. The last comments were as the Mayor of Winslow Township. The proposals that I have given you are from the steering committee. I want you to note that we had a meeting of the mayors last Sunday night and we unanimously approved the executive committee's recommendations.

By the way, I might say this to you: The Executive Director of the North Jersey Mayor's Association was at that meeting and heard these comments and heard these discussions, and he also gave us his full support in the suggestions that we have before you. We are going to be with them the 29th. We are working together with all the mayors of the State of New Jersey. We intend to contact every mayor in the State of New Jersey and advise them of this problem. We wish they would get out and support us in north Jersey as well as south Jersey and request the legislative branch of this government in this state to do something about this bill.

SENATOR PARKER: I have just a couple of questions. One of your recommendations was that you have a two-thirds vote on the approval of the plan. There is no such requirement in the federal legislation, and why do you suggest, as opposed to a majority, that you should have a two-thirds vote?

MAYOR MAISE: It seems to me that that bill says two-thirds the Merlino bill.

SENATOR PARKER: The Merlino may say---

MAYOR MAISE: I am saying 51%, the majority rather than---

SENATOR PARKER: I may have misunderstood you. I am looking at page two in which you say that you should have a comprehensive plan and that the plan should be approved by a two-thirds vote.

MAYOR MAISE: Yes.

SENATOR PARKER: I understood you to say that it was in the federal bill, and that you were bringing that into compliance. I don't recall anything like that in the federal bill.

MAYOR MAISE: I don't think I said that.

SENATOR PARKER: I am sorry.

MAYOR MAISE: What we are saying is, once the plan is adopted then anything else will be 50% instead of two-thirds.

SENATOR PARKER: I understood that part of it, but I thought when you wanted to adopt a plan you wanted a two-thirds vote.

MAYOR MAISE: I think it should be 50%, but the discussion was a two-thirds vote to adopt a plan because it gives everybody a shot into that, and it has to be right.

SENATOR PARKER: And you also objected to the veto power of the Governor. This has been brought up a couple of times, the veto power over the minutes of the authority or the commission. Are you aware, for instance, that the expressway that goes through your community here, the Governor has the veto power over the minutes of the Atlantic City Expressway, the Garden State Parkway, the Turnpike, the Meadowlands Commission, and some of these other commissions, that we give autonomous power to.

MAYOR MAISE: Well, if you will remember, I said that we have to stand up and be counted. The past is the past. We are looking at the future. I don't believe you can have a commission of fifteen people or so to do a job, that anybody who is sitting a hundred miles away should have the power to look at a minute book and say, out. Nothing is workable, and whatever they did is completely out. I don't think that is what you want, and I don't think that is what the constitution says, and if it does, somebody better straighten me out. While that may be true, we are saying, hey, this is more touchy than anything that we know of affecting every little person down in the village. We think that he shouldn't have that.

SENATOR PARKER: You also recommended a legislative oversight, or a vote by the Legislature to approve the plan, and I am somewhat concerned about that. First of all, just the ability of the Legislature to review that, we don't really do that except through bond issue appropriations which would overview the spending of state money to acquire that. I assume you will have that in Green Acres, because the money is coming from the Green Acres to acquire the pinelands, or the core area they are going to buy.

I just wonder why you think the Legislature in this instance should have that review.

MAYOR MAISE: It is very simple. I elected my man. I elected him, and if something isn't right, I am going to him. I can't go to that commission that the

Governor has appointed. As a peon - and that is what I am - I want to go to somebody who is elected and say, look, do you know what they are doing. At least you have the right to review it. You may adopt what they give you and say, okay, we are going to go with it. But, I think you should have that right as the legislature to have the right to review this, because without that right, we may run into a situation where---

You know, my experience is, when you appoint people on boards, there is only one Jesus Christ. They become Jesus themselves, and that to me is not so. We elected you fellows. And I have one man that I pray to, and this is the only guy, and this situation is for elected officials. You fellows should have that right. You may want to say, okay, fine, well done.

SENATOR PARKER: Well, the reason I asked the question is, we have in the past unanimously passed a bill which would require the Legislature to approve administrative regulations before they go into effect, and the Governor has vetoed that on two separate occasions, and I wonder how. You are realistically saying to us that we can build this into this bill.

MAYOR MAISE: In my job, I work for the Ship Builder's Union, and I negotiate contracts. If you have a give and take, let's get something done, and if the Governor wants that, what can I say to you? But take away the moratorium.

SENATOR PARKER: Just one thing further, you didn't mention this, maybe your tax assessor is going to do this, the in lieu of tax payments that would be made to a municipality to save and harmless from any loss in rateables and the loss in the tax structure ---

Did your Committee take that into consideration?

MAYOR MAISE: We talked about it, and as you good Senators know, and as the past problems of monies and help goes, with all the strings that are tied to it, we say, hey, that is a bunch of hogwash. We don't have any faith in it.

SENATOR PARKER: In lieu of tax payments, you don't think there is any benefit or---

MAYOR MAISE: I can tell you that in the township we used to assess the machinery. But, all of a sudden the State came along and said, we will take that. They take what we have, and they take what we were getting and our people are paying the difference. I don't know where in the hell the other money is going, but it isn't here.

So, I say to you that while that might be looking nice, and it might be pretty and it is a good show, I have no faith in it, how the teeth are going to hang on to say, yes, Mr. Winslow Township for all that you will get this.

SENATOR PARKER: So, as a good negotiator, don't you think we ought to put it in?

MAYOR MAISE: Yes, I suggest you put it in. (Applause)

SENATOR DODD: The \$67 million fund will be used for the acquisition, and we are trying to get a clarification as to whether there will be additional monies for the acquisition for lands. I think the municipalities making up for tax loss would be over and above that. That is unclear right now.

SENATOR PARKER: Yes.

SENATOR DODD: Is there anything further?

ASSEMBLYMAN GEWERTZ: Senator Dodd, there is one point the Mayor makes, if you take the structure of government, you understand that when everything was divided down, the county government, to the local government, to municipalities,

and they have planning boards and zoning boards, under both proposals and the moratorium order, local government is nothing. I mean, they can make no decisions, and that is the contact with the people. That is the access that the public has, and both of these things take that right away. They can do nothing.

SENATOR DODD: I would like to compliment the people of Winslow Township for their foresight in having selected this man. (Applause)

Folks, we are going to move right along. We will be going until late this afternoon. We will be taking a very short lunch probably around one o'clock, and I will ask the people who are testifying from here on in, if you have written statements, give us the statements and highlight. So, we are going to try to limit to ten minutes. The purpose for us being here is to hear, to listen to you.

I would like to call on Steve Kessler, the Tax Assessor of Winslow Township.

S T E V E K E S S L E R: Senator Dodd, Senator Laskin, Senator Maressa, I am honored to be able to speak to this Senate Committee on behalf of the Pinelands situation. I would like to introduce the gentleman on my right who is Albert Stack, the Tax Assessor in Waterford Township. Waterford Township and Winslow Township are the two townships affected in Camden County by the Pine Barrens Act.

Briefly what I would like to read is a resolution that was adopted by the Association of Municipal Assessors of Camden County, and it reads:

"Whereas Governor Brendan T. Byrne has signed an Executive Order banning construction in the Pinelands area for eighteen months; and

"Whereas, this moratorium will place a strain on rateables, budgets, as well as cause an increase in the number of tax appeals so affected,

"Be it therefore resolved that the officers and members of the Association of Municipal Assessors of Camden County do hereby express opposition to said Executive Order and hereby request that Governor Byrne re-consider this action."

Now, basically you have heard Mayor Maise speak on different situations of state-owned property within the township. Winslow Township currently in its tax books has 9,662 acres of vacant land, or 26% of the township; 6,174 acres of land is exempt land or 16%; 5,000 acres of this land is rate property, or 17% of the total area of the township.

Also, 7900 acres of land, or 21% of the total land in the township is receiving preferential treatment under the Farmland Assessment Act. Now, what happens with this moratorium, it takes away any increase in rateables which the township will receive to keep our tax rate down. Basically since 1971, since I have been an assessor in the township, our rateables have increased approximately \$10 million per year. Take away this \$10 million in our current tax rate, which is \$2.51 per 100, it would be \$2.92 per 100 of assessed valuation. The average home in Winslow Township is assessed at approximately \$40,000. This would cause the homeowner to be paying \$164 more dollars per year in taxes.

Also, as you heard Mayor Maise testify, Winslow Township has no local purpose tax. But, if this moratorium goes into effect, I can see no way the township can survive any longer without a local purpose tax. I think you must also consider the fact that the revenues received from added assessments, omitted assessments, which is generated by new construction, is also exempt from the 5% cap law. Take this away from the communities throughout the pine barren areas, and it will put a greater burden on the governing body within these townships.

SENATOR DODD: Mr. Kessler, what about the bonding?

MR. KESSLER: It will also affect our bonding, as far as the total amount or value of the township will not expand and when the township floats bonds, it will

not be able to have equipment---

SENATOR PARKER: With no local purpose tax, you probably don't need bonds, do you?

MR. KESSLER: I believe we did float some bonds for the purchase of the sewer plant. Winslow Township has just purchased the---

SENATOR PARKER: That is a separate authority, is it not?

MR. KESSLER: No, it is not.

SENATOR PARKER: That is municipally owned?

MR. KESSLER: Yes, sir.

SENATOR DODD: What is the rate?

MR. KESSLER: The sewer rate, I believe it is \$135 per year.

SENATOR DODD: I am going to bring all you people back home with me.

SENATOR PARKER: You are one of those municipalities who has, quote, unquote, a windfall from a utility within its boundaries?

MR. KESSLER: We do receive some gross receipts tax from the switching station. I am sure the Senator, when he came down the Atlantic City Expressway, he could see the high tension lines going through the township. Now---

SENATOR PARKER: Now, you don't have natural gas or any facility that would pay a gross receipts to you in excess of the power lines and the other municipalities.

MR. KESSLER: We do have a switching station. That is where you see the high tension lines coming in.

SENATOR PARKER: And that keeps your high taxes down?

MR. KESSLER: That's right. It assists us greatly.

SENATOR PARKER: Either that, or the Turnpike where you can get revenues from tickets.

MR. KESSLER: Yes. Basically, that is all I have to say on that matter. I know you are going to hear a lot of testimony. I do think you should consider the effect it will have on the tax rates of the communities within the pine barrens. The increase in rateables is a life blood. I think, Senator Dodd, you are from a city up north, and you can see what is happening to Newark and Jersey City, without an increase in rateables, their tax rates are climbing higher and higher all the time.

You can see right now Atlantic City with the casino industry, that has helped to keep their tax rate down. In fact, Atlantic City wants to exceed the 5% CAP and they can do it without increasing taxes, because of the new industry.

SENATOR PARKER: As of this morning they couldn't.

MR. KESSLER: Well, I am saying they could with the increase in rateables. The increase in rateables is our life blood.

SENATOR DODD: Senator Laskin.

SENATOR LASKIN: I have no questions. But, Senator Dodd, I am concerned about one thing. It has nothing to do with Mr. Kessler's testimony. It is now 11:23, and we have heard three witnesses. The list that was submitted to me has 75 witnesses for today's hearing and I am concerned that so many people who are here and would like to talk will never be reached today if we continue on anywhere near the schedule that we have maintained so far.

SENATOR DODD: Do you have any suggestions?

SENATOR LASKIN: The only suggestion I have is, if everyone cooperates, no applause, no demonstrations, and if we try to ask specific questions without making too many speeches of our own, maybe it will help. There is no way we will ever reach 75 witnesses today.

SENATOR DODD: The witness list is a continuation from the last hearing, and it will go on to the next hearing. It is an ongoing list.

Is there anything further, Mr. Kessler?

MR. KESSLER: No, sir.

SENATOR DODD: Thank you very much. (Applause) I would like to call on Judith A. Palombi, Medford Township Committee.

J U D I T H A. P A L O M B I: My name is Judith A. Palombi and I am a member of the Medford Township Committee and the Medford Planning Board. I am also a member of the League of Women Voters and have chaired committees dealing with land use. I appreciate the opportunity to speak before this Senate Committee today to support the Merlino-Yates Pinelands Protection Act.

I am in the unique position of having the practical experience in trying to blend development and environment. Medford Township has accomplished on a smaller scale what the Pinelands Commission has been charged to do; that is, balance the interest of the private use of land with environmental integrity and public good.

If I might just very briefly deviate from the speech, I don't believe that Medford Township was a member of the South Jersey Mayors, or participated in that. Medford Township is not on record as opposing the moratorium. The mayor has not spoken out--- In fact Medford Township in concept is in support of the pine barrens bill. I came here with a concern in terms of the jurisdictional line in the core area. In the original, Federal, and PRC, you included what is called the West Jersey bogs within the area. That has been omitted, yet it is a drainage area in the headwater for the Mullica. When I look briefly at the map presented by the South Jersey Mayor's Association, most of Medford is omitted, and I want to go on the record as stating that is not our desire to be omitted at all. According to an environmental statistical study done by Ian Mc Card, an eminent environmentalist, two-thirds of Medford is within the pines, and I will submit this report to the Commission for their review.

Due to tremendous development pressures and a desire to maintain Medford's physical character, Medford Township found it necessary in the early '70's to spend \$150,000 on an environmental resource assessment similar to the study mandated by the Senator Merlino-Yates bill. The major benefit of the "Medford Report" enabled the township to balance environmental concerns with the proper use of land. During that period, Medford enacted several moratoriums to give a "breather" from intense development pressures which, I might add, did not result in lower land values and economic disaster.

Medford just passed what I believe to be the first environmentally based ordinance in the State. According to the many developers which appeared before the Medford Planning Board - and I see many of them here - Medford has some of the most stringent subdivision requirements in the State. All plans are subjected to an environmental planning consultant as well as the standard engineering review. In addition, we also require the developer to send plans of 10-lot subdivisions with septic systems to Dr. Lowell Douglas for review of septic system impact. Because of development requirements found in the ordinance, Medford has become one of the most desirable, sought after communities in South Jersey. Our land values - to the good and to the bad - are double that of neighboring communities. I make this point because there has been so much written and said, that strict regulation of the pines will cause economic hardship and lower land values. This certainly is not the case in Medford Township.

I have listened to the arguments that prohibiting or limiting residential

development will result in substantially higher taxes. This is ludicrous to me. Our experience has been that the more residents, more schools, mean higher taxes. Regarding the loss of tax revenues, it would be interesting to discover what is the total loss of tax revenue based on presently assessed values of vacant land of the Pine Barrens. I think that question has to be answered.

Having developed an awareness for the need to preserve the environment, and yet faced with the day-to-day realism of regulation, I am here today to offer some suggestions.

Procedures: I believe in the spirit of the legislative approach and offer these points for your consideration.

1. The bill provides for a two-thirds affirmative vote of the fifteen members for exemptions. I agree with the Mayor's position previously, but perhaps an alternative ought to be to require a majority of eight of the full authorized membership versus the ten members as required. This might be a fairer way of handling it.

2. The Commission should be mandated to work in certain time frames in reaching the decisions on exemptions. There are time frames established in the bill, but when you deal under Section 13 in the moratorium with the exemption, I don't believe, unless it is referred to in other sections, that you place a time limit. I think that is crucial.

Inaction within that time frame would constitute approval as required now in the Municipal Land Use Law. The Commissioners must be responsible and avoid "bottlenecking" or unfair delaying tactics to those applications for exemptions.

SENATOR LASKIN: Ms. Palombi, I want to interrupt at this point and ask you a question on that second alternative. You indicate that you are in agreement that perhaps a two-thirds vote is too much on the appeal process, and that perhaps a majority would be sufficient.

MS. PALOMBI: Of the full membership, yes.

SENATOR LASKIN: Now, if that is true, and if there is feeling to change that provision, what do you have to say about the veto power of the Governor if he has the right to override even the majority vote. Do you have any feeling on that point?

MS. PALOMBI: I was hoping you wouldn't ask it, quite frankly. I have very mixed emotions. I wish I could give you a very straight answer. I would like to think that the appointment of the commissioners is an indication of support and confidence in their ability. On the other hand, listening to Senator Parker state that this is not an unusual concept for the Governor to have veto power, if he does, as he does in the bill, I would feel more comfortable if there was a provision that that veto power as in other areas could be rectified.

SENATOR LASKIN: In other words, if there was a majority vote, instead of a two-thirds vote, your feeling is that the Governor still should have a veto power even over the majority vote clause, correct?

MS. PALOMBI: No, not necessarily. I am saying that I am uncomfortable with the position. Before I would say I am absolutely against it, I would really like to know the rationale behind it. I did not hear Senator Merlino or anybody explain that to me. I would just hope that we have confidence in the Commission appointments, that when they exercise that vote, that is the mandate.

SENATOR LASKIN: Thank you. Please continue.

MS. PALOMBI: A Practical Approach to the Moratorium: I totally support the

moratorium of building in the critical preserve area.

Secondly, and this is a little unique, and this is just a concept ---

SENATOR PARKER: What do you mean by the critical preserve area. The term is not used anywhere that I know of.

MS. PALOMBI: This has been called critical, and it has been called a preserve, and we are calling it the core area, the central area of the pines, about 300 or 400 \$1,000 acres. Each bill is different. I believe in this one it is called the preserve area.

Number two, I suggest in the pinelands area, the outer area, that we utilize a system as defined in the official map section of the municipal land use law. That is, that the State would have one year in which to decide to buy environmentally sensitive areas in this outer core. If an approved site plan or subdivision is filed with the State, the Commissioners would have one year in which to exercise the option to buy.

If, within the year's time the decision is not to acquire the land, the State would pay an "equivalent option" to the subdivider. The equivalent option, as determined in a northern New Jersey court case of several years ago would be fixed by the use of State appraisals. It is my understanding and I do not have the particular case with me, that at 8%, the land value of say \$100,000, the equivalent option would be 8% or \$8,000 - in the case of a 7% or 8%. My concern there is the concern of confiscating of land, number one; and number two, I think it again puts the burden where it belongs, on the Commissioners, to provide the best possible decision they can make in terms of what land to acquire, and the type of planning they propose.

If the State decides not to buy the land, the subdivision, which I feel should be approved at the local level, must still be reviewed by the Commission for ground water quality. All other land determined not to be in the environmentally sensitive areas must also be reviewed by the Commission for compliance.

This is somewhat different than the moratorium extending throughout the whole core area, the whole one million acres.

Three, exemption procedure, I suggest that we establish minor subdivision. We define major subdivision in the bill, but I am suggesting perhaps we go with something such as, minor subdivision definition for standard exemption at the local level. This puts the local level, again, back into the planning process. This would be for the benefit of the "little guy, or gal," if I might, whose use of land will not materially affect the intent of the bill.

One suggestion for the definition of minor, and this is from the Medford Township Ordinance, so it is just a suggestion, would be, "Minor subdivision, a subdivision of land that does not involve (a) creation of more than three lots, including the remainder of the original lot fronting on an existing improved street; (b) any new street or frontage on an unimproved street; (c) extensions of any off-tract improvement; or (d) minimum lot - one acre with on-site disposal."

Again, this is just a suggestion. You might want to establish a larger lot size for a single-family exemption, but that is the intention of this.

SENATOR DODD: What would happen to the Mount Laurel decision, according to that definition? How would that apply to exclusive zoning?

MS. PALOMBI: They are in conflict, quite frankly. Our ordinance is based upon the environmentally sensitive character of the land. We also, in our township overall, make provision for multi-family dwelling, and low and moderate income, but

that is based upon availability of sewer and water. These standards, in essence, are with septic system, which, generally, in our area, the southern portion of the township is without sewer. If sewer and water is provided, then I assume your exemption process would have a different standard.

Standards: It is essential that there be ground water quality standards that will protect and preserve the waterways within the pines and realistically guide the remaining lands to be developed. These standards must specifically deal with septic system approval much more stringent in terms of water quality than the present Chapter 199. I become concerned when we use that purely as a standard to determine feasibility of septic, because it does not deal with the environment or the water quality at all.

It also must provide standards for storm water, street runoff and other surface drainage.

In closing, by highlighting Medford, I am demonstrating that environmental preservation and responsible, well-planned development are not inconsistent. Thank you for your time and attention. If you have any questions, I will be glad to answer them.

SENATOR PARKER: Judy, I wasn't quite sure whether you are speaking for the whole Township Committee, or for yourself. Did they take any official action or position?

MS. PALOMBI: No, we did not take an official action. I am speaking informally, representing a majority of the Township Committee and the Planning Board.

Now, let me be specific, they support, as does it seem everyone here, the terms of the concept of preservation, and the concept of the moratorium.

SENATOR PARKER: All right, that is what I wanted to ask you next. Medford several years ago adopted a plan, as you indicated, which was done by McCardell, and the whole town was zoned on an environmental basis, and that was done by the Township Committee, and after a lot of input. But, yet I take it, and you said specifically that you support the Governor's unilateral moratorium. Doesn't that prevent all of the other municipalities, and all of the others from taking the same option that your township took? (Applause)

MS. PALOMBI: No, I don't believe that it does, and I don't believe that it does, because under the Federal Section 502, the Merlino Bill, and the Executive Order, and I have not reviewed the Russo bill, so I cannot comment on it, you are making a provision, as I pointed out in my statement, to do the same type of thing that Medford did on a regional approach. I am quite proud of Medford. I think that we deserve a lot of credit.

SENATOR PARKER: No question.

MS. PALOMBI: But the reality, Senator Parker, is that we can only protect within. We cannot protect from without, which is why I am supporting the planning stage, and in order to plan, you cannot do it if you are constantly barraged with subdivision without developing the standards in which to judge them.

SENATOR PARKER: I just wanted to get it clear in my mind, because the Commission is, under the Federal act, the one that is supposed to do this, and yet the Governor has done it unilaterally without that, but you still support it.

MS. PALOMBI: Yes, because under the bill that provides this study, the statistical inventory, the putting together of the maps and the realistics of boundaries, and the standards to be developed are all a part of that.

SENATOR PARKER: Just one thing further, I gather in your statement

that you are opposed to the right of first refusal to the State, and that you support in the core area and areas outside the core area, that the Commission delineate the areas to be acquired, and then go about acquiring them in accordance with a plan. Is that correct?

MS. PALOMBI: Not exactly. I am not opposed to the right of first refusal, but it seems to be of great concern, so what I have tried to do is offer an alternative, such as the use of the official map and the "freezing" which isn't a popular term, of those lands, but with some form of compensation.

ASSEMBLYMAN GEWERTZ: Serving on the Planning Board - and Medford is not in this situation, correct, you are out of the moratorium area.

MS. PALOMBI: No, sir, two-thirds of our township is in the protection area, and a small majority of the Wharton Tract is in Medford, and under the proposals by the mayors, you even have eliminated the Wharton Tract, which doesn't make sense to me.

ASSEMBLYMAN GEWERTZ: What is the Medford municipal budget, do you know?

MS. PALOMBI: The Medford municipal budget is \$2.9 million.

ASSEMBLYMAN GEWERTZ: Now, assuming that you can attract no new rateables, it would be reasonable that each year the budget must increase. Now, you have a 5% cap.

MS. PALOMBI: That's right.

ASSEMBLYMAN GEWERTZ: The next year, Medford's budget undoubtedly will be 5% in addition to the \$2.9 million, because you have to pay employees additional monies for the cost of utilities, insurance, acquisition of trash trucks, et cetera. Now, if you can't attract any other rateables because you are in a moratorium, then how do you make up the 5%?

MS. PALOMBI: First it would be unfair of me in terms of representing to say that isn't a concern. Medford Township, two-thirds is within the moratorium, one-third of the township is not - although that section north of Route 70 is really not developing because we lack sewer capacity at this point in time.

I really wish I had the answer for that, because if I did, that would resolve the problem for all of us.

ASSEMBLYMAN GEWERTZ: Well, isn't the answer rather simple. If you can't attract any new rateables to make up the 5% increase, then the remaining taxpayers, be they business, industry, or home, are going to have to pay that much more.

Now, if it goes up at the rate of 5% per year, in five years, people would be paying 25% more in taxes.

MS. PALOMBI: Well, however, we are talking about an eighteen month moratorium, or another alternative suggestion was a year in the outer area, or exemptions with particular standards. In addition, for my next year's budget, I am already counting those building permits and fees that are now coming in.

ASSEMBLYMAN GEWERTZ: Yes, but without those, you would have to---

MS. PALOMBI: Yes, without those, certainly, there would be a problem. We are still generating some revenue.

ASSEMBLYMAN GEWERTZ: One last question. Are you familiar with Burlington County?

MS. PALOMBI: I am somewhat familiar, more specifically with Medford Township.

ASSEMBLYMAN GEWERTZ: Now, this is the Merlino-Yates bill--- Are you aware of the fact that the largest, or one of the largest polluters in Burlington County is Yates Industries? (Applause)

SENATOR DODD: Assemblyman Gewertz, this is a Senate Committee, and we gave you the courtesy of asking direct questions relating to the Pinelands. If you wish to make political speeches--- You are certainly not bashful. But, please, we are on limited time here, and I would like to thank Judith, and we would like to call the next witness. (Applause)

SENATOR PARKER: I want to say one thing. I am familiar with the Yates situation, and that situation has been corrected many years ago. It was a problem with the creek. It is not polluting at the present time that I know of. That statement is really not correct. I don't think the impression should be given to the people that Senator Yates is doing that at the present time. He may have some time ago, but it shouldn't get into this hearing.

SENATOR DODD: I would like to call Mae Barringer, Pine Barrens Coalition.

M A E B A R R I N G E R: I live in Woodland Township which is in Burlington County, which has always been considered the heart of the pine barrens. It includes the town of Chatsworth, which is considered the capital of the pinelands. However, Woodland Township does not include any of the Wharton State Tract.

Today I am representing the thousands of members of the Pine Barrens Coalition, a more than 40 member organization and many other individual members not affiliated with any group. Together with one strong voice we support passage of the pinelands protection act as it has been introduced by Senator Merlino. In order to deal effectively with the issues concerning this legislation we must first dispell some of the myths and deliberately misleading statements disguising the truth in a cleverly contrived smokescreen of propaganda.

It is a myth that this legislation and the Governor's moratorium will cause higher taxes and unemployment in the pine barrens--- The truth is that the proliferation of housing developments in our pine barrens communities is causing an ever-increasing spiral of taxation. Individual homeowners do not pay sufficient property taxes to offset the need for increased services. Housing requires police, fire, ambulance protection, schools, increased road maintenance, trash collections, street lighting and so forth. There is no widespread unemployment in the pine barrens and the jobs available in construction are for the most part filled by workmen commuting to their jobs from outside the pine barrens. Increasing housing construction will not guarantee any more jobs available to present pine barrens residents. It is also a myth that this legislation and the moratorium will cause hardship for young families and senior citizens for whom the New Jersey Builder's Association claims the supply of housing is already critical.

The truth is that the housing being constructed in the pines is not least cost housing and is rarely affordable by senior citizens on fixed incomes or young families with moderate incomes. The new homes in Leisure Town are now selling for \$48,000 to \$63,500 on half-acre lots. Single homes on one acre are being sold from \$60,000 to \$125,000 in the pines, and homes on less than a quarter an acre are selling in the mid-forties. Most builders are not concerned with providing affordable housing for low and moderate income families. That would prevent them from maximizing their profits. Another myth circulating is that the supply of housing is critically short. The truth is that there is still available housing in urban and suburban areas. There is a very strong retail market and many new homes under construction along with the many permits already issued, but houses not yet constructed in areas surrounding the pine barrens.

In recent weeks, many exemptions have been granted by the Department of

Environmental Protection within the moratorium area and the Atlantic City Press reported this week that Little Egg Harbor Township has issued more than forty permits since the moratorium began. (Applause)

It is deliberately misleading to state that the people of the pines have preserved or protected the area for the past 200 years, and should be permitted to continue. The truth is that in the past 200 years, the people of the pines were not faced with the awesome pressures they face today. They did not have to deal with the spectre of offshore oil exploration, nuclear power plants, casino gambling or the population explosion of recent years. Even as recently as twenty-five to thirty years ago, the land in most of the pine barrens was considered worthless. As Mayor Fiorelli of Vineland pointed out at a recent meeting in Hammonton, even though the pine barrens existed for millions of years with virtually no controls "some people went too far."

And, as the Mayor of Barnegat pointed out at the same meeting, "We have been negligent." The pine barrens, which have withstood fire, war, drought, cannot withstand the onslaught of man. So, now, in 1979, it is imperative that the State and Federal Government impose both controls which county and local governments are unable or unwilling to impose.

If the American dream has always been to own a single home in the suburbs or rural area, has that dream also included the nightmare of nitrates and bacteria in the well water, malfunctioning septic systems, flooded basements and other drainage problems and polluted recreational lakes and streams? All these are realities in some of our newer pine barrens subdivisions. Isn't it time we called this syndrome by its proper name, fraud?

Any other businessmen would be severely reprimanded, fined, or forced to make restitution, but too often housing developers seem to be able to continue to perpetrate these crimes against nature and man often with the implied or expressed consent of local officials, many of whom are no longer representing their constituents, but are representing the big business of development. Who is left to make restitution to the aggrieved homeowners? All the taxpayers of the municipality who are forced to pay for sewer and water treatment plants or the subdividers, developers, builders, and real estate brokers go merrily on their way all the way to the bank--- (Laughter)

Our concerns are more the people caught in this trap as well as the environment which is being destroyed in this whole race to "cash in on the current lust for riches which is gripping the area, ever since casino gambling was approved," as a columnist for the Courier Post recently wrote. Only by protecting the pine barrens from overpopulation, overdevelopment, and inappropriate development will the present and future people of the pines be able to maintain a satisfactory quality of life. By permitting haphazard, sprawling urbanization of the pine barrens, we degrade the lives of all who choose to live there. We must ask ourselves, with each new housing development, shopping center, industrial enterprise in the pines, are we moving toward or away from the better quality of life. Someone must protect the people from the greed which is destroying their American dream.

When you have local officials who on one hand state that New Jersey is "very, very late with action on the growth in the pines," and then on the other hand say that the local planning and zoning boards should be permitted to continue what they have been doing, and that no legislation should be passed until the planning commission has completed its deliberations, and further state that this proposed legislation might be welcome in Moscow but is totally unacceptable in New Jersey, we must ask ourselves who are our officials representing? Some of our State legislators

have financial interests in the pines, and they should consider very carefully who they are representing - the development interests, or the people of the State of New Jersey. The battle is clearly between the development interests and the New Jersey Legislature.

Preservation of the pine barrens is a national concern, and we would hope that this most densely populated state will not barter away its last remaining wilderness area, while the whole nation watches. This is the crucial test. This piece of legislation is the vehicle whereby the State of New Jersey can make a bold move to prevent the State from becoming one vast, expansive asphalt and concrete. However, the Legislature might move with haste and with decisive action to implement this bill to save the pine barrens. If development forces prevail, the whole nation will be poorer for it. No where is it written that American land speculators are guaranteed a profit on their investment. Speculation by its very definition denotes a degree of risk. If speculators gamble and lose, the only damage done is a temporary personal financial loss. If the State of New Jersey gambles with the future of the pine barrens and loses, the loss will be permanent, irretrievable, irreversible and irreparable. Don't let greed destroy the pine barrens.

The Pine Barrens Coalition petitions the Legislature to pass the Pinelands Protection Act introduced by Senator Merlino. Thank you.

SENATOR MARESSA: What is the Pine Barrens Coalition?

MS. BARRINGER: The Pine Barrens Coalition is made up of over forty organizations, some of them are civic organizations, hunting organizations, hiking clubs, environmental groups and any other organization who is interested in joining and supports our cause, which is to protect the pine barrens.

SENATOR MARESSA: I think the Committee will be interested in having a list of the individuals who are members.

MS. BARRINGER: I have submitted a list to Mike Catania.

SENATOR MARESSA: Have these organizations met and discussed this issue?

MS. BARRINGER: Yes, they have.

SENATOR MARESSA: What do you perceive to be the pine barrens?

MS. BARRINGER: As opposed to some of the viewpoints that are present here today, which consider only the Wharton State Forest as the pine barrens, I consider the larger area which is the protection zone, or the preservation zone ---

SENATOR PARKER: Look, I am going to have to ask those who are speaking out to be removed by the officers, if you don't allow the people to speak. Everybody is going to be given an opportunity, so let's hold it down and respect the rights of everybody.

MS. BARRINGER: Thank you, Senator Parker. I would like to make it clear that I do sell real estate. I work for a developer, and I have worked for developers in New Jersey for the past nine years. However, I don't feel it is necessary to build the entire pine barrens region. I do not sell any land or houses within the pine barrens, let that be established.

SENATOR MARESSA: It is not my intention to do anything to disparage your ideas or concepts; you certainly have a right to feel the way you want to, at least in my opinion. I spoke to Congressman Hughes, and I forgot to make mention of this, Senator Parker, in my opening remarks, but he says that he wants everyone to know that he does not agree, and he says that the other two members of the Congress who are the prime sponsors of it, Congressman Florio and Congressman Forsythe, did not contemplate that cities like Hammonton, Mays Landing, Marlton were supposed to be

included in what is known as the protection area of the pine barrens. In other words, they include Route 73, U.S. 30, which is the White Horse Pike. The most heavily trafficked highway in the State of New Jersey is in the Pine Barrens. Now, you are talking about preserving Route 73, Hammonton and the White Horse Pike and the Black Horse Pike in Monroe Township or Mays Landing, and--- Do you see the point I am trying to make?

MS. BARRINGER: The word preserving and the word protection are two different things with two different meanings.

SENATOR MARESSA: But the moratorium is there.

MS. BARRINGER: The moratorium is there just to call a halt to all the development until a plan can be enacted which will protect and preserve portions of the pine barrens. I don't think any of us are so naive to believe that any bill is going to pass as it is submitted, as it is introduced, and one of the areas for compromise in this bill could be the areas which have been outlined as the protection or the preservation zones. I am in agreement that some compromise must be reached on that. However, in any case, even if you are considering Route 73, or the town of Hammonton, or Marlton Circle as being outside of the pine barrens, whatever happens in those areas tends to affect some of the other areas within the pine barrens--- They are really at the mercy of the surrounding townships, because each township is working as a separate entity without concerning itself with the neighboring township. We have had many, many reasons to see what happens.

We have had cases where one township has zoned without any consideration for its neighbors, or has approved developments which in our own case in Woodland Township, a very large 5,000 unit home was planned, with the sewer treatment plant in our township with all of the settling beds of the effluent being disposed of in a neighboring township and that township was never consulted about that.

SENATOR MARESSA: I represent Winslow Township and Waterford Township. We have just purchased--- In Waterford Township our sewer plant is 90% complete, and we owe \$5 1/2 million. Winslow Township---

SENATOR PARKER: Just a minute, there is a point of order.

MEMBER OF AUDIENCE: With all due respect, Senator, we are not accomplishing the purpose by the good Senator and the good Assemblyman arguing with the people on their viewpoint. I think you should get on with the hearings and hear the people as the Senate Committee did indicate in the first place.

SENATOR PARKER: I will try to limit that. We do extend courtesy to other representatives, but I will ask them to keep their comments to a minimum.

SENATOR MARESSA: You heard from our tax collector. These municipalities - and I don't suppose you believe they are fabricating; I am sure you believe they are sincere in what they are saying - they are telling us, the Committee, at least, about the problems in government.

You heard the mayors, and I heard a representative of the North Jersey mayors who says he fully supports all these things. What I am trying to say is, what do you propose the State should do about the problems involving finances?

BARRINGER: I believe the planning commission will come up with some plans for that. I don't believe I am qualified to make those decisions.

ASSEMBLYMAN GEWERTZ: I am from Gloucester County. I am sure you are familiar with where that is. Are you aware that this preservation area goes all the way down the Black Horse Pike into Turnersville?

MS. BARRINGER: Yes, I am aware of that.

ASSEMBLYMAN GEWERTZ: Could you give me the correlation between that and saving the pine barrens.

MS. BARRINGER: I believe the watershed would be included in that area, the watershed for the aquifer that is being protected and also the vegetation in that area would guarantee that that is a portion of the pine barrens.

ASSEMBLYMAN GEWERTZ: The vegetation on the Black Horse Pike?

MS. BARRINGER: I am not talking about on the Pike.

ASSEMBLYMAN GEWERTZ: The point that I raise is, you have been a realtor---

SENATOR PARKER: Just a minute. This is a public hearing, and we have to keep it orderly so it can be put on the record. Do you have a further question?

ASSEMBLYMAN GEWERTZ: Yes.

SENATOR PARKER: Would you please come up to the front, so that we can continue to get this on the record.

MS. BARRINGER: I must object to the tone of this hearing, because, first of all, I came here with the understanding that this was a Senate hearing on the Merlino bill. I did not expect to be questioned by an Assemblyman. This is not an Assembly hearing. When there is an Assembly hearing, I will be glad to attend, and answer questions.

SENATOR PARKER: This is the second person we have had object to others, other than the Committee members directing questions to them, and commenting or arguing---

ASSEMBLYMAN GEWERTZ: I am not arguing with her.

MS. BARRINGER: Belittling, might be a better word.

SENATOR PARKER: At this point, Mr. Chairman, we should set some guideline as to the participation of the other members. I think they should have an opportunity to comment, but I think also as Mrs. Barringer, and the Mayor of Evesham have indicated, this hearing is to provide an opportunity for other people to be heard, and maybe we should have some limitation. I don't know whether you want to make a ruling, or not.

SENATOR LASKIN: I am in one hundred percent agreement.

SENATOR DODD: It is so ordered.

ASSEMBLYMAN GEWERTZ: Mr. Chairman, I came to the first hearing in Trenton, but unfortunately, I couldn't get into the hearing because there was about 500 people in the halls. I want to assure all of you that I work for a living, the same as the people who have given up their time to come here. Some of the statements, Ma'am, that you have made are not correct, and are not done with any other purpose other than to attempt to put in people's minds things that are not proper.

Now, you were giving me dialogue on the Black Horse Pike, and obviously, I don't know how long you have lived in Woodland Township---

MEMBER OF THE AUDIENCE: Mr. Chairman, point of order again.

ASSEMBLYMAN GEWERTZ: I have a point, Mr. Chairman, and you must consider this. If you bar development---

SENATOR DODD: Assemblyman, this is a hearing. We are trying to hear from people. We extended the courtesy, so that you could direct questions. If you will direct further questions through the Chair, I will be glad to ask the questions.

MS. BARRINGER: I would like to respond to Assemblyman Gewertz's statement regarding the Black Horse Pike. He first asked if I was aware if Turnersville was included in the Pinelands area, which I agreed it was, because the vegetation in that area is the same as the other vegetation in the pine barrens, and then he attempts to belittle me by saying on the Black Horse Pike there is no vegetation. I think he is setting the tone of this meeting.

SENATOR DODD: All right, we will continue with the meeting.

MEMBER OF THE AUDIENCE: Can I give a point of order back here?

SENATOR DODD: State your point.

MEMBER OF AUDIENCE: I think this may be a Senate meeting, or whatever, but I don't think people should be able to sit there --- They are making accusations. If accusations are made, they should be answered, and it should be both ways. It shouldn't just be a one-sided meeting here. (Applause)

SENATOR DODD: We cannot do that. These are transcribed hearings. The transcripts will be made, and it is a very exacting procedure that we must follow. We are allowing many discretions, because this is a one-time opportunity for us to hear you---

We will continue this meeting with some decorum. Jane Barako, President, Biology Club of Glassboro State College.

J A N E B A R A K O: Senators, distinguished guests, and fellow citizens, my name is Jane Barako, and I am grateful for this opportunity to represent the Biology Club at Glassboro State College. As young adults we feel the need to have our natural resources re-evaluated in order to appreciate their importance. I have come here specifically to testify in favor of Senator Merlino's Bill called the "Pinelands Protection Act." The Pinelands area is a unique natural, ecological, agricultural, scenic, and recreational resource that is threatened, like anywhere else, by the pressures for residential, commercial, and industrial development. We have already seen, and regretted, the results of poor land management in the past. A large area, as significant as the Pinelands, most certainly needs careful thought and planning when it comes to any decision making. This bill created by Senator Merlino is clearly one contrived from much serious thought and awareness. It provides necessary guidelines to create a reasonable and comprehensive management plan for the Pinelands area.

Our club, and the College Graduate and Undergraduate Life Science Division, has made use of this area known as the Pinelands in the past, both as an educational and recreational resource. We would like to continue doing so. I have personally seen the damaging effects of residential development in the Pines. I am referring to the Botona Trail. Once considered a wilderness hiking area, it now literally runs through a series of private backyards, which are part of a housing development. This has indeed detracted from the aesthetic beauty of the area, and in essence, has greatly diminished the recreational value of the trail. There are still areas within the Pinelands that can currently be considered as wilderness. We feel it is vital to maintain these areas as such in order to provide us with a recreational outlet, and we protest that a recreational resource for many be destroyed by a few.

Many of the Biology courses offered at Glassboro State utilize the Pinelands as an educational resource. This land offers a multitude of laboratory experiences, advantageous to any student choosing to study there. There seems to be an increasing awareness of our environment largely due to education. It is therefore important to preserve this resource, not only for student education, but for all. A better understanding of the Pinelands and why it is unique can perhaps lead to a new set of values dealing with our present, and most importantly, our future environment.

We would like to see the Commission introduce educational programs dealing with the ecology of the Pinelands. There is much scattered information on this subject, but as a student I have encountered great difficulty in finding this information. There is a need for a depository to centralize all journals, theses, and other literature

dealing with the Pinelands.

As students we need this land preserved in its natural state to further our education. As citizens of New Jersey we see the Pinelands as a very necessary area of aesthetic and recreational value, both of which are becoming very limited in our densely populated state. As a native of North Jersey and a resident of Glassboro, I can say that the Pinelands are truly an asset to not only the South but to all of New Jersey. There is nothing to compare it to in the northern part of our State. Personally, I feel it would be a tragic mistake to destroy this natural scenic area and leave us with a view similar to the better part of North Jersey. Clean air, and water, and the space to enjoy them are something that everyone needs.

I might add, Senators, that the Biology Club has circulated petitions throughout the community of Glassboro. This began last week. The petition reads, "We, the undersigned are in favor of preserving the Pinelands, and of Senator Merlino's proposed legislation," and as of today we have over 400 signatures of people who would like to be represented at this meeting. (Applause)

SENATOR DODD: Senator Parker.

SENATOR PARKER: I just have one question. You made a reference to the Botona Trail and housing developments on it. Where are they located?

MS. BARAKO: I really am not familiar with where they are located--- But I have personally walked the trail and located--- I know it is before the Fire Tower, I think what they call Apple Pie Hill. Right before that, I know, I have walked through this, they have cut a road, which is probably laid down as asphalt right now, because this was two years ago.

SENATOR PARKER: Will you please keep it quiet. I can't hear the young lady.

SENATOR DODD: Please give everyone their chance.

MS. BARAKO: I just wanted to say that I have personally seen the backyards walking along this trail. They are in plain view. They are there. I may not be familiar with the region enough to tell you where exactly they are located, but I have seen it.

SENATOR PARKER: You say it is near Apple Pie Hill, where the Fire Tower is?

MS. BARAKO: I think it is before that, as you are walking along the trail. I believe so, Senator.

I might also say that where the Fire Tower is, you can see a lot of the effect of the housing developments, because the place is very littered with trash, whereas before ---

SENATOR PARKER: I would like to try to locate this. There are two Fire Towers, are there not, one on Route 72, and one back further beyond Apple Pie Hill. Which one are you talking about? Are you starting at Route 72, and coming down the Botona Trail toward Carranza?

MS. BARAKO: Yes, I believe so.

SENATOR PARKER: Or, are you talking about Presidential Lakes which is on Route 70 before the trail, right before the trail starts?

MS. BARAKO: I couldn't tell you that.

SENATOR PARKER: Well, Apple Pie Hill is down on the other side. There are two. There is one in Lebanon State Forest, and there is one down below Apple Pie Hill, which is down further.

SENATOR DODD: Thank you. I would like to call Floyd West, Mayor, Bass River Township.

F L O Y D     W E S T:    Mr. Chairman, thank you for the opportunity to make this statement. My name is Floyd West, and I serve as Mayor of Bass River Township, located in the heart of New Jersey's Pine Barrens, Burlington County.

Passage of Senate Bill 3091 known as the "Pinelands Protection Act" is necessary and in the public interest.

Bill 3091 is a significant response to the needs of a State which is fast becoming more industrialized and urban. It is clear to me that the New Jersey Legislature has an opportunity through bill S-3091 to implement a program that will provide for the increased State and National demand for outdoor recreation opportunities while conserving our natural heritage - specifically in the urbanizing corridor between Boston and Washington, D. C. There is no question on the need to preserve a major land and water resource with high recreational potential in this urban region.

Local Governments in the pine barrens find it increasingly difficult to cope with the unrelenting pressures for development being brought to bear on the pine barrens area - lacking the financial resources and expertise, it is becoming more difficult to exercise their powers to create an effective land use development control framework.

The pressures are mounting to use the area to accommodate new oil terminals and pipelines and housing developments that are expected to follow the development of offshore oil in the Baltimore Canyon and the spurt in Atlantic City's economy after casino gambling starts operating at full swing.

Every day more and more of the pine barrens is lost to inappropriate development. We can sit back and watch this wilderness vanish and condemn the children of our cities to a world of concrete and asphalt, or we can, through decisive governmental action, save the natural heritage of the pine barrens for the present and future generations. The choice is ours.        (Applause)

SENATOR DODD: Thank you.        I would like to call on Marlene Jaffe, Cherry Hill Environmental Action Committee.

M A R L E N E     J A F F E:    I am Marlene Jaffe, speaking on behalf of the Cherry Hill Environmental Action Committee.

Our organization fully supports both the Governor's building moratorium in the Pinelands, and Senator Merlino's bill known as the Pinelands Protection Act, which covers all rules and actions necessary to insure that the intent of Section 502 of the recent National Parks and Recreation Act will be met. We are proud that our State officials and many citizens other than the environmentalists are also recognizing the fact that the health and welfare of the people are directly related to the health and welfare of the environment in which we live.

Senator Merlino's bill is an absolute necessity for the protection and preservation of the Pinelands at this time, because without it, the municipalities within the confines of the Pinelands have no legal tools to regulate the way in which growth occurs in their region. The present zoning ordinances and master plans for Pinelands municipalities are hopelessly inadequate for protecting any of the natural resources in this area. Land speculators and developers who view this land as a potential source of quick and easy profit cannot resist the fever to develop every available tract of land there. Without any restrictions imposed upon them, developers would give no considerations to the adverse environmental impact that certain types of development would have on the delicate natural resources in the Pinelands. Once the damage was done, it would be too late or too costly to correct it, and the taxpayers would be left with the problem.

These facts have been demonstrated time and time again in many areas of the country. As one example, the citizens group that I am representing here realized these problems existed in our own Township of Cherry Hill, which was once considered the suburban area where many people wanted to come to get away from the overdeveloped towns and cities. A poor master plan and zoning ordinance soon left Cherry Hill with much haphazard development, overcrowded neighborhoods, traffic problems, and worst of all, millions of dollars worth of drainage problems, sewage backups and stream pollution. A lack of sufficient open space for recreation and conservation adds to the insults imposed upon Cherry Hill by its lack of planning early in the game.

Now, with Camden County practically all developed, builders are headed for Burlington County with the same mentality. Those officials who have been in control of the Pinelands have not done their jobs, they have not learned from the mistakes of others, and they have not planned for wise and careful use of their land.

We must have suitable planning and management of New Jersey's last remaining wilderness before any further development takes place, and we feel that this bill provides for a fair balance between conservation and economic interests. The Governor's moratorium, while unpopular, must be imposed on development at this time while some other group does the planning that the Pinelands people should have done themselves before this crisis.

We implore our State legislators to pass this "Pinelands Protection Act." The demands of the developers and a few land owners, which can be satisfied with other alternatives, must not be allowed to rule the future of a whole wilderness area which will benefit the majority of the people, now and in the future, if we take care to protect it. Thank you. (Applause)

SENATOR DODD: Thank you.

SENATOR LASKIN: I want to read something that you have stated, and I want to read something that was stated by Mrs. Barringer. I think everyone in the room on all sides of the issue will probably agree with these statements, because they are very general in nature. The problem that we have as legislators is to decide whether or not the bill we are considering is the appropriate vehicle to solve the problem that we are talking about. I think we will all agree with this statement, "Only by protecting the pine barrens from overpopulation, overdevelopment, and inappropriate development will the present and future people of the pines be able to maintain a satisfactory quality of life." Everybody agrees with that statement, am I right? (Applause)

But, the problem that we have up here, the problem that most of us are really wrestling with is, there is an awesome responsibility to balance all these competing interests. The problem is, if we assume that everybody agrees with this statement, that if we don't want to destroy the pine barrens, and everybody feels that way, the problem we have is, is this bill the only alternative to agreeing with that statement, and that is the real problem we are wrestling with.

Now, there are people who are going to be hurt by this who are not developers and builders. There are people who are going to be hurt by this who don't even know a builder or developer who own no land for speculation, who may own five or six acres in the pinelands whose grandfathers have lived there, and great-grandfathers who have lived there, and truthfully, those are the people I am mostly concerned with, those who have small pieces of ground who may lose their ground, and maybe lose their life savings, and maybe lose the possibility of having their children move near them - people who don't like to live in Cherry Hill or Camden who like it out there. That is the

problem that I have. I am not so sure this bill is the only alternative. I think that is the reason why we are having these hearings, to see what suggestions and ideas can come from the population.

Again, assuming that everybody agrees, nobody wants to destroy the pine barrens, but what do we do to prevent that destruction? Do we go to this ultimate solution, as I call it, or do we do something that makes more sense to more people and that is the problem that I think most all of us have.

MS. JAFFE: Well, I think this bill may not be the only alternative, but it is the best alternative we have so far, and it will be the responsibility of the Planning Commission to try to find alternatives for people who may be hurt by this moratorium, and by preservation. I am sure that the Commission with its wide diversity of interests can effectively do that, because it should have been done before this, through zoning and planning, and since it hasn't been done, another group would have to do it, and it would be this planning commission. We feel this is the best alternative we have come up with so far. There may be other alternatives, but no one has offered any other so far, so we have to go with what we have. (Applause)

SENATOR DODD: Edwin Ambler, Jersey Central Power and Light Company.

E D W I N M. A M B L E R: Mr. Chairman, I request the pleasure of introducing Mr. Carl R. Fruehling, Manager of Transmission Engineering for Jersey Central Power and Light Company.

C A R L R. F R U E H L I N G: Mr. Chairman, and Senators of the Committee, thank you for this opportunity to be heard on this very important matter, which is the subject of this hearing today. My name is Carl R. Fruehling, and I am the Manager of the Transmission Engineering Department of Jersey Central Power and Light Company. I have been authorized to express at this hearing some of the concerns Jersey Central has been able to identify in its initial review of the legislation introduced by Senator Merlino to govern land development and use in the Pinelands area of our State.

I should say at the outset, Jersey Central Power and Light Company looks upon both the Executive Order and the proposed legislation as positive and useful steps in the protection of one of our most valuable natural treasures. This is not to say they are perfect vehicles for the accomplishment of their laudible goals. My purpose today, therefore, will be to suggest several modifications Jersey Central believes must be made on the proposed legislation if there is to be eliminated the potential threat that this bill presents to the completion of vital electric facilities upon which our State and its economy and in particular Jersey Central's 670,000 customers are dependent for reliable and economic power in the next several decades. We will have similar suggestions to make with respect to the Executive Order, but obviously I should confine myself today to the legislative proposal.

Jersey Central's primary concern with the proposed legislation in its present form is that although Section 13a of the bill allows the grant of approvals, certificates, licenses, consents and permits for the construction of structures within the pinelands area, prior to the adoption of the comprehensive management plan called for by the legislature, such a grant can be made by a State Department or other agency only with the concurrence of two-thirds of the total authorized membership of the fifteen person commission. Local government approvals require similar concurrence by the commission under Section 13 b and c. When one considers the fact that almost one-half of the total commission membership will be drawn from the seven counties comprising the delineated pinelands area, and that the remaining

membership is likely to represent a diversity of philosophical and economic interests as well, it is not difficult to forecast that exemptions from the prohibition against construction and other approvals during the formulation of the comprehensive management plan are likely to be few and far between - or perhaps utterly unattainable. And, as much as 18 months can elapse following enactment of the statute before the comprehensive management plan is adopted. Even after the plan is adopted, a two-thirds vote of the Commission is required under particular circumstances, as set forth in section 14. This creates further uncertainty concerning the construction of needed electrical facilities.

Jersey Central Power and Light Company respectfully suggests that at the very least there should be a legislative exemption for projects that have come into being to satisfy a compelling public need and which prior to the enactment of the legislation have already received conceptual or operational approval from the State. Whether exemptions should be written into the statute for future projects under stringent conditions is a matter we will continue to address as the legislation moves along.

In specific terms, Jersey Central Power and Light Company wishes to call to the attention of this Committee and the entire legislature that since the early part of 1968, it has been engaged in the time-consuming, expensive and often frustrating task of selecting a route for the construction of a 500KV construction line, which is essential to the availability of reliable and economical electric power in the State of New Jersey.

The selection of the route for this transmission line took more than two years to accomplish. That selection followed extensive route analysis. Officials of the municipalities and counties through which proposed alignments stretched were consulted. Similar meetings were held with representatives of cranberry and blueberry growers, and of course the Department of Conservation and Economic Development and its successor, the Department of Environmental Protection. The National Park Service was consulted, and public meetings were held to permit the widest possible dialogue among all of the concerned interests.

These discussions produced modifications in the initial route, which was lengthened by approximately eight miles to protect wilderness, recreational, and historical areas, and otherwise minimized disruption. Following approval of the ultimate alignment by DEP in October of 1970, at a public meeting in Mount Holly, the New Jersey State House Commission gave tentative approval to the alignment on June 24, 1971. Easements for the transmission line rights of way were granted to Jersey Central in November, 1972, by the State of New Jersey, through the Division of Parks and Forests. These easements were in turn given final State House Commission approval on December 15, 1972. They constitute 29.2 miles of the 51 mile stretch between New Freedom and Forked River. In other words, almost 60% of the present right of way was secured from the State itself.

Additional approvals by the State of New Jersey were granted in 1977 in the form of three separate exemptions by the New Jersey Board of Public Utilities from local zoning ordinances in Middlesex, Monmouth, Ocean, Camden, and Burlington Counties. Further applications are now pending before the BPU, or are about to be filed, in order to permit completion of all right of way authorizations. Of the 51 parcels of land required on the New Freedom to Forked River line, 46 have been acquired- a total of 90%.

In conclusion, Jersey Central recognizes the review procedures stipulated

in the proposed legislation provides theoretical relief from the constraints of the legislation. But the practicalities of the matter raise concerns of alarming proportion. Jersey Central in a genuine effort to meet its service responsibilities has been engaged for more than ten years in the planning and implementation of a \$40 million transmission line. If actual construction of this line cannot be commenced almost immediately, there is a great likelihood that it cannot be in service by the time its availability in New Jersey's high voltage electrical network will be crucial; and no economically and technically feasible alternative to the New Freedom/Forked River line can be presented.

My company, then, has asked me to be here today to deliver the simple but urgent message that this Legislature should not turn its back on the public need Jersey Central Power and Light Company has been working for ten years to satisfy, especially since much of that work has been carried out in close consultation with the State officials and agencies charged, among other things, with protecting our natural resources.

We pledge to the members of this Committee that our company will continue to work with State officials, including members of the State Legislature and with other interested persons and organizations to achieve our common goal. Thank you very much.

SENATOR DODD: Have you applied for an exemption from the Review Board?

MR. FRUEHLING: We are about to file the application to the Pinelands Review Board for such an exemption. That is in the process at the present time.

SENATOR PARKER: You have applied to the Pinelands Review Board for a hardship?

MR. FRUEHLING: That's right.

SENATOR PARKER: Or is that the Pinelands Environmental Council?

MR. FRUEHLING: No, this particular application which Senator Dodd was referring to was the one that will be submitted to the Review Board for exemption from the Executive Order. That is separate and distinct from the submittal that we will be making to the Pinelands Environmental Council.

SENATOR DODD: Will you keep this Committee informed of your progress?

MR. FRUEHLING: Yes.

SENATOR PARKER: My concern is, all the approvals that you obtained from the State were obtained early in 1970, 1971, and 1972, prior to any of the federal legislation or any of the real movement to preserve the pines.

And my question is, you go right through the heart of the pines and took some of our best parks and preservation areas. You go through Lebanon and Wharton, and my question is, specifically, aren't there already existing lines that you can tie into for the 500 KV lines without going through the center?

MR. FRUEHLING: I have a map that can show with some clarity the location of the transmission line, as the right of way was granted to Jersey Central. The transmission line follows the boundary of Wharton, Lebanon and Greenwood. It is not in the heartland of those state owned tracts. I would like to show you at this time the map which will demonstrate that point and perhaps answer your question.

SENATOR PARKER: While you are getting that out, my other question is, aren't lines already existing for Atlantic City Electric that go near or by that without going through the center of this area?

MR. FRUEHLING: No, Senator, there are no lines which traverse the area between the proposed Forked River generating station and the New Freedom, which is the existing

terminal owned by Public Service of New Jersey that could be utilized for this transmission line.

One of the earlier proposals, and I would say the original route, as submitted by Jersey Central was to align the transmission line along an existing railroad corridor through the area. However, upon further examination by the State of New Jersey, DEP, they suggested a route which would traverse the boundary lines of these various State Parks, which was some distance from the Atsion area which had the historical significance. So, therefore, the present alignment was worked out after many meetings with various municipal people, county as well as state government people, that would follow the boundary line of these tracks.

SENATOR PARKER: It does go through it, but it does, as I say, follow along the edge of it.

You are going to follow what, the Jersey Central Railroad, and then the Penn Central that goes to Toms River?

MR. FREUHLING: The one that goes through the Atsion area there. It is an abandoned railroad corridor that we were proposing to use on the initial line.

SENATOR DODD: You would take the easement rights?

MR. FREUHLING: We would have taken that easement. We would try to secure the rights that the railroad owns on that strip.

SENATOR PARKER: But all your approvals were obtained with the exception of the Pinelands Environmental Council which has requested that you come before them for a review; isn't that true?

MR. FREUHLING: That is true. We intend to do that. That is an Advisory Council, and we would submit to them our plans for construction.

I think our main thrust here is, there should be some provision in the legislation for a grandfathering provision for projects of this type. First of all, there is a compelling public need for the facility, and, number two, the company has invested several million dollars in the project thus far.

SENATOR PARKER: Why should there be any better privilege given to you than to the homeowners and the people that farm and live there? (Applause)

MR. FREUHLING: Senator, I am speaking for the company, but I certainly would agree with you that there should be provision for others because of the same problems that are created for them.

SENATOR DODD: Thank you very much.

SENATOR MARESSA: I have asked you, Senators, if you would come down here to Winslow Township and hold the hearing because there are a lot of people in the South Jersey area who wanted to be heard, and I thank you for doing that, and I appreciate your permitting Mayor Maise and our tax collector to testify, but it would seem to me in looking at this list, that there are a number of people who are from the northern part of the State coming down here to south Jersey to testify.

I would like to know, when are the people from the area going to testify? (Applause)

SENATOR DODD: This is a continuous list. Do you have any suggestion on how we should handle this? Skip around? How should we do that?

SENATOR MARESSA: Would you ask some of those people who are not from south Jersey to yeild? Maybe they are willing to do that. A lot of this is going to be repetitive, isn't it?

SENATOR PARKER: Maybe we could alternate. We have done that in the past in other hearings.

SENATOR DODD: We are going to break at one o'clock for lunch. Let's run

out the list now and see if we can work out a revision for this afternoon. We will be back at one-thirty promptly.

Robert Owen, Committee For A Better Environment.

R O B E R T I. O W E N: Senator Dodd, while I am from Monmouth County, I don't consider it north Jersey, and I also hope you take into consideration the fact that I waited all day on the 26th to testify. So, I don't necessarily think I am speaking out of turn.

SENATOR DODD: I think that point has been misunderstood by some. People have been on this list for about a month. We are traveling around the State. The people who live here should listen to the other side, whether they agree with them or not, because that is what we listen to while we are making a determination on the bill. And if you just hear the same thing over and over again from your side, you are not getting the entire picture, and we have to make that judgement. It is good to have the dialogue both ways. (Applause)

MR. OWEN: I am Robert Owen of West Long Branch, New Jersey. I represent The Committee For A Better Environment, Inc., a Monmouth County based organization known for its environmental education efforts around the State. We also have members from outside Monmouth County. An active supporter of New Jersey Pine Barrens preservation, The Committee For A Better Environment has been heartened by the consensus which has emerged over the past two years that urgent and impelling action is required to save the unique and invaluable Pinelands area of our State from the irreparable damage which can be caused, and which even at this moment is being caused, by unsuitable and haphazard development.

Consequently, CBE welcomed the recent passage of the new federal legislation which extends the "national preserve" concept to our Pinelands and provides for management planning, funding, and land acquisition in cooperation with the state and local governmental units. This, in turn, was complemented nicely by the findings and recommendations of the Pinelands Review Committee.

However, it was evident that it necessarily would take many months before the Pinelands could actually be protected effectively by new management and by pertinent new state legislation and implementing regulations. It also was evident - I might say painfully evident to those who have been watching the accelerating growth in the Pinelands in the past several years, and I personally have been doing it as a camper and a visitor - that the intervening months almost certainly would see a "gold rush" for subdivision and other housing and related permits so as to pre-date and possibly preempt subsequently enacted preservation measures.

Clearly, there was a crying need for the moratorium which the Governor promulgated by executive order February 8. The proposed Pinelands Protection Act, the subject of this hearing, is equally needed. CBE urges this Act's early approval without significant change by the Energy and Environment Committee. (Applause)

SENATOR PARKER: Just one question. Has your Committee taken the same position on legislation affecting the moratorium for stopping sewage dumping and sludge dumping in the New York Bight.

MR. OWEN: Yes, it has.

SENATOR PARKER: I am not familiar with your position. I would like to see that, because we have been trying to move that bill for some period of time, and we have not been able to do so. I just wondered if you just took the same strong position on that activity as you do here in the Pines.

MR. OWEN: We will have that sent to you, Senator.

ASSEMBLYMAN GEWERTZ: I would appreciate it, Mr. Chairman, if you might question some of those as to the impact, because that has not been addressed. For an example, the young lady from Cherry Hill who spoke was deeply concerned, and justifiably so, over what happened in Cherry Hill, but you have to understand that home building, land, people moving, that is always going to occur, and it is all a case of supply and demand. If you are addressing the area of the core of the Pinelands, that is one thing, but when you get into the outer preservation area, you are going to force people who are looking for homes to go to the Cherry Hills that are not included in this preservation area, to the Deptford Townships, to the Glassboros, because they have no place else to go. And that is going to put---

SENATOR DODD: Assemblyman, we are trying to hear testimony. If you want to make a speech, please, call a press conference out in the hall. (Applause)

ASSEMBLYMAN GEWERTZ: I don't have to call a press conference, because I represent 189,000 people who don't sell real estate---

SENATOR DODD: Mr. Owen, I thank you very much for your testimony. We would like to call Richard Walnut, Rancocas Creek Watershed Association.

R I C H A R D T. W A L N U T: My name is Richard T. Walnut. I am speaking on behalf of the Rancocas Creek Watershed Association. I would just like to state for the benefit of Senator Maressa that we are very much in the Pinelands, and it has been so designated by the Pinelands Review Committee.

The Rancocas Creek Watershed Association strongly supports the Pinelands Protection Act as introduced by Senator Merlino. It is an excellent bill that will provide protection for this valuable resource until a comprehensive regional management plan can be devised.

We believe that most of the arguments against this bill, which are being used by those who appear to be hell-bent for destruction, are spurious.

First, there were the hysterical cries that 6800 jobs would be lost. When no one swallowed that, the figure was reduced to 3,000, which is an equally unsubstantiated claim. Then there is the \$900 million lost to the economy of South Jersey, which was arrived at by some elaborately contrived formula.

The basic fallacy in all of these figures is that they are put forth as absolutes - as if all construction would cease, 3000 people would immediately be unemployed and there would be no building activity whatsoever for 18 months. Obviously, this is not the case. Projects which already have their state approvals will continue, and others which qualify as hardship cases or are compatible with the intent of the protection act will be given approval. Just last Friday, the Pinelands Development Review Board granted 9 approvals for a total of 129 units. Undoubtedly there will be many more. So you can forget the 3,000 jobs and \$900 million figures.

It should be kept in mind that what we all - or almost all - are trying to do is to preserve the character of this unique area and to avoid the mistakes that have been caused by mindless development in so many other places. This does not mean there can be no development in the Pines, but we need the "breather" provided by S-3091 to give the Planning Commission time to determine how much development can be tolerated and where it should be located. One thing reasonably certain, however, is that development will have to be substantially curtailed from its present rate. The 18 month slow-down in Pinelands construction should be a period of adjustment to channel some of the development outside the Pines area. I refer you to the Tri-County 208 study for Camden, Burlington, and Gloucester Counties, which encourages re-development of urban areas and most new development in the urban fringe areas. All of the social

and environmental factors - such as the plight of our cities, open space and watershed preservation, energy conservation, et cetera - indicate that this is the direction in which we should be moving. Sprawl development is no longer a tolerable concept. If the transition is made to development in these areas, there will be little, if any, impact on the construction industry of the South Jersey economy.

One of the other misleading statements being bantered about by the home builders is that they would only be building about 2200 units in the next 18 months, so a moratorium is unnecessary. This doesn't begin to tell the whole story. These would only be portions of subdivisions totalling perhaps 10 times that number. Furthermore, they would be scattered haphazardly throughout the Pinelands, many of them, as is now the case, in high watertable areas and other inappropriate locations, with no consideration for the overall ecology of the region.

In addition, there would be a mad scramble on the part of developers to get as many approvals as possible before more stringent guidelines are imposed. This happened immediately prior to the implementation of the DEP's water quality standards, and there is little doubt it would also be the case in this instance. How many this might be is anybody's guess - 10,000, 20,000, you name it.

Another argument we have been hearing is that there are enough existing regulations to provide adequate controls for the next 18 months. They point to the new zoning ordinances required by the Municipal Land Use Act, as well as the water quality standards. This simply is not true. Virtually all of the new zoning ordinances are emasculated by the development interests, and 85% to 90% of the applications under the Water Quality Standards have been approved.

It seems to me, gentlemen, that your responsibility as high elected officials is to consider the broader interest of the residents of New Jersey. I don't believe it is up to you to ensure profit to every developer and speculator. Your decision has to look beyond any immediate impact because it will determine what will be left of this region for the people of New Jersey 50 or 100 years from now.

We urge you to support S-3091 and to push for its enactment as soon as possible so we can get on with the business at hand - protection of the Pinelands.

Now, if I may make just a couple more comments, I did not realize you were going to accept any comments on the Russo-Perskie bill, and I would just like to make a statement that it seems to me--- First, I disapprove the portion of that bill which limits the moratorium to the preservation area, because most of the development now occurring is occurring in the area outside that, in the protection area. So, in effect, the moratorium would be non-existent. And, furthermore, it would tend to increase development pressures on the protection area so much so that if developers need more approvals, that much more of the protection area could be lost before the planning commission has a chance to develop its regional master plan.

SENATOR PARKER: In that regard, isn't that just exactly what is going to happen now with the Farmland Demonstration Program in your town and in Burlington County? Hasn't it been killed by the Governor, and isn't that really going to be the adverse impact of the moratorium, by now having the development just be spurred into the prime agricultural area of Burlington County in South Jersey? And, isn't that really a more serious problem than the preservation of our farmlands, than the preservation of the pinelands, or at least equal?

MR. WALNUT: I think I disagree with you that the Governor killed the experimental program, because---

SENATOR PARKER: We passed the bill. He didn't sign it, sir.

MR. WALNUT: I realize that. But, basically it has not been successful because the farmers themselves did not accept it.

SENATOR PARKER: Well, that is not true, Mr. Walnut. You know that.

MR. WALNUT: Well, that is the understanding I have. But, if you are looking at development on a broader basis, it seems to me, I know that most of the farmland in my township is either owned outright or under option to developers.

SENATOR PARKER: Oh, come on. That is absolutely not true, Mr. Walnut. Give me the facts on that. My firm is the solicitor for that Township, and that is not so. That is not so.

MR. WALNUT: I don't have the exact figures, but I know---

SENATOR PARKER: Let me make just one more comment, and I don't want to argue with you. The point is, you are alleging as one of the things that you object to, the blowing up of figures and the false statements. I don't know how you can deplore some without deploring all. I want to point out to you, when we started with the fringe area for water quality standards, the figures that were given to us by many other groups were that the pines and the area in the fringe area for water quality control was some 25,000 homes that were going to be built immediately. In the critical area.

And, after a rather lengthy hearing chaired by Senator Dodd, it came down that there were less than 5,000 homes in the whole area. You know, I think what is sauce for one is sauce for the other. You know, when you make these statements, I think all of that should be reflected as nearly as possible to the truth.

MR. WALNUT: Well, you are referring to my statement about the farmland in Southampton Township is under option to developers. All right, perhaps, I can't say most of it. But some time ago, I had heard that there were only three farms that were really operating farms. Some of them had been leased by farmers to continue.

SENATOR LASKIN: Mr. Walnut, as one that is sort of detached from what has turned out to be two sides of an issue that has more than two sides, I want you to understand that I do not view the pine barrens problem as a fight between developers and environmentalists. I think, unfortunately, the news media has portrayed it that way and the tenor of the hearing indicates that we have all fallen into that trap.

To me, the pine barrens issues are not the developer versus the home owner or versus environmentalist. I have to look at the pine barrens issue in a much broader perspective than that. And, I wish everyone else would look at it the same way.

But, the environmentalists statements that I have seen have pointed out some things that bother me, like, we must preserve the pine barrens which everybody agrees with, and then you go from there and say, the only way to do it is by the Merlino bill. That is the problem I have. There is a statement in your written statement which you have mentioned to us, which I can't understand at all. You say that if we preserve the pine barrens under the Merlino bill, and if we accentuate the urban development by having all these builders and developers go into the cities and really do a good job, everybody will move into the cities and there will be no loss to the construction industry. I can't follow that rather simple logic. I don't think you are going to get too many people moving into the city of Camden because there are houses being built there. Is that really what you mean to say?

MR. WALNUT: I was referring to the Tri-County 208 study which specifically encourages re-development of the urban areas.

SENATOR LASKIN: I understand that. What I am saying to you is, if we encourage re-development of the cities, you go from there, and say, therefore, we

can close down the pine barrens because everybody will move into the cities, and I have a difficult time following that logic.

MR. WALNUT: We are not saying there should be no development in the pine barrens, but I think if we are going to preserve the area, you obviously can't build it like Cherry Hill. There has to be some limit on development, and this, I believe, is the purview of the planning commission, to determine just how much and where the development should be located.

SENATOR LASKIN: Would it surprise you to understand that everybody in this room, and everybody who is against the Merlino bill probably agrees with your statement, that there should be limited development in the pine barrens. Everybody probably believes that. (Applause)

The problem that I have--- And I think that is the problem that most responsible people have, the amount to which we are going to allow limited development. If all the witnesses, those who may not get a chance today, because we don't have enough time, I would hope that everyone here, and those who are not here but who know about this, would send in suggestions about specific changes. We have heard some pretty good ones here today, from different speakers. I think those of us on this Committee, and I say this without any equivocation, are very concerned about how to solve the problem. I don't think there is a division on this Committee, pro-developer - anti-developer, pro-environment - anti-environment. I think this Committee is really concerned about coming up with a best possible solution to a terrible problem. If all of you would send in suggestions, even if you don't testify today. Send them in. As I say, we have heard some good ones today that are specifically addressing themselves to the provisions of the bill that seem to cause most people their real problems. I think we would all be better off. I really mean that. I say that to everybody, no matter what side of the issue they are on. I would like to have these suggestions, because I am having a difficult time wrestling with this problem.

SENATOR MARESSA: In looking at the number of people who want to testify and who they represent, I would like to say this for the record, I live in Atco, which is in the pine barrens, by choice, and I think I have spent more time in the pinelands than any other person in this room, hiking, canoeing, camping, hunting, and the like. I am the father of four children and we have all done this for twenty or thirty years.

I also own two four-wheel drive vehicles, and I have spent as much time as I can in the pine barrens. I understand and recognize that the pinelands and the pine barrens as a certain entity, the Wharton Tract and Lebanon State Forest, and everything in between, so to speak, and I would like to ask those who have testified, are you talking about the 450,000 acre area that we are all kind of recognize between Lebanon and the Wharton Tract, or are they talking about Cape May or Cumberland County. I would appreciate it if you would just ask each person - or if they hear me now, when they come up to testify - to address themselves to what they are really talking about in terms of area. Thank you. (Applause)

SENATOR DODD: That is a very good point. Mr. Walnut, you are to be congratulated on a very well thought out statement.

We are going to take our luncheon recess until one-thirty. Thank you.

(Whereupon a luncheon recess was taken.)

SENATOR DODD: Ladies and gentlemen, we will continue with the hearing.  
Gail Robinson of Save our River Environment.

G A I L R O B I N S O N: I am Gail Robinson of Morristown and I would like to say for Mr. Maressa's benefit that the Morristown I come from is in Cumberland County. That is the area I am mostly speaking about, though I think all of us would like an opportunity to speak of the Pine Barrens as a state asset.

I would like to state that I speak for the environmental group Save Our River Environment. Save Our River Environment is a 150 member conservation organization which has been working for the past five years to preserve the natural resources of Cumberland County. We are one of the nearly 50 member organizations which comprise the Pine Barrens Coalition.

We support the Pinelands Preservation Act, sponsored by Senators Merlino and Yates. A moratorium on state and local permits with provision for exceptions on grounds of compelling public need or extraordinary hardship seems to us an equitable way of halting the destruction of the Pine Barrens by piecemeal development.

Our organization also endorses the exemption granted under the bill to agricultural activities. Although the amount of land under cultivation within the Pinelands boundary in Cumberland County is not great, every effort should be made to avoid causing hardship to farmers. If, as a result of this legislation, farmers within the Pine Barrens experience a loss of borrowing power due to declining land values, we favor the extension of state or federal loans for seed, machinery and other needed items. The success of this legislation will be in part judged by its impact on agriculture; it is extremely important that no adverse impact be felt.

Provisions for financial assistance to municipalities whose tax bases may be adversely affected by this legislation are also needed. Concrete assurances that this assistance will be supplied should be included in the Pinelands Preservation Act.

In a recent Gannett News Service poll, a majority of Cumberland County residents interviewed expressed support for state as opposed to local controls over development in the Pine Barrens. Our organization believes that the Pinelands Preservation Act represents the only practical way to proceed, since exclusive local controls have clearly failed to protect the natural resources of the Pinelands.

Firm state action to protect the Pine Barrens will, in our opinion, serve to make the entire region an increasingly popular tourist and recreational attraction; the economic benefits of conservation will thus be both substantial and continuous.

Are there any questions?

SENATOR DODD: Senator Laskin.

SENATOR LASKIN: Ms. Robinson, I would like to ask you, as I have asked others, if you assume that everybody feels that the Pine Barrens should be protected in some manner do you have any problem with the fact that the legislation should include those items which you have enumerated in your presentation, as opposed to allowing an administrative agency, or the council, to cover these items? In other words, you talk about exceptions -- depending on definition -- you talk about exemptions, you talk about lending money in cases of hardship, you talk about financial assistance to municipalities in the event of some kind of hardship as defined. If these concepts were written into the bill as opposed to allowing the

review council to establish their own guidelines as they see fit, would that cause you any problem?

MS. ROBINSON: No, that is one of the purposes of our statement, to point out that the language of the bill is very vague in the area of higher taxes, for instance, and that should be more definite. We also feel if you are going to make definite statements about payments in lieu of taxes, the criteria for that should be plainly spelled out as well. I am not sure that the tax losses may be as substantial as some people feel they will.

SENATOR LASKIN: I think my basic point is, though, that you wouldn't have any objection to more specific writing into the legislation of anything that we could possibly think the council might develop, would you? In other words, we have the age old problem of bureaucratic regulation. We have that terribly in this state, where from one week to another a regulation may be written and the next week another regulation is written.

What I am trying to say is, especially for those who support this bill, would there be a problem if we wrote into the legislation as much as we could instead of allowing the administrative agency, who may be carrying out its provisions, the right to promulgate rules and regulations as they see fit. Do you see what I am getting at?

MS. ROBINSON: Yes.

SENATOR LASKIN: You have no problem with us really getting specific in this legislation?

MS. ROBINSON: In the areas which I have delineated -- agricultural exemptions, and in the area of payment of in lieu taxes. I think it was Senator Yates, in his testimony, who pointed out that development-- Though people think is a great tax bonanza, he is not sure that the services demanded by that development are equated with the tax that it generates. As long as that is taken into consideration, we think it should be more specific.

SENATOR LASKIN: Let me ask you something in that regard -- about the loss and the effect on people's property and the tax rate in the town. Do you share Judy Palombi's suggestion that the planning process and the committee delineate the areas they wish to acquire so that people know they are in that particular area, as opposed to putting a cloud over there and saying, you have to give the state first refusal on any land within the whole area? Do you share any thoughts in that regard?

MS. ROBINSON: I think that in essence is taken care of by the fact that the area is delineated into two areas: the preservation area and the protection area. Perhaps I am making an incorrect assumption.

SENATOR LASKIN: Do you want the acquisition only in the protection area?

MS. ROBINSON: We would say that the first acquisition would undoubtedly take place in the preservation area. That is the assumption I have made. Now, maybe that is wrong.

SENATOR PARKER: The question I have is, obviously some areas within the preservation area should not be acquired -- for instance, agriculture, farming.

MS. ROBINSON: Agriculture is clearly exempted in this bill.

SENATOR PARKER: Well, that is a question too.

MS. ROBINSON: All right, maybe that should be spelled out.

SENATOR PARKER: Because it refers to indigenous items, items that are indigenous to the Pinelands.

MS. ROBINSON: As a matter of fact, there are two places in the bill, one of which says agriculture in general and the other place it says indigenous. I think that should be--

SENATOR PARKER: That's right. But, I want to try to get the concept if we can because I think it is important as to whether we put a cloud over everybody's land within the preservation zone, or whether we say to the planning commission, "You determine what areas and you tell us what areas you want to acquire" and then put it in the plan so people who own property there know that they are going to be subject to acquisition, as opposed to a person who owns his home in the protection area being told that he has to offer it to the state first before he can enter into an agreement of sale.

MS. ROBINSON: All right. If we are going to speak in terms of the individual private homeowner, I don't think you can talk in terms of clouds because the land would only be available for acquisition when it came up for sale.

SENATOR PARKER: Well, we may be arguing semantics, but do you suggest that we should identify areas to acquire and then do it that way, as opposed to the offer?

MS. ROBINSON: I would assume that the first area to be acquired would be in the preservation area and I think Senator Yates said that that was the ultimate goal, to acquire that area. I am sure that with the funds available it would certainly have to be--

SENATOR PARKER: All right. You are only going to have certain funds available. You are not going to buy it all.

SENATOR DODD: Sixty seven million.

SENATOR PARKER: Well, the question is not \$67 million. With \$5 million they killed the Farmland Preservation Program in my county because they said with \$5 million they couldn't acquire enough. Rather than go back and get more money they killed the program. I hope that isn't going to happen here.

But, I certainly worry about the people in that area. When we don't have enough money, shouldn't we identify areas like the Board of Freeholders in Burlington County did, and the Pinelands Environmental Council did in saying we should acquire the east and west, or whatever -- the central plains. We set that aside so that the people know what area specifically is going to be purchased, and so that everybody, homeowners and the like aren't subject to--

MS. ROBINSON: Are you suggesting that this be a designation which is included in the legislation, rather than be a designation by the Pinelands commission?

SENATOR PARKER: No. I am just concerned about the requirement that they are offered. It was mentioned by Mrs. Polombi. She thought they should designate the areas and I feel that the commission should do that. I want to see whether you concur with that. I think it is a good idea because obviously we are not going to be able to acquire it all.

You know, you were talking about preserving ratables and I wondered what your thought was on that.

MS. ROBINSON: I am not sure. I hadn't thought of it quite in those terms and the group hadn't discussed it other than assuming that the preservation area would be acquired first. Whether or not any distinction other than that would be necessary, I am not sure.

SENATOR PARKER: Well, I am not sure if we will ever have enough money to acquire it all. I don't know.

SENATOR DODD: Thank you very much.

Bob Schnabel, Austin Shellfish Company.

R O B E R T S C H N A B E L: Senator Dodd, members of the Energy and Environment Committee, my name is Robert Schnabel. I am a shellfish farmer in Ocean County. I own 150 acres of shellfish beds under the waters of Great Bay in Lake Harbor Township. I have been in business continuously since 1959 and I am an active member of the Baymen's Association for Environmental Protection, the Shellfish Institute of North America, the Ocean County Board of Agriculture, and at the present time I am serving at the Governor's pleasure as Chairman of the Atlantic Coast Shellfish Council.

Upon review of S-3091, I find that there is no statutory provision for the maintenance of existing ground water levels. Since the very existence of the New Jersey shellfish industry depends upon the balance of fresh and saline waters presently in our bays, this bill is of major concern to me.

The purpose of my testimony today is to respectfully request that S-3091 be amended to include statutory authority to prohibit the transportation of water supplies to reservoirs in other sections of our state.

I have included in this testimony the results of the Northeast Water Supply survey, made by the Corps of Engineers. I will supply you with this. It was completed in 1977 as a result of an act of Congress. The mayor showed this earlier. It is a picture of the well field and what have you.

I also have a copy of the Planning and Management of the New Jersey Pinelands draft report. It was put out by the Governor's Pinelands Review Committee. In there it refers to, under the section on water supply master plan, the under program plan. It goes on to say basically - I won't read the whole thing - that there are plans to use the Pinelands water as a source of potable water for North Jersey communities.

Our Association - the New Jersey Baymen's Association - at our February meeting passed a resolution calling for me to come to your Committee and respectfully request an amendment to this bill to prohibit this type of action.

Now, Senator Dodd, in view of your full support and passage in the Senate of Senate Bill #1399, the Marine Fisheries Bill, we would hope that you would continue the full support of the marine fisheries in our state by strongly considering this amendment.

I would be happy to answer any questions.

SENATOR PARKER: Are the shellfisheries and the water and the ecology of Great Bay and the Mullica River and all the other bays dependent upon the water level in the Pinelands?

MR. SCHNABEL: Very much so, Senator Parker.

SENATOR PARKER: What report do you have to substantiate that? What is the basis of that?

MR. SCHNABEL: Well, our Association is in contact with other shellfish groups and this problem has presented itself in Great South Bay on Long Island, and the Shark River area of New Jersey and in the Cape May County area of New Jersey where when your ground waters are diminished your salt water intrusion changes the spawning habits and it causes the pre-larval and post-larval stages of development to be subject to other factors that destroy it.

SENATOR DODD: In Monmouth County, Wall and Howell Townships are considering capping the head waters of the Manasquan River for potable water. Now, wouldn't that same principle apply to that region?

MR. SCHNABEL: Very much so. As you know, our association has strongly supported a relay program for all of Monmouth County and we hope, again, for this Committee's support in so doing. One of the reasons for seeking this type of a program now is the fact that we are losing Monmouth County growing waters. We have already lost them for 19 years because of condemnation through sewerage. Now, we are losing them even faster because of accelerated intrusion of industrial waste down from Newark Bay through the Raritan system.

SENATOR PARKER: Is there a special mix - and I am referring to blight 'x' and some of those problems we have had - necessary for growing oysters? Do they depend upon a mixture of fresh and salt water?

MR. SCHNABEL: Very much so, Senator Parker. I know you are familiar with the Mullica River and you can imagine that in a dry year our oyster set will extend all the way up to the Garden State Parkway. In a wet year, we will have it all the way down to Gravelly Point. So, you can see just the natural factors give a great variation. And when we get a set up at the Parkway, we don't have the shell to sustain that, so it is lost. So, a whole year of oysters is lost over a natural calamity. You can imagine, this Corps of Engineers report alludes to 200 million gallons a day.

SENATOR PARKER: What would that do to the ground water in the area?

MR. SCHNABEL: Well, to our knowledge it would diminish it and, of course, that Cohansey comes out right at the Bay shore. It feeds the Bay.

SENATOR PARKER: It runs right into the level of the Bay?

MR. SCHNABEL: Yes. We are greatly concerned with this.

SENATOR PARKER: Do you have any facts, figures, or any information to show what effect it would have on the flora?

MR. SCHNABEL: Yes. I am not going to get into that.

SENATOR PARKER: What effect would it have on the trees in the Pinelands?

MR. SCHNABEL: Well, first when you tap it you would lower the Cohansey, but the next natural thing would be you would lower the stream level and as soon as we lose an inch on the stream level and that transmits down into the Mullica you can see it. So, when we are suffering, the other people who are concerned with the flowers and what have you are suffering too. Our suspicion is that they haven't gone into Senator Merlino's bill deep enough to see that there is nothing attacking this water issue.

SENATOR PARKER: Let me ask you two other questions. We have, as I understand it, water regulations now for surface drainage and the others under the Federal Clean Waters Act. Is there anything that would prohibit taking water out of that area -- the Pinelands area?

MR. SCHNABEL: I am not aware of it. I am not an expert.

SENATOR PARKER: How about the Scenic Rivers, if you are familiar with them? We passed a resolution. We passed it twice and then we passed a bill requesting Congress to put most of this area into the Scenic Rivers and as far as I know, nothing has been done about that as yet. Does the Scenic Rivers keep them from touching or taking away any of the water resources in that area?

MR. SCHNABEL: I don't think so. I have a question in that regard. I know you touched on it at the hearing in Trenton. It concerns the Smithville area. That is, of course, the source of quite a bit of the water for our Scenic and Oyster River.

SENATOR PARKER: You are referring to the fact that Smithville is not subject to the moratorium.

MR. SCHNABEL: Yet it is on the Motts Creek drainage and the Natco Creek drainage. In fact, at our last Shellfish Council meeting, we leased 1900 feet of oyster beds in the Natco Creek and they would be directly affected by this if we do not address this problem. We don't have that much oyster bottom left. We don't have that much clam bottom. We have only got 25% of our shellfish growing waters left in New Jersey and that 25% is right here in Southern Ocean County, right in the area you are dealing with. And it is vital to us that that is saved. The day is going to come when we are going to have to transplant clams from all the rest of the state into that area.

SENATOR PARKER: Well, we are doing that now. That is being done now.

MR. SCHNABEL: Yes.

SENATOR PARKER: Are you still growing seed oysters? Are they still growing seed oysters in the Mullica?

MR. SCHNABEL: Definitely. We have plans now. We will be back to see you to get money. (laughter)

SENATOR PARKER: You want all the water and you want all the money.

MR. SCHNABEL: That is an on-going program, the oyster transplant.

SENATOR DODD: Thank you, Mr. Schnabel.

John Hendrickson.

J O H N T. H E N D R I C K S O N: Senators, honored guests, people, it is a pleasure to be here today to testify.

Senator Dodd and members of the Senate Energy and Environment Committee, my name is John T. Hendrickson, Mayor of Eagleswood Township, Ocean County, and I have held elective office for 18 years. I feel disappointed and shocked that S-3091 has such a little regard for our basic home rule principle. I strongly object to S-3091 and feel such an action is contrary to the principal set forth in the Municipal Land Use law: Reference, C-40-55 D - Moratorium Interim Zoning.

Upon my review of S-3091, I find several areas of particular concern. The thrust of S-3091 has obviously distorted the intent put forward in the Federal National Parks bill of November 1978.

It will be impossible to maintain our fiscal responsibilities as elected officials of each municipality within the Pinelands area. The proponents of S-3091 are obviously not concerned with the problem of our reserve for uncollected taxes in each of our municipalities.

No consideration has been given to the plight of the taxpayers. I speak from experience with the Wetlands Act. The reserve for uncollected taxes in my township increased 20% from 1976 to 1977, exactly from \$131,953 to \$164,030, and that is with a one-half million dollar budget.

Gentlemen, this type of legislation will create economic chaos throughout every municipality affected by this legislation.

In conclusion, I feel that it is necessary that we closely adhere to our democratic processes in preparing a plan of such magnitude that could affect the lives and livelihood of so many citizens.

I respectfully ask that this Committee oppose S-3091.

I might say to you, as part of my testimony, that I have submitted to you the names of the Mayors in the Pinelands Coalition that were invited to all the meetings we had with Mayor Dominic Mays. I strongly feel that that type of legislation -- those types of amendments -- could be lived with in our area. We want to say here now that - I live in the Pinelands - we want to see the Pinelands preserved. We have a large problem in our township living under the Wetlands

Act. That is also in Limbo. We have discussed this previously. The property owner's land value has continually diminished since the Wetlands Act, under the restrictive zoning of the Wetlands Act. We now have owners that are requesting the Federal Government to buy their land. We have 2325 acres within the National Park's refuge. We also have 1,000 acres of the Stafford Forge, bought in the early '60's under the first Green Acres Act. Together, they represent one million, nine hundred thousand dollars in lost ratables. My tax rate was \$3.16 in '78 and \$3.15 I am happy to say in '79, which represents \$57 thousand a year not reimbursed to a municipality that has a total worth of fifteen million seven, net under the ratio of equalized value, or twenty million four. That is heavy and that is my objection to the legislation the way it is now.

If people who own land and who have any amount of acreage or investment do not know what is going to happen, nor have any idea of what is up front, these people do not pay their taxes consistently and the reserve for uncollected taxes is unbelievable.

I will submit anything to the Committee that they might want to hear along those lines. I also started some time ago with the Northeast Water Supply. I concur with the previous testimony that the water shouldn't be removed. Our experience in our township was, when the Ocean County Sewerage Authority laid their lines, in the dewatering process we lost somewhere between nine and twelve wells, seven wells which were paid for by the Ocean County Sewerage Authority through contracts made with the township -- 150 feet to each side that they would be responsible for.

SENATOR PARKER: Was that encroachment by salt water into the well?

MR. HENDRICKSON: No, it dried them up. They were far enough away but our wells in the area, as you well know, Senator, are someplace between 26' and 44'. The trench was 14' and the 26' to 34 some odd feet were dry. It just dried them up; there was no water.

SENATOR DODD: Mr. Mayor, your concern is-- We all have different concerns on this Committee and, indeed, in the Legislature. Your concern in particular matches mine very much, if we take the example of a person who has owned the land for 'x' amount of time and goes through the process and finds the land cannot be used. Yet, taxes have been paid on it for years, which of course is in your equation, and that of every other municipality. There is no sense in paying your taxes any more. And, if enough people do that, the township just can't meet its obligations. This is a very real concern. This is today. This isn't "could happen"; this will happen.

When we talk about hopefully acquiring funds to make up that difference, we are talking about staggering amounts of money needed to deal with a million or more acres. We share that concern very deeply.

MR. HENDRICKSON: I would like to say also that we had a meeting with Senator Case. I was fortunate enough to go to Washington with 20 other elected officials and have a meeting down there on October 5th in Washington, D.C. that lasted for about three and one-half hours. We say again that when we left that meeting with Senator Case and Senator Williams after hearing all the hours of testimony that was put into the National Parks Act, as I said in my testimony, it was very different from the legislation we have seen come down. We can live with the National Parks Act.

SENATOR DODD: This is something we will be looking at. Mike Catania, our aide, has something to say.

MR. CATANIA: At the next hearing of the Committee, one of the representatives from the U.S. Department of the Interior has been asked to testify and we will be asking him questions about the relationship of the proposed State legislation with the National Parks Act.

MR. HENDRICKSON: Who is that?

MR. CATANIA: David Haley. I think he is a Deputy Undersecretary who has worked closely with the Pine Barrens legislation on the federal level.

MR. HENDRICKSON: I would just like to say that not just being opposed to the bill is not enough, that we have, through meetings with the mayors, proposed the recommendations.

SENATOR DODD: We can't afford to be against the bill. That doesn't solve the problem.

MR. HENDRICKSON: That's our position exactly.

SENATOR PARKER: I'm looking over here and you mentioned something about the amount of land in Eagleswood that has been taken by Brigantine Wildlife, the national wildlife refuge.

MR. HENDRICKSON: That's correct.

SENATOR PARKER: And, it raises a question and I see it on the list--and I only see two--that might be affiliated with sportsmen's groups, the Ocean City Sportsmen's Club--I don't know if the gentleman is here or not, Mr. Palermo--and James Furlong of the South Jersey Fur Takers. I don't know whether you can call that one a sportsmen's group or not. But, I want to ask a question and it has been raised to me and it is of concern to me. In your area, hunting has been prohibited or severely restricted in all of the marshlands between Cedar Run and West Creek. The federal government, after many, many hours of urging your mayor, your former mayor and myself and some others, they have opened up some parts of that, for recreation, hunting, and the like. Do you feel that this legislation requires some affirmative statement so that these lands that are purchased with our public money should remain open and viable and available to sportsmen for hunting, fishing and other recreation?

MR. HENDRICKSON: There is no question about it. That's our heritage and the problem has been in our town that the people that were born and raised and hunted that land for years are now restricted from the sport and also I might say, their per capita income being very low, that it was a necessary way of life through the wintertime and through the duck season because that flyway, as the Senator very well knows, is very popular and abundant.

SENATOR DODD: The last time I flew over this area in a helicopter, it was beautiful, but I never saw so many blinds up in the trees. Anything further? Mr. Mayor, thank you very much.

MR. HENDRICKSON: Thank you very much for the opportunity to testify.

SENATOR DODD: Scott Hazard, Campground Owners' Association?

S C O T T H A Z A R D: Senator Dodd, distinguished senators, my name is Scott Hazard and I am here to testify for the New Jersey Private Campground Association, Legislative Committee, as well as the Bass River Township Business Association, Bass River Ad Hoc Committee on Taxes, and as a resident of the Pinelands.

The Campgrounds Association, representing privately owned recreation campgrounds throughout the State, is opposed to the high-handed tactics being used by the Governor with his moratorium, which are reinforced by the introduction of S-3091. Obviously, we are not opposed to conservation, preservation or maintaining open space. We are dedicated to the principle of a Pinelands Preservation Area, but

submit that through the moratorium, if it stands in court, and/or S-3091, the campground industry will come to a standstill in South Jersey.

Consider the following: Campgrounds require DEP approval for construction; as a young and vigorously growing industry, campgrounds in South Jersey are invariably adding improvements which, again, require permits; campgrounds are in competition with State facilities which will be continuing their expansion, for example, construction at Atsion, Spruce Run and Bass River State Park. This is certainly unfair.

Our campgrounds contribute heavily to the municipalities affected through taxes and permit fees. If this Act, as it is written, should become law, our very existence would be threatened. Our ability to attract investment capital would cease, our campground real value would decrease. The State has no funds to speak of, so why require a first refusal grant to the State at all? Upon seeing the State not exercise the right of first refusal, the private buyer would only offer less money, since he would not be contract bound. We would not be able to improve, sell or pay our taxes. Now, we come to the frightening part. The State certainly could find money to buy tax title liens. This is how much of the State park areas were formed during and after the depression years. This certainly makes the future very dim for one in an industry that has the State as a prime competitor.

For our industry to remain vigorous and alive, any act concerning the Pinelands' preservation should include provisions for continuing, private ownership of campgrounds with the ability for expansion and improvements. The State's right of first refusal has to be eliminated. Because of the competition with private enterprise on the part of the State, we strongly recommend that a member of the campground industry should be on the fifteen member Pinelands Planning Commission. We feel that the private sector has a desire and ability for preservation just as much as the State, if not more so, when you consider that it is the nature of our business as campground operators.

In summary for the N.J.P.C.A., the camping industry opposes the Governor's moratorium, the section of S-3091 imposing a moratorium, and interference with the right of contract. We feel that because recreation is one of the prime activities in the Pinelands, our industry with its demonstrated desire for conservation, preservation and maintenance of open space should be represented on this fifteen member Pinelands Planning Commission.

I'm going to enter into additional testimony. I called in and didn't get on the agenda, but this is testimony from Bass River Township. I'm representing the Business Association there and the Ad Hoc Committee on Taxes.

SENATOR DODD: On the point of the campground, camping is very indigenous to the main reason for having the preservation and if people can't use and enjoy the Pinelands, what is the sense of preserving them? In your business, maintaining campgrounds, I don't know of any business, as a matter of fact, that can't be done or isn't done better by private industry than the government. We would certainly encourage private industry to operate without government interference. That's my own personal thought and I hope I reflect the thoughts of the Committee on that.

MR. HAZARD: They are our exact sentiments, Senator Dodd. In the moratorium, as well as the bill, they specifically refer to agriculture as being excepted from the stringent requirements. There is mention of recreation, but it doesn't go into recreation on the part of the private sector. In the private campground industry, we see large amounts of property with a potential for being acquired as well as with a potential for being in direct competition with our industry.

SENATOR DODD: On page seven of the Bill, there is explicit language that does encourage your industry.

SENATOR PARKER: I have two questions. First, why is that lake always drained all the time or half the time?

MR. HAZARD: Which lake?

SENATOR PARKER: Where you are, the one you talked about.

MR. HAZARD: Pilgrim Lake? Oh, Atsion Lake.

SENATOR PARKER: No, the next one down. Timberline Lake, that's the one I was trying to think of.

MR. HAZARD: Timberline Lake Campground.

SENATOR PARKER: And the lake is always down, I forget the name of the lake, and it is always down and I just wondered why it is always drained.

MR. HAZARD: During the rainy season last year there was a dam up in the Pine Barrens up the river that went out and this also ---

SENATOR PARKER: What river is that on? That's not on the Oswego or the Wading.

MR. HAZARD: Bill, what's the name of that branch the river is on?

MR. MCGOURLEY: I own the property you are speaking of. Maybe I can remember.

SENATOR PARKER: I was just wondering why.

MR. MCGOURLEY: Well, as Scott said, there was a dam that went out. That's on Ives Branch. It gave us some problems with our dikes. We put them down with the hope of making some improvements to them but we are running into some problems with approvals in doing that kind of work.

SENATOR PARKER: Welcome to the club.

I have a question on the campgrounds, generally. How many areas in the Pines, in Burlington and Ocean Counties - I'm not familiar with the Atlantic County side - is camping permitted by the State? I'm talking of scouts and/or camping with campers.

MR. HAZARD: Specifically, the main camping area would be Bass River, the Wharton Forest, - there are many areas throughout the Wharton Forest where they permit camping, a backpacking type of camping, Batsto, I believe.

SENATOR PARKER: According to my recollection, a lot of times, in most of the area you are not permitted to camp.

MR. HAZARD: You can only camp in the designated areas.

SENATOR PARKER: And, that's at Bass River, Batsto, Butler Place, Godfrey's Bridge? I know when we have had trouble - usually when we have scouts - you had to go on Bill Haines' land because the State won't let you camp.

MR. HAZARD: I'll let you camp in my campground.

The following testimony comes from the grass-roots of Bass River Township, a community that stands to end up with 96% of its land State owned should S-3091 become law. Senator Yates testified before this Committee that it is the intention of the State of New Jersey to own all areas between tracts already State owned in the Pinelands. This virtually includes all of Bass River Township, as there are State-owned lands throughout the township. The proposed line between the Preservation Area and the Pinelands Reserve cuts through our residential community of New Gretna at the extreme southern end of the township. With the wetlands already taken, there remains a little more than 3% of the township. These people will have to carry the total tax burden for the municipality and its schools.

The people in Bass River Township already know the effect of having State-owned property in their boundaries. We receive 10¢ per acre or \$1200 per year from the State. To show how little this helps the township, consider a current example of township expense State related. In Bass River, there is a road used extensively by visitors to Bass River Forest. The State has recently upgraded its section of roadway with a resurfacing project. A seven tenths mile municipal section in desperate need of repair has been closed. To bring the roadway up to the quality of the State section will cost in excess of \$30,000. Twenty years from now the State payments in-lieu-of taxes will have covered this one repair.

With the prospect of greater State ownership, we expect expenses to soar. With the corresponding loss of ratables, where is the money to come from? There is already an alarming trend in unpaid taxes. The reserve for unpaid taxes in the 1979 municipal budget increased 17% and now represents 43% of a total budget for municipal appropriations.

The people of Bass River Township in last year's election, overwhelmingly voted against the Green Acres Bond Proposal. Last fall, 143 tax appeals were filed. The Mayor from Bass River should consider these facts before he professes to represent the people of Bass River Township. Preservation at any cost is certainly not the view of these people who know what it is to pay their way through taxes.

We are not against Pinelands preservation. We are in the Pinelands and choose to live there. We would like to continue to live there. For this to be possible, complete and continuous payment in-lieu-of taxes has to be provided for in the Act as well as payment in full at market value for lands acquired.

It also seems to the people in Bass River that with so little development in the Pinelands - essentially none in Bass River - an 18-month moratorium is an overkill situation needlessly upsetting the existing economy. It is obvious that at the end of the 18-month period if a plan is prepared, it will take another 18 months for it to be approved - a total of 36 months or 3 years of living under this type of thing.

I feel that there is a need for amendments in the Act and a compromise version is definitely in order.

I thank you for the opportunity to present this testimony and urge that you take it into consideration.

SENATOR DODD: Thank you very much, Mr. Hazard. Russell Clark. We called out some names that were previously on the list, perhaps we should backtrack a bit. Herb Wishnick, New Jersey Shorebuilders Association. Joseph Lauro. Robert Karnell. Walter Holm. Dr. Joan Ehrenfeld. Ruth Yarrow. John Sinton. Joan Batory. Gayle Samuels. Dr. Eugene Vivian. Maurice Sampson. Leonard Connors. James Gouryeb, Woodland Township Planning Board.

J A M E S G O U R Y E B: Thank you, Senator. My name is James Gouryeb, I am Chairman of the Woodland Township Planning Board. I would like to read into the record a resolution unanimously adopted by the Woodland Township Planning Board at its February 21, 1979 meeting.

Whereas, democracy is the only suitable form of government for a free and sovereign people; and Whereas, a primary and indivisible element of democracy is the right of the people to control their own lives, destiny and government; and Whereas, a government which ceases to allow the people such control is departing from basic democratic principles; and Whereas, there has at present been introduced a bill by New Jersey Senators, Merlino and Yates, which is at variance with time-tested and

and time-honored democratic principles; and Whereas, this bill mandates that property owners in Woodland Township must give the State the right of first refusal on any land within the township they wish to sell; and Whereas, this bill would enable the State to implement whatever zoning regulations and land use restrictions for Woodland Township the State deems appropriate; and Whereas, this bill would enable the State to direct where any schools and other capital projects in Woodland Township could be located, and would grant the State the power to reject any such capital projects it deems unnecessary; Whereas, this bill would prohibit Woodland Township and any of its governmental agencies from issuing any approvals on any land use-related matters until a State-prepared master plan is adopted by the township; and Whereas, a moratorium on all land use-related activity in Woodland Township would be in effect for the two to three years it would take for the township to formally adopt such a State plan; and Whereas, this bill affords the residents and property owners of Woodland Township no opportunity to determine the final shape and scope of any State-prepared master plan and zoning controls for the township; and Whereas, this bill would enable the State to grant approval or issue denial on any application for development or on any other non-agricultural land use within Woodland Township; and Whereas, this bill gives the Governor of the State of New Jersey ultimate authority and veto power over any and all land use decisions in Woodland Township; and Whereas, this bill would supercede and void any and all statutory protection now existent in New Jersey law which was formally enacted to protect the welfare, well-being and fundamental rights and liberties of residents and property owners in municipalities such as Woodland Township.

Now, therefore, be it resolved by the Planning Board of the Township of Woodland, Burlington County, New Jersey: That, (1) The Woodland Township Planning Board finds and declares that Woodland Township has long been a firm and resolute advocate of responsible Pinelands protection measures. (2) The Woodland Township Planning Board finds and declares that the "Pinelands Protection Act" sponsored by Senators Merlino and Yates, is an irresponsible approach to Pinelands preservation. (3) The said Board finds and declares that the Merlino and Yates Bill would cause economic, social and governmental chaos in Woodland Township. (4) The said Board finds and declares that the said bill directly violates Article I, Paragraphs I, II and XX, and Article IV, Section VI, Paragraph III, and Article IV, Section VII, Paragraph XI of the New Jersey Constitution, and also indirectly violates Article III, Paragraph I of that Constitution. (5) The Woodland Township Planning Board finds and declares that the Merlino-Yates Bill would deprive the citizens of Woodland Township of a democratic method for the redress of their grievances. (6) The said Board finds and declares that the said bill would render Woodland Township a non-viable governmental entity and political corporation. (7) The said Board finds and declares that the Merlino-Yates Bill would result in rising local purpose taxes for and would further exact severe and unnecessary hardships on the residents and property owners of Woodland Township. (8) The said Board finds and declares that the Merlino-Yates Bill is diametrically opposed to the revered and fundamental principle of home rule. (9) The Woodland Township Planning Board emphatically urges the Senate and Assembly of the New Jersey Legislature to unequivocally reject that Merlino-Yates Bill known as the "Pinelands Protection Act." (10) The Woodland Township Planning Board calls upon the Senate and Assembly of the New Jersey Legislature to introduce a Pinelands Preservation Bill which is reasonable and just, and which both preserves the essential character of the environment and protects the rights, well-being and welfare of Pinelands residents, property owners and communities.

Senators, let me make a few comments with respect to what is going on today. We have, at present, two bills which have been introduced into the Senate to deal with the matter of Pinelands preservation. Any careful look at these bills would indicate that there is one common thread which is woven throughout and that is the profound mistrust which the government of the State of New Jersey seems to have of the people. Man, in a sense, has become the ogre, the monster - something that should be restrained from engaging in vicious and vulgar acts. Man is the great raper of the environment. Man is the greedy, self-seeking, and self-serving individual. These bills are the State's attempt to try to restrain man - to put him in a cage of laws and regulations in order to protect the environment.

Perhaps I'm wrong in feeling this way, but I feel that man should be listened to. His rights and well-being should be considered. After all, each and every one of us here is a member of the human race. We have needs and we have rights. These have not been addressed in any of the bills. Preserving the environment is wonderful. As has been stated many, many times in these hearings, we all want to preserve the Pines. As Senator Dodd pointed out, it is a question of what do they mean by preservation? It is a question of definition. Let's not put ourselves in a position where we suffer for preservation. Let's come up with something that will make man and nature harmonious. And, it can be done. The radical approaches that are being used by the current administration are totally unjustifiable. They state that one of the reasons for the current emergency - why such drastic actions such as Executive Order 71, the moratorium and the Merlino-Yates Bill - is because the Pinelands is being threatened with wall-to-wall paving. Yet, if you look at the Pinelands, it is at least 20% the size of the State of New Jersey. The economic infrastructure is not here to have tremendous growth patterns. What you see is the spillage - the chipping away at the perimeter of the Pines. But, the great heartland of the Pines - the core, as well as many, many of the acres - still remains in the virgin state. They certainly will be in the virgin state three or four years from now. I think the question we must all ask ourselves is: Is it necessary that we must have such radical approaches? Does a state of environmental emergency exist in south Jersey?

If you look at all the factors you realize how difficult it is for people to build homes in south Jersey. I'm not talking about builders now; I'm talking about the little people. You have rising land costs; you have rising improvement costs; you have rising interest rates; you have rising gasoline costs. People who live in the Pinelands must travel many miles to get to their places of employment. Does this pattern seem to indicate that development pressures are going to intensify? I think we ought to come up with something which tries to accommodate the little fellow - these municipalities - because we have to survive too. What is the point of preserving the Pines if you make it impossible for people to live there - if you make it impossible for municipalities to exist? Who is going to take care of the education of our children? Who is going to take care of putting food on the table? There is one group who is in the forefront of the environmental movement which is called the Pinelands Coalition. They have a little button that states, "Don't let greed destroy the Pine Barrens." What I would like to ask you is this: Is it greed for a man to want to feed his family? Is it greed for a man to want to put clothes on his children's backs and to put a roof over their head, to give them a good education, to want them to grow up in an environment which is proper and sane and not chaotic like many of our cities today? Is this greed for the little fellow to want to survive, to raise his family? I say that if that is greed, then God bless greed. Because, I envy and admire from the bottom of my

heart all of these people who are upset because their ability to support their families and their children is being threatened. This is not greed. (Applause)

There are some other statements that have been made here too - the Governor's actions. People are standing back and they are watching the State Assembly, they are watching the State Senate. They are looking at a lot of hand wringing. They are looking at a lot of tears. People are saying, "Well, what can we do? The Governor has acted. We don't have the vote. The Governor of the State of New Jersey has more power under the New Jersey Constitution than any of the other governors in any of the other 51 states. We see all this hand wringing. But, gentlemen, you are our officials. You are our representatives. We placed our whole faith and trust in you. The Governor might not listen but you more directly reflect the will of the people, the little people, than the Governor of the State of New Jersey. He represents the entire State but you represent constituencies. Gentlemen, we are at the point right now where we place our whole destinies in your hands. If you turn your back on us, we will be the casualty of the current preservation proposals. You would have turned your back on tens of thousands of human beings - and I'm not trying to be dramatic - who are crying out, some in frustration, some in total despair. They are saying, "Please help us." The Governor is not listening. If you don't listen, where are we? We will be buried. And if we are buried, then it is a crime which has to weigh on the consciences of each and every one of you and everybody else who has a responsibility to the people. Under the New Jersey Constitution and the laws of this State, we have rights. We have welfare of well-being. Don't throw our rights and well-being away. A token must be paid to us because where else can we turn? We have nobody to defend our rights. You, gentlemen, are the ones that must do that. (Applause)

SENATOR DODD: Thank you. We can't deny that that was a very good presentation and a very emotional presentation. David Fairbrothers. Tom Thomas, Ocean County Board of Realtors. Robert Shinn, Director of Burlington County Board of Chosen Freeholders. Candice Ashmun, Executive Director, Association of New Jersey Environmental Commissions. Betty Greenberg. Douglas Moody. Ethel Brower. Peter Brower. Cliff Daniels. Harry Wooden. Gretchen Duncan. Steve Palermo. Charles Worthington. Richard Lalli. Rebecca Finkelstein. James Engel. Paul Lisnyj. Fred Beals. Ernest Cutts. Edward Lyon. Don O'Rourke. William Ridgway. Kenneth Schatz. H. Gardner. Walter Kranick.

W A L T E R    K R A N I C K: I hope there is no minimum time required for making my statement.

SENATOR DODD: There is no minimum time but there might be a maximum time.

MR. KRANICK: Well, I'm only concerned with the minimum. Everybody said everything I intended to say much better than I could express it. All I want to do is emphasize a couple of points.

SENATOR DODD: Well, sir, you are a land owner in Tabernacle Township, I think you are the citizen we are looking for.

MR. KRANICK: Thank you. First of all, let me repeat what many have said including the Senators, that everybody is for preserving the Pines whether he be landowner, developer, or anybody else. That's no longer an issue. The big issue here is our constitutional rights. They have been well covered before and I'll bring them up again only to stress them. We lean on you to see that they are preserved. Which reminds me that we are here for the same reason that originally brought this country into being. King George's taxation without representation led to a revolution that created this nation. This instance, I believe, is even worse. Now we not only have

taxation without representation, we have a white elephant thrown in. Now we own the land and we can't use it. He has given us a white elephant to bankrupt and starve us but we still have to pay the taxes.

There is another thing about bad representation. I have noticed that the speakers here and previously have been people who are not primarily involved. The people who should have predominant representation are the residents of the Pinelands. They are the ones who bear the brunt of any actions being taken. Therefore, any Commission that is under consideration should be predominantly - not this Commission where they want two thirds vote - made up of people who are residents of the Pinelands. They should also institute majority rule. You would see some democracy for a change. Also, any action taken by a Commission that would limit the use of land or the loss of land should include just compensation. The State has the laws for it. They can use the eminent domain and still take the action necessary to preserve the Pinelands.

Last of all - this is where I should have most of my notes and I have none - is the request for constructive criticism on how it should be done. One thing I'd like to say is that this is not a new problem. It has been in existence for years. It is a shame to have a moratorium or a bill that is being considered that would limit or deny your constitutional rights when it should have been over long ago. Many solutions should have been here now and only the choice left of which one best does the job. In view of that, I think that the first thing to be done is to get a Commission who can take all the information that is already available, bring it together, and in a few weeks or months, choose something that doesn't abuse the constitutional rights of the people. They could start on that and it would mean that there would be no need for a moratorium for more than a few days or hours or weeks. I want to thank everybody for the time. I think I've said all that I have to say. I hope that you will take note and help us. I'm a land owner and I'm in a position where I'm ready to retire. I have two children I want to put through school. I injured myself and I don't have any income. This is the one thing I have done right. I got a piece of land that might eventually have been worth something. I lost money in every other endeavor. I did one thing right and the Governor ruined my life. (Applause)

SENATOR DODD: Thank you. Miss Finkelstein for Mayor Lalli.

R E B E C C A F I N K E L S T E I N: I am Rebecca Finkelstein and I am a housewife. Presentation to the New Jersey Energy and Environment Committee at Winslow Township, March 20, 1979. Honorable Frank J. Dodd, Honorable Senate Energy and Environment Committee members, and ladies and gentlemen of the public:

"Will I be taken for the third time?" In 1939 when Nazi Germany invaded Poland, my husband and I were just youngsters living on the farm with our parents. At that time, we witnessed the confiscation and destruction of private property by the Nazi's. In 1944 after our liberation by the Russians, we witnessed our second confiscation, this time in the name of communism.

For most of our 29 years in this free country of ours, we lived in Atco, Waterford Township, Camden County as poultry farmers, until competition from southern states and big business forced us out of the poultry business.

Our lands are dry and located along the White Horse Pike (U.S. 30) and as such, is assessed as commercial property. For many years we have struggled with the burden of high property taxes in the hope of selling our land to fund our retirement. My husband and I, are middle aged. We don't have a trade and can't find any jobs to provide us with a decent income. Selling the land is our only hope. We never thought or heard until recently that our dry and clear land is located in the Pinelands.

Every time a new map came out, the Pinelands were artificially enlarged to create a bigger land grab.

You know this sort of thing supposedly only happens in totalitarian countries. Now, I am afraid we are about to experience our third taking, this time, in the name of environmentalism. Our honorable Governor, has sided with vocal environmentalists who live in nice homes, have good incomes, possibly even government jobs paid by our tax dollars and secure pensions for their retirement, in order to create golf courses, and other preserved recreational areas for their enjoyment. For this reason, our honorable Governor signed Executive Order No. 71, barring all building in the Pinelands. Our honorable Governor, directed his attention to a small group of vocal people, most of whom do not live in our area, and are so insensitive to the plight being created here.

Our government spends billions and billions of dollars to keep us free from communism and dictatorships. In some countries where dictatorship exists, people cannot buy and own property, they cannot live even where they would wish to live. The government makes decisions for them. They are assigned where to work and where to live. With Executive Order No. 71, I see the same thing happening here. Now it is the environmentalists telling us what not to do with our properties. Next, other groups, maybe more powerful than the environmentalists will come out and tell people to move out of their homes and not drive their cars and not to pray in their houses of worship. Everybody, including the environmentalists will be very unhappy.

The land we own, we did not get for nothing. We worked very hard to pay for it and when we were short of money we had to borrow from the bank and pay interest. Everything we did was in an honest way. Now for working hard and being honest, we are called speculators and land owners, as if being this is a crime. I would like to ask from where would all the jobs come if people would not invest and create business in an industrial and commercial country such as ours? If we should lose this freedom, life wouldn't be worth living.

Now, you our esteemed Senators, with the Merlino Bill are proposing to make these illegal actions of the Governor, law. The Merlino Bill is repressive and it treats us like idiots. The Merlino Bill does not provide for compensation to individuals hurt by this bill. It even stops parents from selling their land to their children because the State will have first option. The Merlino Bill should remove not enforce the Governor's moratorium, and the people should be given the opportunity to vote on a bond issue to buy these lands at market value, If the bond issue should fail, then you should listen to the will of the people and leave us alone to be regulated by our local governments. Now that the moratorium has driven the buyers away, we are concerned not only for our retirement, but also our living arrangements. We hear all the talking about the welfare of frogs, wild plants and pine trees. This is nice, but where is the concern for the welfare of the people in our area? We read in the newspapers how you, our legislators and our honorable Governor, are concerned about jobs in our State, but with the Executive Order No. 71 and the Merlino Bill, thousands of jobs will be eliminated and many farmers, property owners will face financial ruin. The excuse is preservation. Outside the Pinelands, the land in many places is less suitable for housing and other industries than in our area. A good example is the Meadowlands where a mammoth sports complex was built. This has happened in many other parts of New Jersey. We are not asking for wall-to-wall housing, but we should be treated like every other land owner. In many places in the so-called Pines, ground water is lower and more difficult to pollute than in

the so-called buildable areas. We want to be treated as fairly as everyone else in the State.

Here in America is the last place in the world where people can live and work and create business. Let's try and keep it that way. We are appealing to our honorable Governor and our Legislature to please remove the problems the moratorium has put on us. If the moratorium on our lands continues, we the people will be the extinct species.

SENATOR DODD: Mrs. Finkelstein, thank you very much. I'm sure you said what a lot of the people here are thinking and feeling.

MRS. FINKELSTEIN: I am saying it from my brain and from my heart because I lived it and I know what it will mean if those kinds of things are allowed here in America. When we came, we were told we were allowed to own property. Now, I can't see why in the world somebody should come in and tell private people who bought property with their own dollars---All of a sudden we are not owners any more. The land doesn't belong to us any more. Why? Because somebody from somewhere wants to have a park to come out here and sniff the fresh air. Fine if they want to. Please come out and buy it from us; we will sell it to them. (Applause)

SENATOR DODD: Barbara Fordyce. Nelson Johnson. Cameron Boehme. Wayne Lippincott. Nan Hunter Walnut. Bill Curzie. Jean Herb. James Furlong. Daniel Farrand. Stanley Cramer. Joseph Wiseman. Fred Ott. Joseph Katz. Samuel Alloway. Carol Houser.

C A R O L H O U S E R: My name is Carol Houser and I am vice-chairperson of the Camden County Planning Board. I am here to speak for myself, not for the Planning Board.

In reference to the 18-month moratorium by the Governor, I believe the Executive Order was in error in the fact that the necessary plans, the guidelines, and the ordinances to implement this moratorium should have been done first. There were no regulated public hearings prior to the plans or the issuance of the order, no defined limit until the order was already issued. The order promotes zero growth while the State of New Jersey issued a housing allocation survey showing to the year 2,000, a definite housing shortage in the south Jersey area. In addition to this shortage of housing, I believe the imposed presents taxation problems to those municipalities by restricting the growth of residential, commercial and industry to the townships, which will affect good sound government of the people. As a member of the Camden County Planning Board, we will have before us an order which has asked us not to review the plan in the Pine Barrens. This has been referred to our solicitor as I personally feel this is unjust to the people of Camden County who appointed me to this position. I feel an obligation to the citizens of Camden County to vote on these plans as I feel I have a knowledge of the area and good planning. Whereas, the persons who designated this area, I believe, are not fully aware of the location or the planning of this area. I feel that imposing restrictions in this order to the south Jersey sector is a definite defiance of the natural balance growth of the residential, commercial, and industry which usually go hand in hand. Land owners should carry as many rights. Among these rights are the right to hold or to sell land or use land in any way one sees fit. Land planning tends to prompt proper use of land under the necessary regulated controls in the use of the area. The Fifth Amendment states in part, ". . . nor shall private property be taken for use without just compensation."

For these reasons and numerous others, I feel it is necessary that the

moratorium should be removed until such time as the proper plans and public hearings can be implemented to make this a workable plan for the communities so affected by this Act.

I believe the Act, as has often been said, put the cart before the horse. I feel South Jersey, though it is very small, has a lot to offer here, and this plan is arbitrary and would hinder the planned growth of South Jersey.

I would ask the legislators to please appeal to the Governor to lift this moratorium, as you represent all of us and are our only pipeline to the Governor of the State of New Jersey. Thank you. (Applause.)

SENATOR DODD: Thank you. Senator Maressa.

SENATOR MARESSA: Thank you Ms. Houser.

SENATOR DODD: O.K. folks, here is the plan. We are going to go through the list once more to see if the people who were scheduled have returned. If there are no additional speakers, I would like to open up the forum for individual statements or questions from the audience. Does that format suit you? Michael would you read the list?

MR. CATANIA: Dr. Joan Goldstein. Dr. Joan Ehrenfeld. Ruth Yarrow. Joan Batory. John Sinton. Maurice Sampson. Herb Wishnick. Joseph Lauro. Robert Karnell. Walter Holm. Anthony Russo. Russell Clark. Leonard Connors. David Fairbrothers. Tom Thomas. Robert Shinn. Candice Ashmun. Betty Greenberg. Douglas Moody. Ethel Brower. Peter Brower. Cliff Daniels. Harry Wooden. Gretchen Duncan. Steve Palermo. Richard Lalli. James Engel. Paul Lisnyj. Fred Beals. Ernest Cutts. Edward Lyon. Don O'Rourke. William Ridgway. Kenneth Schatz. Hobie Gardner. Barbara Fordyce. Nelson Johnson. Cameron Boehme. Wayne Lippincott. Nan Hunter Walnut. Bill Curzie. James Furlong. Daniel Farrand. Stanley Cramer. Joseph Wiseman. Fred Ott. Joseph Katz. Samuel Alloway. Steven Briggs. None of them is here.

SENATOR DODD: Ladies and gentlemen, if anyone would care to stand and make a statement, come before the table, ask questions, just identify yourself. This testimony is being recorded. Just raise your hand to be recognized. Sir?

F R A N K R E A M E R: My name is Frank Reamer. I live in Shamong Township which is almost totally enveloped by the Preservation area. I'm not a land baron. I'm not anyone but a guy who owns a house on three quarters of an acre. I am absolutely shocked and dismayed. I pay my taxes; I never break the law; I never even get speeding tickets. Here I am going to lose my home if this thing goes through as is. I'm sure there are hundreds and hundreds of people throughout the Preservation Area who aren't even aware of these actions. I don't know what else to say but to appeal to you gentlemen that everything I ever had in my whole life is tied up in my home. If I lose that; I am broke. What do I do then? I can't sell it because nobody will buy it. What do I do with my three children? How do I feed them? I have to move so far away out of this Preservation Area where I might lose my job. If I'm lucky enough to find a place that I can afford, where am I going to get the gas to go to the job I now have? It is the only thing I have in the whole world - one lousey three quarters of an acre with a house on it. If I lose that, I'm done. So we need your help. You have to redesign this line so that they are not taking people's homes away from them and giving them artificially lowered prices for them. We are aware of what happens when the State comes in and confiscates your property. They give you a bid. You go out and get another bid and of course the State says that they will pay the lowest one. So who is lowest in the bid?

MR. CATANIA: Your fear, in particular, is that you will lose your home. Are you talking of losing it through the aspect of taxes?

MR. REAMER: Through land acquisition. I live in the Preservation Area. I live on the fringe of the Wharton tract.

SENATOR DODD: You will not lose your home.

MR. CATANIA: It is the State's intention to purchase open land in the Preservation Area. At this point, it doesn't look as if the State has any intention of buying existing homes or farms.

MR. REAMER: What about the right of first refusal?

MR. CATANIA: Under the proposed legislation it is possible that a house may be attached to a large piece of land. If it is in the Preservation Area, the State may be interested in purchasing it. Because it would be so heavily regulated the State would feel that it would require compensation to the owners of that land. That is what the right of first refusal is intended to facilitate. There are obviously cases of individual homes on small lots where the State will have no interest in wanting to buy your land at all. Once the house is built, the State does not want to purchase it. So, I don't think that that would really affect you. That is something the Commission is going to have to take a close look at. I don't think you have anything specific to worry about at this point.

MR. REAMER: May I carry it one step further? One of the reasons we moved to the area we moved to is its proximity to agricultural land. Now, a lot of the people we and our children associate with are farmers. I sure as hell don't want to see them take it in the neck either.

MR. CATANIA: There are specific provisions in the bill to try and encourage the continuation and the expansion of agricultural activities. The bill sees that as a compatible private use which the State ought to encourage to continue. It's a very productive industry. There are provisions in the federal legislation that was passed and in both proposed State bills so far which expressly provide that the plan ought to provide for the continuation and expansion of all existing homes, industries, be they recreational or agricultural. So that is certainly not the intent of the legislation we are considering now.

MR. REAMER: Now I feel a lot better. Everything is back to the way it was before we ever heard of the Merlino-Yates. Right?

MR. CATANIA: Insofar as existing homes or existing activities are concerned, that is absolutely true.

SENATOR DODD: There are a lot of misnomers on this, I'm sure. This is new. Everybody is terribly afraid of what is happening, what could happen - the down side. We don't know where it is going to go. We are one Committee. We will come out with our recommendations and put them before the entire Legislature. This is part of the negotiation process. Joe Maressa has the interest and he said, "Pat, come down and hear the people in my district. Listen to their problems directly." That is why we are here today. We don't pretend to know all the answers. We don't, sometimes, understand all the questions.

MR. REAMER: Mine are basic needs. If I lose my home, I lose my whole entire life. I know there are a lot of people out there with that same concern who aren't aware of it - what you just stated. All they are afraid of is that they see green lines on maps and say, "My God, my house is inside the line." No one understands that.

MR. CATANIA: One of the reasons for this confusion is that what we are working with is a new concept in the federal legislation. It is called the National Ecological Reserve as opposed to a national park where the government actually goes

in and buys all the land. The federal legislation is designed to continue private uses within an area that is recognized to have ecological values that ought to be planned for so that development proceeds in an orderly fashion. Throughout the federal legislation and in the proposed State legislation, provisions are explicitly made for the continuation and protection of those pre-existing private uses. So, you are allowed to continue and your rights are not interfered with, or they are interfered with to a minimum extent, in an orderly way so that you will know by looking at the plan exactly what procedures you will have to go through in order to do something new or something different.

SENATOR DODD: Thank you. This young lady here. You have been dying to talk all day. I've been watching you. (Laughter)

E L I Z A B E T H C H W A S T K: From the name you know my husband is of Polish extraction. We are one of those so-called land barons in Shamong Township who have a farm. I have four children. One of them is getting married. I cannot of this day give her even fifty acres of that farm to build a house on because the Governor says, "We're going to take this area."

Forget preservation. When anyone can sit down and draw a line on a map and say, "We want this." To me, that is dictatorship. My father-in-law is ninety-eight years old. He lives in Medford Township and he has a farm which is split right down Route 70. Half of it is in the Preservation Area. Now, where do they get these lines? I want to know. Everybody is telling me that this right of refusal doesn't mean a thing. But why is it in there?

MR. CATANIA: Again, the purpose of the provision for the right of first refusal is that the State will be buying a lot of land in the Preservation Area. That will be the area that is more heavily regulated. And accordingly, that will be the area where people will have to be compensated when those rights are taken away. The lines that you refer to basically come out of two sources. The federal legislation establishes the Pinelands National Reserve - those are the very outer lines going even beyond the lines in this bill. The inner lines for the Preservation Area were drawn up by the Governor's Advisory Commission - the PRC.

MRS. CHWASTK: We have lived in Shamong Township thirty five years. That acreage is our pension plan. If I had taken - which took us two good jobs to keep that farm going and paying taxes - if I had put it in the bank, I wouldn't be here today. I would have no reason to be. I would have a house; the ground wouldn't be farmed. It would be already sold and houses built on it. I'd have houses built right to my door. There are two farms from the building area to the next road in our township. When I moved there it was a dirt road with one car. Our taxes were \$40 a year before the State acquired the Wharton tract. The Wharton tract carried our school budget. I'm also a member of the School Board which is a non-paying job. I give a lot of time to it, my husband is a member of the Planning Board, so we do do our civic duty which most people do not do. We give up our time and it has come down to the point where we have given it up for nothing. Thank you. (Applause)

C H A R L E S S P U H L E R: Good afternoon. My name is Charles Spuhler. I really didn't prepare anything today except my own thoughts on the matter from hearing what was going on. I have a small development around the corner which I acquired from a larger builder. There were some injections made into the earlier testimony about builders laughing all the way to the bank, developers not caring about the ecology, the environment of the area. We, as builders - and there are many small builders and I guess I can voice some of their feelings - take great pride in our

developments. You can see that in the way that we come in and plan our houses, the way they are landscaped, the way we design our septic systems, the way our wells are designed and we meet the qualifications and specifications from the county, from the New Jersey State Legislature, the Acts - the Water Acts that they pass. We bend over backwards to protect the environment because that naturally is a big selling feature today. People want ecology; they want environment. So we, therefore, are protecting it. With this Pine Barrens ruling from what I understand now - and I employ five people directly and approximately forty people indirectly - subcontractors - they depend on me for building houses in the area - now, I have one more house to build. What am I to do? Where am I going to get work? There is no place in the unemployment line for me.

SENATOR DODD: Do you have your permits, Charles, for the final house?

MR. SPUHLER: We have one permit left. That's it.

MR. CATANIA: Have you been in contact with the people from the Pinelands Review Board that the Governor has established under the Executive Order? Because there are certain builders who have gone to the Review Board which consists of the Secretary of Agriculture, the Commissioner of Environmental Protection, and the Commissioner of Community Affairs. Builders in your situation, that are three quarters of the way along the ---

MR. SPUHLER: That's one of our problems but future development is basically what I am talking about too. There is a piece of property that adjoins the development we are presently finishing with thirty six lots we would like to acquire. There is no way in this world that that should be in the Pinelands Preservation Act. It is right around the corner. The Mullica River is miles away. What are we to do? I went to Linwood. I can't get permits to build in that area because of the Sooy moratorium. So, what are we to do? Housing in south Jersey as compared to other parts of the country is probably the most competitive. Therefore, the home buyers are getting the best deals. If you knock that competitiveness out - which you are doing with the Pine Barrens' restrictions that you can't build here - and people are going to be paying a lot more per square foot for housing. You are going to knock many people out of the market place. Many people have been knocked out of the market place already with the high interest rates that exist here in this State. But, most of all you have people in the Blackwood, Clementon, Lindenwald areas that are begging to get out of their apartments. They want to get into a house to build some equity for tax writeoffs. First of all, they can't do it because of the mortgage rate and now they can't do it because of the Pine Barrens' ruling.

MR. CATANIA: You are really suggesting that it is not so much the planning aspect of someone coming up with a plan to tell you where to do things that you object to, such as the moratorium. It is how to get through the next eighteen months.

MR. SPUHLER: Exactly. What do we do in the meantime? The thing is we do have construction loans. I am not in as bad a position as some of the other builders where they have all their monies tied up in parcels of ground which they are paying interest on. The cash flow situation is just knocked to Hell because they cannot put out products to keep it going. Housing is very competitive in southern New Jersey, as I said before, as compared to other parts of the country, especially north Jersey. The house down here that I build down here for \$45,000, if I put it on a trailer and carried it to Bayonne or some place up there we'd get \$90,000 for it. So, we are going to be knocking the competitiveness out of the housing in south Jersey. We go along with the environment, as I said, protecting things, backing our septic systems

and our houses 100%. We are members of the HOW Program, things like that. We are all out for the home buyer. The home buyer in south Jersey gets a good deal.

SENATOR PARKER: Let me ask you a question and maybe someone else out there would want to respond. I heard many of these same arguments in 1969 when we passed the Wetlands Act. Then, again, I heard a lot of these same arguments with the CAFRA, Coastal Area's Facility Review Act. If we bring this bill into line and make amendments so that there are no confiscations and that it is a regulatory process and a planning process to assist in the orderly development of the outside area - not the core area - and bring it in line with those, what objections do you have? Why shouldn't we do that to provide, in a cooperative basis as the federal act says, some orderly oversight or regulation in the same degree that we have in these other two areas?

MR. SPUHLER: I'll just cite one example that just happened to me recently back in October. I had seven houses going to settlement and they were after October 1st. The week before I found out that the Camden County Board of Health requires that we put on a water filtering system that would take the iron out of the water - which is a \$700 filtering system. We put them on. Now, how do I go back to that home owner - a guy who is going to be settling the house in a couple weeks - and say, "You owe me \$700 more because of this water code system that I had to put on that I knew nothing about." It is impossible. The guy has already stretched his budget out by buying the house. So, who takes the brunt of it? We do. The thing is over-regulation. If the government wants to build houses, let them build them. We build now to the specs. When you go to a municipality they are so concerned with what you are going to do and how you are going to do it, because, basically, they don't want to hear it from the homeowner. But a builder - and there are many builders who are trying to build a strong reputation, something that maybe their sons could take over in later years - a builder is going to supersede what a municipality has to say in order to give a home owner or potential buyer a good deal as far as the structure and the quality of the house is concerned. All these regulations protect the consumer.

SENATOR PARKER: I think we have to protect everybody. I'm concerned about you people as Senator Laskin and everybody is and the effect it has on your farmland. The lady sitting behind you said that she couldn't build a house for her daughter to come and live in and work on the farm. I think that is a difficult problem. But, suppose we give you lead time as we did in the Wetlands Act before it went into effect. Instead of coming in in reverse for a hardship, we built in lead time so that people who had made commitments could clean them up. Then in the future you would know what the regulation is as to what we were going to do. Does that make it better?

MR. SPUHLER: Sure, it is an improvement, of course. It would be a great improvement.

SENATOR DODD: That is the only choice that the Committee has. Again, to reiterate, there is an Executive Order in effect. Realistically, we cannot touch that in the Legislature. We cannot deal with that. The only way we can deal with it is with the bill, any bill. This happens to be the bill we are working with today. Senator Parker and all of us are looking at amendments and changes that can make it as palatable as possible. That is why we are here. Charles, thank you very much.  
(Applause)

L E R O Y M A T H I S: My name is Leroy Mathis. I am a resident of Medford Lakes. I am a builder, a little different builder than you have heard about today. I build on primarily scattered lots.

SENATOR PARKER: What do you mean by scattered lots? Do you build individual houses on people's lots?

MR. MATHIS: That is correct. I'd like to answer a couple of your questions, Senator. I would also like to tell you a real horror story. I am presently finishing a house for a man who is a veteran, I believe of Viet Nam and I think he is even retired military - but a young man. This man purchased from his father, a piece of ground that was 300 by 300 feet, with a percolation test with water at fifteen feet. This is now in your Preservation Area - maybe I am wrong about that. The ground is in Camden County but it is not in the core. From the time he entered into a contract to build that house --- This piece of ground is 300 by 300. Now do you people realize the size of that piece of ground? It is 90,000 square feet, over two acres. I want you to get some idea about the concept of what we are talking about - the size of this. Because of the regulations that we are now in, from the time he signed the contract until we could get the permit was five or five and a half months. We are so over-regulated; it is ridiculous. We complied with this but in the meantime the prices had to go up. We are now under construction. We are about to deliver the house. The water quality control standards of Camden County have now changed. The story that Charles just told you is correct. There is going to be a seven or eight hundred dollar additional bill on this house for water conditioning.

SENATOR PARKER: To take out the iron?

MR. MATHIS: To take out iron.

SENATOR PARKER: Well, how could they wash their clothes without it? If iron is in the water, it tints everything.

MR. MATHIS: Oh wait a minute. It is the percentage of water, Senator. It doesn't mean that the clothes can't be washed. It doesn't mean that that well last year wasn't a good well, wasn't potable water and couldn't be used. Now, it has to be of a better or more stringent standard. He is in the position now where he is going to have to take out a second mortgage to settle out with me because of these things. This is all over-regulation - unnecessary regulations. Now you are going to put on to us considerably more regulations to the point where you discourage people from building or buying in New Jersey. Senator Parker left but I'd like to talk to him about '69. In 1969, it didn't matter what you did with regulations, you couldn't buy a mortgage. In 1969 was one of the times my family and I quit eating. Then it happened again in '74 and '75. Now, you are going to do it again. This bill should never get out of your Committee.

SENATOR DODD: That leaves us with the moratorium, the Executive Order ---

MR. MATHIS: That moratorium has to be overturned somehow.

SENATOR DODD: It is in the courts. May 9th, I believe, the Supreme Court will hear the arguments. But, in the meantime, the only hope on this is a bill. I share your frustration as many do, perhaps not directly - without the monetary or personal situations that you have - but you cannot have that luxury to be against, against, against. The most productive speaker today was the mayor of this town who presented actual amendments to this Committee. He did his homework. The other mayors in this district, they did their homework. That is what we need. That is what is going to get it changed. I don't mean to get excited, but I do. You do not have the luxury to be just against, you have to come up with an alternative.

MR. MATHIS: Well, I'm not against. I just want you to understand something. I don't think anyone has presented what areas are now State owned or locally owned that are parks and recreation. How many total acres does that take in when you take in

the Wharton State Forest, the Lebanon State Forest, Bass River State Forest? You have them all over now. You are to somewhere in the neighborhood, I believe, of ---

SENATOR DODD: 440,000 acres.

MR. MATHIS: (Continuing) --- 440,000 acres already. So really how much recreation area do we need in South Jersey?

SENATOR DODD: I share your frustration. But give me an alternative. That is why we are here.

MEMBER OF AUDIENCE: Impeach Byrne.

SENATOR DODD: Hey, I get in enough trouble on my own! I'm fighting with the Governor now on our Educational Commissioner which we seem to have a difference of opinion on.

MR. MATHIS: It is either that or south Jersey should secede. It seems that we are in a slipshod position all the time. We have very few votes in the Legislature because of our population base. I think that that it something that should be changed with a constitution change or south Jersey start a proceeding to actually divest ourselves from north Jersey.

SENATOR DODD: Thank you very much. We are going to call on Senator Maressa.

SENATOR MARESSA: I would just like to add one thing to that, Pat. I talked to Commissioner O'Hern and also to several people in the Pinelands Review Commission about the fact that we had a lot of problems down here. They called me just three or four days ago to advise me that they will be establishing a Pinelands Review Commission office - that is that 15-member Commission - somewhere in this vicinity in south Jersey. I don't know where they were going to set it up originally. I called the Commissioner when we discovered that they were establishing this temporary office in Toms River. I felt that it shouldn't be up there; it should be down here where we are, so to speak. They called me back and said that they were going to have two or three regional and one or two main offices, maybe one in Cape May, one in Gloucester County. But, they are looking right now for a location either in Burlington or around here for a permanent office for the Pinelands Review Commission. I asked for the particulars about footage and that kind of thing. He said it would be something that would house about thirty people. Until such time as that is all established, I want to volunteer the services of my office. I'm in the book. I'm sure that Assemblyman Gewertz joins with me with respect to his particular office. I'm sure that Senator Laskin and Senator Parker also would volunteer, being south Jersey legislators. If you have particular questions that you can't get resolved or if you needs forms or something, we will try to help you as much as we can get the answers from the Commission.

SENATOR LASKIN: Let me just make a couple of comments here. One of the biggest problems that we encounter on this kind of emotional type of situation is a lack of understanding. And it is on both sides. It is on the public's side and it is on our side. I know that we have learned some things here today from listening to speakers that we didn't know. When you elect somebody to office, they don't become instant experts. Some of us think we do, but they don't become instant experts. One of the basic things you must recognize is the difference between the moratorium and any legislation that could possibly pass, whether it be this bill or some other bill. The moratorium is being challenged in the courts. There is nothing that this

ASSEMBLYMAN GEWERTZ: Could you give me the correlation between that and saving the pine barrens.

MS. BARRINGER: I believe the watershed would be included in that area, the watershed for the aquifer that is being protected and also the vegetation in that area would guarantee that that is a portion of the pine barrens.

ASSEMBLYMAN GEWERTZ: The vegetation on the Black Horse Pike?

MS. BARRINGER: I am not talking about on the Pike.

ASSEMBLYMAN GEWERTZ: The point that I raise is, you have been a realtor---

SENATOR PARKER: Just a minute. This is a public hearing, and we have to keep it orderly so it can be put on the record. Do you have a further question?

ASSEMBLYMAN GEWERTZ: Yes.

SENATOR PARKER: Would you please come up to the front, so that we can continue to get this on the record.

MS. BARRINGER: I must object to the tone of this hearing, because, first of all, I came here with the understanding that this was a Senate hearing on the Merlino bill. I did not expect to be questioned by an Assemblyman. This is not an Assembly hearing. When there is an Assembly hearing, I will be glad to attend, and answer questions.

SENATOR PARKER: This is the second person we have had object to others, other than the Committee members directing questions to them, and commenting or arguing---

ASSEMBLYMAN GEWERTZ: I am not arguing with her.

MS. BARRINGER: Belittling, might be a better word.

SENATOR PARKER: At this point, Mr. Chairman, we should set some guideline as to the participation of the other members. I think they should have an opportunity to comment, but I think also as Mrs. Barringer, and the Mayor of Evesham have indicated, this hearing is to provide an opportunity for other people to be heard, and maybe we should have some limitation. I don't know whether you want to make a ruling, or not.

SENATOR LASKIN: I am in one hundred percent agreement.

SENATOR DODD: It is so ordered.

ASSEMBLYMAN GEWERTZ: Mr. Chairman, I came to the first hearing in Trenton, but unfortunately, I couldn't get into the hearing because there was about 500 people in the halls. I want to assure all of you that I work for a living, the same as the people who have given up their time to come here. Some of the statements, Ma'am, that you have made are not correct, and are not done with any other purpose other than to attempt to put in people's minds things that are not proper.

Now, you were giving me dialogue on the Black Horse Pike, and obviously, I don't know how long you have lived in Woodland Township---

MEMBER OF THE AUDIENCE: Mr. Chairman, point of order again.

ASSEMBLYMAN GEWERTZ: I have a point, Mr. Chairman, and you must consider this. If you bar development---

SENATOR DODD: Assemblyman, this is a hearing. We are trying to hear from people. We extended the courtesy, so that you could direct questions. If you will direct further questions through the Chair, I will be glad to ask the questions.

MS. BARRINGER: I would like to respond to Assemblyman Gewertz's statement regarding the Black Horse Pike. He first asked if I was aware if Turnersville was included in the Pinelands area, which I agreed it was, because the vegetation in that area is the same as the other vegetation in the pine barrens, and then he attempts to belittle me by saying on the Black Horse Pike there is no vegetation. I think he is setting the tone of this meeting.

enact an act on the Wharton tract or Lebanon State Forest or Bass River or Penn State Forest or all the other vast State holdings? All they did was they bought the land or the land was given to them and they control it. I do not understand why you have to set up a boundary line. It seems to me that if the State comes in and buys this land tomorrow morning, you don't need any regulations. Could you answer me why you need these boundary lines?

MR. CATANIA: We were talking about this before. In the core area the State will be doing a lot of acquiring of land. They won't be able to acquire the whole core area nor would they want to. They would not want to buy such things as cranberry farms, blueberry farms, or existing homes. In the outer area, the State will not be acquiring everything. They will be making probably very few acquisitions. This is almost like a regional master plan, just as your municipality has a master plan. This Commission will be deciding how development will be allowed to proceed in that outer area. The bill will give the Commission the power and the responsibilities to do that. It is different from when the State just goes in and buys something.

MR. MATLACK: Look, the way this thing is put across, the way I understand it and the way my colleagues understand it, I know a lot of people involved in this Pine Barrens Coalition and I know Professor Patterson - he lives in Woodland Township where I live - and the information that has been in the media is a total - now if you have any ears out there, listen - lie. Now, Woodland Township is ninety six square miles. We just, under a State mandate, re-master planned our township. Two percent of the township was 20,000 square foot lots which we had to make because there are existing subdivisions and even the Water Quality Act exempts them. Twelve percent went to one acre lots which the DEP says is probably okay for an on-site system. The rest of our township went to three and five acre lots and Yates has the nerve to say that we don't have the competence to run our township. Now, if you look in that green area up there - I don't think you have the townships marked out - but Washington Township is about maybe seventy or eighty percent controlled by the State ---

SENATOR PARKER: Owned by the State.

MR. MATLACK: Controlled or owned, CAFRA ended outright ownership. Now, they can do what they want in these areas but it still puts a big burden on the townships. All I hear from the news media is how these Pinelands are being run right over top of. All I can think of right now is the homebuilders people, which I'm very glad to see in this fight, if you cut them loose from this Protection Area, they are going to drop us people in the core area. There is no building in Washington, Bass River, Woodland Townships. There is just no building down there. Our township, and you can verify this, and I will write it down, Senator Dodd, Woodland Township last year gave out nine building permits; Bass River gave out maybe two or three; Washington Township, which is 107 square miles, gave out four. I got that information from Mayor Hill. Now, how you people can say we need additional regulations is beyond me. We have the Water Quality Standards Act that exempts all land that has, say, a six-foot water table. We have the Federal Flood Hazards Act, and Woodland Township has 8,000 square miles of State tax liens. We have untold numbers of acres in bad titles and deeds. We have the Lebanon State Forest, and we have the New Lisbon School, which is 2,000 acres. Now, I have news for you guys, we don't have anything left. You took all of Woodland Township.

Getting back to these boundary lines---

SENATOR PARKER: On 72, you are cutting all the trees down. Who is doing that?

MR. MATLACK: Thank you, Senator. The State of New Jersey has come up with the story that the oak tree is a no-no, because it is a dominant tree, and it is going to take over the evolution, and take over the pine forest. (Laughter)

SENATOR PARKER: It goes one step further. They say because of the firing that you have had through there, that the trees are not going to regenerate and come back, therefore, you can cut them down. Now you have half your township being cut down because there was a fire that went through there two years ago.

MR. MATLACK: Well, there is another thing on this fire ecology, Senator. I have heard some of your so-called environmentalists say that we need good, hard burning in the pine barrens, because the pine tree will come back and the oak won't. I am not talking about this prescribed burning, where you burn the brush out---

SENATOR PARKER: The hot fires.

MR. MATLACK: They burn a hot fire. So, anybody in this area who figures they are going to burn these pines down, forget that, because that is what they want.

SENATOR PARKER: I think that is all changed now. They are authorizing them to cut down, and that is what is happening.

MR. MATLACK: The State is cutting down trees like crazy. They are giving out permits for five bucks apiece.

SENATOR PARKER: There is where the trees are going; it is barren.

MR. MATLACK: Another thing I want to say is, in this country today--- Now, Senator Dodd, people have called me an activist, but let me tell you something, in the whole United States of America today, these environmentalists are a cult. These people do not have the objectivity to govern. (Applause)

Now, you know these people who went to Guyana and killed themselves, now, I saw them on television. They looked like well-educated people, and well-meaning people, and the next day, or a few hours later, they all killed themselves. Now, I talked to Professor Paterson who lives in Woodland Township, and I said, "Don't you realize that 60% of our rateables in Woodland Township is from vacant land, and the taxes are not only going to go up, but we are going to go bankrupt." I mean there is no question about high taxes. We have high taxes right now. I have a house, and I pay \$1300 a year, and it is out in the boondocks. But, let me tell you something. These people have no consideration at all but the environment. Now, I feel that they have a place in our society. They are sort of a safety valve to guard against over --- whatever.

Right now we need gas. Down in Little Tennessee River, they just shut down a \$100 million dam, because of a three-inch fish. Now, we need oil so bad that probably in a couple of months this country is liable to come to a total collapse, and everybody talks about the environment. I have news for you, don't get in any helicopter and fly over the pines, because all you will see is trees. Get down on the ground, and ride around. You are looking at privately owned property. Why in the hell we need boundary lines, I don't know. All you have to do, Senator Dodd, is bring in a checkbook and when you have a willing buyer and a willing seller, you can have the land, and you don't need any regulations. All you have to do is add it to Wharton Park, or Lebanon State Forest, and you don't need any regulations. You can do as you wish.

But, I cannot understand why you say I cannot have the luxury to be against this bill. I have news for you, the United States of America is going down the drain. We cannot operate a country of this magnitude when you have these goofy environmentalists having such a grip on us. (Applause)

SENATOR DODD: I would like to thank you. You are certainly entitled to say what you have said.

MR. MATLACK: I would like to make one more comment, and this morning when Kenneth Gewertz made a statement about Yates Industries, and Senator Parker said it was a few years ago and it is all cleared up, I did read in the paper two months ago where Yates was shut down for chemical pollution of the underground waters in the Bordentown area, and it was no immediate danger, because there is no ground well right there, but I did read that in the Trenton paper.

SENATOR PARKER: The thing that I wanted to emphasize was that I did know about it, and I didn't think it was a fair comment at the time to say that.

MR. MATLACK: I agree.

SENATOR PARKER: And, I didn't want the people out there to be under the impression that he was doing that at the present time when that order that he was talking about was about seven or eight years ago.

MR. MATLACK: Well, this has been in recent times. I would like to say one other thing. I do not like to come up here and give such a speech as I have, but I think that right now we need some extreme views, really. I don't think there is any amount of talking that is going to change some of these people's minds up there. I really believe, Senator Dodd, that if you would objectively forget about the environmental aspects of this. We don't need saving. We don't have a damn thing in the core area. If you cut that preservation zone away, we are going to lose our banking from Joe Bricketto. But, I will tell you, come down to the pines, and I will show you the records on Woodland Township. And I am sure the Mayors of Washington and the rest of them down here will be glad to show you theirs also. There is no big building boom down here. We spent \$25,000 to be in line with the State master plan, and with regard to the Mount Laurel decision, I don't think we could have it stand up in court with three and five acre lots. Thank you.

SENATOR DODD: We're going to call a well driller next. Is there a well driller in the house?

A L T I R R O: Thank you. My name is Al Tirro and I'm a resident of Waterford Twp. I own property in three townships. I'm also a well driller. Whether you know it or not, we play a very important part in everybody's life in this State. There's only a handful of us. There is only 130 New Jersey water well contractors, but we supply about 80% of the water throughout the State.

The only thing I have to say, I'm pleading with everybody on the Committee to hurry this thing along because while all these decisions are being made, there's going to be a lot us going down the tubes. I invested a quarter of a million dollars in my business over the years and if things don't start happening within six months, everything I've worked for is going down the tubes.

We have no objections to the preservation or the protection area. The protection area, I don't know why they included everybody else in it. I'm already in the preservation area with two of my properties, which I intended for my sons, not for a builder, but for my sons to have a future.

So, I'm just pleading with you to hurry this thing along. In this particular area, there are forty well drillers that stand to go down the tubes and I feel we play an important part for everybody throughout the whole State.

The one other thing I wanted to bring out was the fact that the government, the Governor, the DEP asked Rutgers to conduct a study on the pollution of waters. There is no physical evidence of any septic systems polluting the well water. All the pollution is caused by chemicals dumped in your landfills, and I just wanted to make that clear. Now, I've been around for about twenty years and I've drilled a few thousand wells and I've yet to have any of my wells or any of the well drillers in the area have any of their wells polluted to septic systems. Thank you.

SENATOR DODD: Thank you very much. Mr. Bill Haines?

W I L L I A M H A I N E S: Thank you, Mr. Chairman. When John McFee wrote this book on the Pine Barrens, which was supposed to be the Bible for environmentalists, I agreed that this is the most reliable book that's been written. He said that Hog Wallow, New Jersey was the center megalopolis and Hog Wallow is the central point of the Pines, so I feel that I have a right to speak.

I didn't intend to speak today. My son is on the list, I think, and he intends to testify in Trenton. But, when I got the opportunity today, I couldn't resist, really, although I have been hesitant to do a lot of things. Being a farmer and a landowner, I'm a bad man. It seems to be that way all over the country.

I'm on the Planning Board in Washington Twp. and I've been Chairman of it ever since it has been in existence. The only reason I am is because nobody else wants it. Articles by the newspaper and correspondence and so forth imply that I'm Chairman of the Planning Board, so that I can control my own land. That's absolutely not true and I think my record speaks for itself if anybody wants to investigate it. Anything I've done has been for preservation.

SENATOR PARKER: Unfortunately, Bill, sometimes that's more important to people than what you've done and your record of performance for the people. They use that unfairly and I think it is a shame.

MR. HAINES: I'll give you an example. The mayor for one of the townships in favor of the preservation zone mentioned the fact that one of the members of the Pinelands Environmental Council wanted to be careful who he associated with, I think, meaning me. In other words, he would be influenced by being in my company. That happens right down the line. I've gotten so I've gotten a thicker skin along the way. I was brought up in Southhampton Twp. and I've lived in Washington Twp. for about forty years.

To show you what's been happening in Washington Twp. as far as development is concerned, when my kids went to school, we had a student population of about 140 to 150 students. We now have a population of 105. So, I don't think the population growth is too great in Washington Township.

As far as farming is concerned, I have a few points I would like to make. One of them is on the Merlino Bill. The management section in there gives the State complete control over the Governor's veto and all. We think it is very unjust and we would like to have local input. I think the Burton Bill or the Williams-Hughes Bill or whichever one it was, Forsythe-Hughes, called for local input there very emphatically.

We also feel that we should have compensation when our rights are taken. Now, I know that a lot of people that are involved here intend to take this land by regulation and not by purchase. I heard Dr. Glenn Paulson of the DEP get up one day and state that we--meaning the State--do not have to buy this ground, we have other means of taking it. That has proven true by the Scenic Rivers Act, the Wetlands Act, the CAFRA Act and several others.

I also believe in "in lieu" payments to the township. Now, as has been mentioned before, Washington Township is about 80% controlled right now by the State of New Jersey. We're getting ten cents an acre for the land that the State owns. They don't own that much, but the part they control, we get nothing. Above all, if this bill, if any bill goes through, I certainly hope the Merlino does not. I think all these townships, at least the ones that have a large percentage of their land taken over by the State should be compensated and I do not mean on a thirteen year basis. I mean in perpetuity.

The next item is the transportation of water. I know it is intended and has been intended for many years to transport water out of the State, or not out of the State, but out of South Jersey. At one time, it was intended to take it out of the State when Joseph Wharton bought the land that is now the Wharton Tract. We are totally opposed to this. We're also totally opposed to the section on the right of first refusal. If you're a farmer, you would think more about that. Suppose you are partners with another man and you have an agreement, a buy and sell agreement, and one partner dies and maybe you have each other insured and you take that insurance policy and buy his interest or does the State have a right to step in and buy it? Can you sell your land to your son or some other member of the family? If you have a neighbor that wants to sell you a piece of land, can you buy it or is the State going to step in and buy it?

Next is community rights. I think Washington Township was neglected more than any other. I have read the amendments that Mayor Mays gave here this morning and I mentioned that Tabernacle Township was to have a room for community in the expansion in Woodland Township and Shamong Township, but I didn't see Washington Township mentioned at all, not in any way, shape or form. We feel that our children grow up there and a lot of them want to continue to live there and they should have the right to do so, whether it is in the community of Green Bank, Lower Bank or what have you. What harm is it to have them there.

SENATOR PARKER: You kind of need them, don't you, to protect your land? Then, you have to put fences up to keep people from ruining your cranberries?

MR. HAINES: We certainly do. We are the largest private land owner in Washington Township, and maybe in the Pinelands, I don't know. But, our property, for years, has been entirely open.

SENATOR PARKER: To the people, to everybody?

MR. HAINES: To everybody, fish, gun, what have you, and most of it still is, except for right around where we are farming. But, I had a \$10,000 diesel engine broken up. I don't know why. I don't think I had any enemies. They broke the block, the radiator and what have you. I've had a power shovel run off the bank, smeared with grease, windows broken.

SENATOR PARKER: Then, you put fences through all the entrance ways, to keep people out?

MR. HAINES: Right. It still doesn't work altogether, but partially so. This morning I told a fellow from Jenkins he could get a few loads of dirt, so I went over this morning to unlock the gate for him, and I stopped over at Lake Oswego on the way and there were some fellows camping there. Now, as you know yourself, Barry, if people ask me, I let them camp there.

SENATOR PARKER: We have to let them camp there, because the State won't let them camp on their property, on State land.

MR. HAINES: Right, but I do want people to ask permission. So, I saw a couple fellows over there and I said, "You're not supposed to be in there where you are, this belongs to the State." One time I was out on the bog and I wanted to get down to the dam and a fellow was parked in front of me and I blew my horn for him to move out of the way and he took his time, he was fishing there and after he got packed up, after he got ready to leave, he walked back and he said, "Look, when I come down here again, I don't want you blowing your horn waking my baby up." I've got sort of a short fuse sometimes, so I jumped out of the car and I said, "Look buddy, there's not going to be a next time for you." That's the kind of thing we get. It's not too important, but sometimes interesting.

The last point I want to make is the right to farm. Now, the Merlino Bill says that farming shall be permitted that is compatible with the wilderness area. Now, I'm not an expert on definitions, but I always thought a wilderness was a place where only a natural environment exists, which is not farming, and also, another section says, agriculture that is indigenous to the area. Indigenous means native, I think, and the only two things in there, that I can think of, probably are cranberries and blueberries. Now, that certainly outlaws a lot of other products in the area. There are a lot of other things in the right to farm. We're harassed by the Water Bill now. I know there's a lot of opposition because the farmers are against the Pinelands Water Bill and some of the farmers, in fact, have a lawsuit against the State. Environmentalists think that's awful, but the reason is, we're afraid they're going to stop us from doing everything or a lot of things that we've been doing for 100 years and the things we're doing now is not nearly so detrimental to the water as things that my father or grand-father were doing. The sprays we use, for instance, years ago all of the fruit farmers, and the potato farmers too, I guess, and so forth used arsenated lead. Now, arsenated lead is a carcinogen. It has a high residual and so forth. Now maybe we use parathion or duthion and the environmentalists say there are more gases and all this stuff. Heck, they're gone in a few hours mostly, as far as the potential danger is concerned. They're totally gone in a very short time, and the people don't

understand that and the public should understand it.

On this water thing, another reason was that the criteria just came out of a book or something. For example, the oxygen content of the water, now I don't know how many of you are water experts, but the waterland in the Pinelands, particularly if it isn't fast running, in the summertime is nowhere near twelve parts and never was. In the wintertime, naturally, under the ice, it is down to zero. So, how can anybody possibly maintain that twelve parts per million of water.

Turbidity is another thing. Now, every time we clean a ditch on a cranberry bog, we make it a little turbid and it stays turbid for a little while, and there may be a little turbid water that runs out into the stream. But, it hasn't hurt anybody for 100 years. It won't hurt anybody now. The vegetation in the Pinelands around the cranberry and blueberry areas is no different than it was 100 years ago or 200 years ago. We try to make the public understand that. We want the right to do the things that we've been doing for 50 years or 100 years. We haven't hurt the environment and we don't intend to and we don't want to be harassed.

SENATOR DODD: I think we can almost guarantee you, if I can speak for Senators Parker, Maressa and the rest of the Committee, that we want to encourage you and want you to continue. We have no intention of hurting you or your industry. If anything, we want to encourage you. That is the very heart of the Pinelands. That is the very reason for the Pinelands being. I understand you have about 10,000 acres or thereabouts.

MR. HAINES: Well, we have a sizeable property.

SENATOR DODD: You were looking after it long before the word "environmentalist" was struck.

MR. HAINES: Yeah, we take, environmentalists won't like us.

SENATOR DODD: They just called you farmers in those days.

MR. HAINES: Just to give you an example, environmentalists would like to take over Lake Oswego, but I would like to give you a little background. Nobody would have known anything about that area if Lake Oswego hadn't been there. My family built Lake Oswego for a cranberry reservoir and it still is a cranberry reservoir and we own most of the land around it. We gave the State 300 acres of ground for the water rights on the area that the State has flooded and now the State says, "We're going to come down and take it away from you." I know that's part of the intent, maybe not in the Merlino Bill, but things will happen afterwards because I've heard it said so. Thank you.

SENATOR DODD: Thank you very much. We're going to wrap it up. I'm going to ask Senator Parker and Senator Maressa to perhaps add a remark.

SENATOR PARKER: It was a good hearing. I think everybody had an opportunity to speak who wanted to speak and so long as I am a member of the Committee, we expect to make sure that everybody who wants to be heard is going to be given an opportunity to be heard and as far as I'm concerned, we'll try to do it so that they will be uninterrupted and they will be able to give their testimony regardless of whether they are for it or against it, as they see fit and with a degree of decorum that is necessary so that we can maintain a decent hearing and get a record that will be important for us to help us make our decision.

SENATOR DODD: Senator Maressa?

SENATOR MARESSA: I just wanted to say that we really appreciate your coming down here Pat.

SENATOR DODD: Let me say, on behalf of the Committee, our next hearing will be in Trenton on April 3. Thank you very much. (hearing adjourned)

**PROPOSED AMENDMENTS**  
**TO THE MERLINO - YATES BILL**  
**S. 3091**

**As proposed by the**  
**Pinelands Mayors Coalition**  
**March 18, 1979**

*MATERIAL IN BRACKETS [     ] IS DELETED*

*UNDERLINED MATERIAL IS ADDED OR CHANGED*

Material in brackets [] is deleted  
Underlined material is added or changed

AN ACT concerning the development and use of land in the pinelands area, providing for the planning and management thereof, creating a Pinelands Commission, prescribing the jurisdiction, powers and duties thereof, supplementing Title 13 of the Revised Statutes, and repealing P.L. 1971,c.417.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known and may be cited as the "Pinelands Protection Act".

2. The Legislature hereby finds and declares that the pinelands area comprises pine-oak forests, cedar swamps, and extensive surface and ground water resources of high quality which provide a unique habitat for a wide diversity of rare, threatened and endangered plant and animal species and contains many other significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources; that the continued viability of such area and resources is threatened by pressures for residential, commercial and industrial development; that the protection of such area and resources is in the interests of the people of this State and of the Nation; that such protection will require the coordinated efforts of all relevant municipal, county, State and

Federal agencies; that the Congress and President of the United States have demonstrated a recognition of these facts through the enactment of section 502 of the "National Parks and Recreation Act of 1978" (PL 95-625); and, that it is now necessary to implement the aforesaid Federal Act and insure the realization of pinelands protection through the establishment of a regional planning and management commission empowered to prepare and oversee the implementation of a comprehensive management plan for the pinelands area.

The Legislature further finds and declares that a certain portion of the pinelands area is especially vulnerable to the environmental degradation of surface and ground waters which would be occasioned by the improper development or use thereof; that the degradation of such waters would result in a severe adverse impact upon the entire pinelands area; that it is necessary to designate this portion as a preservation area, wherein more stringent restrictions on the development and use of land should be utilized and public acquisition of land or interests therein should be concentrated; and, that in order to facilitate such acquisition, and otherwise to effectuate the provisions of this act and the Federal Act, it is further necessary to establish certain notice requirements and procedures for the purchase of land or interests therein in such area.

[The Legislature further finds and declares that the current pace of random and uncoordinated development and construction in the pinelands area poses an immediate threat to the resources thereof, especially to the survival of rare, threatened and endangered plant and animal species and to the maintenance of the existing high quality of surface and ground waters: that such development and construction increase the risk and extend of destruction of life and property which could be caused by the natural cycle of forest fires in this unique area; and, that, in order to effectuate the purposes and provisions of this act and the Federal Act, it is necessary to impose certain interim limitations upon the local approval of applications for development in the preservation area, and upon certain State and local approvals in the pinelands area, all as hereinafter provided.]

The legislature further finds and declares that random uncoordinated development and construction in the pinelands area poses a threat to the resources thereof, especially to the survival of rare, threatened and endangered plant and animal species and to the maintenance of the existing high quality of surface and ground waters; and that in order to effectuate the purposes and provisions of this act and the Federal Act, it is necessary to impose certain interim limitations upon the local approval of applications for development as hereinafter defined in the preservation area,

3. As used in this act:

- [a. "Application for development" means the application form and all accompanying documents required by municipal ordinance for approval of a subdivision plat, site plan, planned development, conditional use zoning variance or other permit as provided in the "Municipal Land Use Law," P. L. 1975, c. 291 (C.40-55D-1 et. seq.), for any use, development or construction other than the improvement, expansion or reconstruction of any single family dwelling unit or appurtenance thereto, or the improvement, addition, expansion or reconstruction of any structure used exclusively for agricultural or horticultural purposes:]

a. "Application for development" means the application form and all accompanying documents required by municipal ordinance for approval of a subdivision plat, site plan, planned development, conditional use or zoning variances for non-conforming lots or use variances as provided in the "Municipal Land Use Law" P.L. 1975, c.291(C.40:55-D1 et seq.), and any application involving the opening of a new street;

b. "Commission" means the Pinelands Commission created by section 4 of this act;

c. "Comprehensive management plan" means the plan prepared and adopted by the commission pursuant to section 7 of this act;

d. "Federal Act" means section 502 of the "National Parks and Recreation Act of 1978" (PL 95-625);

[e. "Major development" means any division or subdivision of land into five or more parcels; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than 3 acres; or any grading, clearing or disturbance of any area in excess of 5,000 square feet for other than agricultural or horticultural purposes;]

e. "Major development" means any division or subdivision of land into five or more parcels; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than 3 acres;

f. "Pinelands area" means that area so designated by subsection 1. of section 10 of this act;

g. "Pinelands National Reserve" means the approximately 1,000,000 acre area so designated by the Federal Act and generally depicted on the map entitled "Pinelands National Reserve Boundary Map" numbered NPS/80,011A and dated September, 1978;

h. "Preservation area" means that portion of the pinelands area so designated by subsection b. of section 10 of this act.

4. a. There is hereby established a public body corporate and politic, with corporate succession, to be known as the "Pinelands Commission". The commission shall constitute a political subdivision of the State established as an instrumentality exercising public and essential governmental functions, and the exercise by the commission of the powers and duties conferred by this act and by the Federal Act shall be deemed and held to be an essential governmental function of the State. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is hereby allocated within the Department of Environmental Protection, but, notwithstanding said allocation, the commission shall be independent of any supervision or control by such department or by the commissioner or any officer or employee thereof.

b. In addition to the powers and duties herein provided, the Pinelands Commission shall constitute and exercise, as hereinafter provided, all the powers and duties of the planning entity authorized in the Federal Act.

5. a. The commission shall consist of 15 members to be appointed and qualified as follows:

(1) Seven residents of the State, appointed by the Governor with the advice and consent of the Senate;

(2) Seven residents of the State, one resident each of the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Ocean, appointed by the board of chosen freeholders of each such county; provided, however, that in any county operating under the county executive plan or county supervisor plan pursuant to the provisions of the "Optional County Charter Law" P.L.1972,c.154 (C.40:41A-1 et seq.) such appointment shall be made by the county executive or the county supervisor, as the case may be;

(3) One member to be appointed by the Secretary of the United States Department of the Interior.

Any appointments made prior to the effective date of this act by the Governor or by any of the respective counties to the planning entity established pursuant to the Federal Act shall be considered appointments made to the commission provided however, that all gubernatorial appointments shall require the advice and consent of the Senate.

b. Commission members shall serve for terms of three years; provided, however, that of the first members appointed by the Governor two shall serve three year terms, two shall serve two year terms and three shall serve one year terms; and provided further, however, that of the first members appointed by the respective counties, such members appointed from Camden and Cumberland counties shall serve one year terms, such members appointed from Gloucester and Cape May counties shall

serve two year terms, and such members appointed from Atlantic, Burlington and Ocean counties shall serve three year terms.

Each member shall serve for the term of his appointment and until his successor shall have been appointed and qualified.

Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only. The membership of the entire commission shall include residents of the pinelands area who represent economic activities, such as agriculture, in the area, as well as residents of the State who represent conservation interests.

c. Any member of the commission may be removed by the appointing authority, for cause, after a public hearing.

d. Each member of the commission, before entering upon his duties, shall take and subscribe an oath to perform the duties of his office faithfully, impartially, and justly to the best of his ability. A record of such oaths shall be filed in the Office of the Secretary of State.

e. The members of the commission shall serve without compensation, but the commission may, within the limits of funds appropriated or otherwise made available for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties.

f. The powers of the commission shall be vested in the members thereof in office, and a majority of the total authorized membership of the commission shall be required to exercise its powers at any meeting thereof, except as otherwise expressly provided by this act.

[g. The Governor shall designate one of the members of the commission as chairman and shall appoint an executive director, who shall be the chief administrative officer of the commission. The executive director shall serve at the pleasure of the Governor and shall be a person qualified by training and experience to perform the duties of his office.]

g. The commission shall appoint an executive director who shall be the chief administrative officer of the commission and shall serve for a term of three years or until his successor is appointed and qualifies. The executive director shall be a person qualified by training and experience to perform the duties of his office.

[h. A true copy of the minutes of every meeting of the commission shall be prepared and forthwith delivered to the Governor. No action taken at such meeting by the commission shall have force or effect until 10 days, exclusive of Saturdays, Sundays and public holidays, after such copy of the minutes shall have been so delivered. If, in said 10-day period, the Governor returns such copy of the minutes with a veto of any action taken by the commission at such meeting, such action shall be null and void and of no force and effect.]

h. The commission shall appoint its own chairman who shall serve at the pleasure of the commission.

6. The Pinelands Commission shall have the following powers:

a. To adopt and from time to time amend and repeal suitable by-laws for the management of its affairs;

b. To adopt and use an official seal and alter the same at its pleasure;

c. To maintain an office at such place or places in the pinelands area as it may designate;

d. To sue and be sued in its own name;

e. To appoint, retain and employ, without regard to the provisions of Title 11 of the Revised Statutes but within the limits of funds appropriated or otherwise made available for such purposes, such officers, agents, employees and experts as it may require, and to determine the qualifications, terms of office, duties, services and compensation therefor;

f. To apply for, receive, and accept, from any Federal, State, or other public or private source, grants or loans for, or in aid of, the commission's authorized purposes;

g. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient. or desirable for the purposes of the commission or to carry out any power expressly given in this act;

h. To conduct examinations and investigations, to hear testimony, taken under oath at public or private hearings, on any material matter, and to require attendance of witnesses and the production of books and papers;

i. To prepare and transmit to the Commission of Environmental Protection such recommendations for water quality standards for surface and ground waters in the pinelands area, or in tributaries and watersheds thereof, as the commission deems appropriate;

j. To prepare, promulgate, adopt, amend or repeal, pursuant to the provisions of the "Administrative Procedure Act" P.L. 1968, c. 410(C.52:14B-1, et seq.), such rules and regulations as are necessary in order to implement the provisions of this act;

k. To appoint advisory boards, commissions, or panels to assist in its activities;

l. To identify those lands in which the public acquisition of a fee simple or lesser interest therein is necessary or desirable in order to effectuate the purposes of this act, and to transmit such identifications to the affected local governments and to the Commissioner of Environmental Protection;

m. To call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, commission or agency as may be required and made available for such purposes;

n. To prepare and transmit to the Legislature and the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Community Affairs and the Commissioner of the Department of Labor and Industry, an economic report as provided in Section 8 of this Act.

7. The commission shall, within 18 months of the effective date of this act, and after public hearings held in the pinelands area and in other areas of the State at places of its choosing, prepare and adopt a comprehensive management plan for the pinelands area which shall be enacted by a 2/3 vote of the entire membership. Such plan shall be periodically revised and updated, after public hearings, and shall include, but need not necessarily be limited to:

a. A resource assessment which:

(1) determines the amount and type of human development and activity which the ecosystem of the pinelands area can sustain while still maintaining the overall ecological values thereof, with special reference to ground and surface water supply and quality; natural hazards, including fire; endangered, unique, and unusual plants and animals and biotic communities; ecological factors relating to the protection and enhancement of blueberry and cranberry production and other agricultural activity; air quality; and other appropriate considerations affecting the ecological integrity of the pinelands area; and

(2) includes an assessment of scenic, aesthetic, cultural, open space, and outdoor recreation resources of the area, together with a determination of overall policies required to maintain and enhance such resources; and

(3) includes an analysis of the existing communities and built-up portions thereof with an assessment of the area around said communities that can sustain compatible development and of the commercial service facilities needed to serve the population of said communities as such exist and as such are projected.

b. A map showing the detailed boundary of the Pinelands National Reserve, such map to delineate:

(1) major areas within the boundary which are of critical ecological importance;

[ (2) Major areas and resources adjacent to the boundary that have significance to the ecological integrity of the Pinelands Reserve; and ]

(2) areas of scenic, open space, cultural and recreational significance.

c. The map prepared pursuant to subsection c. of section 10 of this act.

d. A land use capability map and a comprehensive statement of policies for planning and managing the development and use of land in the pinelands area, which policies shall:

(1) consider and detail the application of a variety of land and water protection and management techniques including but not limited to, zoning and regulation derived from State and local police powers, development and use standards,

permit systems, acquisition of conservation easements and other interests in land, public access agreements with private landowners, purchase of land for resale or lease-back, fee acquisition of public recreation sites and ecologically sensitive areas, and any other appropriate method of land and water protection and management which will help meet the goals and carry out the policies of the management plan;

(2) include a policy for the use of State and local police power responsibilities to the greatest extent practicable to regulate the use of land and water resources in a manner consistent with the purposes and provisions of this act and the Federal Act; and

(3) recognize existing economic activities within the area and provide for the protection and enhancement of such activities as farming, forestry, proprietary recreational facilities, and those industries and commercial and residential developments which are consistent with such purposes and provisions.

e. A coordination and consistency component which details the ways in which local, State, and Federal programs and policies may best be coordinated to promote the goals and policies of the management plan, and which details how land, water, and structures managed by governmental or nongovernmental entities in the public interest within the pinelands area may be integrated into the management plan.

f. A public use component including, but not limited to, a detailed program to inform the public of appropriate uses of the pinelands area.

g. A financial component, together with a cash flow timetable which:

(1) details the cost of implementing the management plan, including, but not limited to, payments in lieu-of-taxes, general administrative costs, and any anticipated extraordinary or continuing costs; and

(2) details the source of revenue for covering such costs, including, but not limited to, grants, donations, and loans from local, State, and Federal departments and agencies, and from the private sector.

h. A program to provide for the maximum feasible local government and public participation in the management of the pinelands area.

i. A program for State and local governmental implementation of the comprehensive management plan and the various elements thereof in a manner that will insure the continued, uniform, and consistent protection of the pinelands area in accord with the purposes and provisions of this act and the Federal Act, including:

(1) minimum standards for the adoption, as required in section 11 of this act, of municipal and county plans and ordinances concerning the development and use of land in the

pinelands area, including, but not limited to, standards for minimum lot sizes and stream setbacks, maximum appropriate population densities, and regulated or prohibited uses for specific portions of the pinelands area; and

(2) such guidelines for any State or local agencies as may be prepared by the commission pursuant to section 12 hereof.

j. In conjunction with existing State programs and planning processes, a plan to implement the provisions of the "Clean Water Act" (PL 95-217) and the "Safe Drinking Water Act" (PL 93-523) which pertain to the surface and ground water of the Pinelands National Reserve.

k. The report transmitted to the commission by the Department of Environmental Protection pursuant to section 22 of this act.

8. a. The commission shall, after public hearings held in the pinelands area and in other areas of the State at places of its choosing, prepare and adopt an economic impact report and plan for the pinelands area, which shall be submitted to the Legislature and the Commissioner of Environmental Protection as a part of the comprehensive management plan, and shall include, but need not be limited to:

(1) A finding and recommendation on the manner, calculation and amount of State payments in lieu of taxes to municipalities in the area wherein the State owns or may acquire any land or interests therein;

(2) A finding and recommendation on the manner, calculation and amount of compensation to other owners of land or interests therein in the area for acquisition by the State or loss of value of the land due to any restrictions which may be imposed on the use of said land under this act;

(3) The provisions and amounts of bond issues, including a schedule of the recommended dates for approval by the Legislature, which bond issues will provide for the financing of any payments or compensation programs which the Legislature approves of pursuant to the recommendations of the commission under paragraphs (1) and (2) of subsection a. of this section.

b. The report and plan may contain findings and recommendations that certain portions of the pinelands area will suffer more of an economic loss than other portions, and that programs for payments in lieu of taxes for and compensation to owners of, lands or interests therein with respect to those portions, and bond issues to finance those programs, first apply to said portions.

9. a. The goals of the comprehensive management plan with respect to the pinelands area shall be to:

(1) Preserve and maintain the essential character of the existing pinelands environment, including the plant and animal species indigenous thereto;

(2) Protect and maintain the quality of surface and ground waters;

(3) Promote the continuation and expansion of agricultural and horticultural uses;

(4) Discourage piecemeal and scattered development; and

(5) Encourage appropriate patterns of compatible residential, commercial and industrial development in or adjacent to areas already utilized for such purposes, in order to accommodate regional growth influences in an orderly way while protecting the pinelands environment from the individual and cumulative adverse impacts thereof.

b. The goals of the comprehensive management plan with respect to the preservation area shall be to

(1) Preserve an extensive and contiguous area of land in its natural state, thereby insuring the continuation of a pinelands wilderness which contains the unique and significant ecological and other resources representative of the pinelands area;

(2) Promote compatible agricultural, horticultural and recreational uses within the framework of maintaining a wilderness environment

(2) Promote compatible agricultural, horticultural and recreational uses.

(3) Prohibit any construction or development which is incompatible with the preservation of this unique area while protecting the integrity and controlled growth of the existing built-up communities therein;

(4) Provide a sufficient amount of undeveloped land to accommodate specific wilderness management practices, which are necessary to maintain the special ecology of the preservation area; and

(5) Protect and preserve the quantity and quality of existing surface and ground waters.

10. a. During the development of the comprehensive management plan, the commission shall consult with appropriate officials of local governments and State or Federal agencies with jurisdiction over lands and waters within the pinelands area, with interested professional, scientific and citizen organizations, and with any citizens advisory committee which may be established by the Governor or the joint action of the Boards of Freeholders of the affected counties. The commission shall review all relevant existing information and studies on the pinelands area.

[ b. Upon the adoption thereof, the comprehensive management plan shall be submitted to the Governor and to the Legislature. The commission shall further submit such plan to the Secretary of the United States Department of Interior, as provided in the Federal Act.]

b. The said plan shall be adopted by the commission by a 2/3 vote of the entire commission and then shall be submitted to the  
Senate and General Assembly on a day on which both Houses shall  
be meeting in the course of a regular or special session.

The Legislature shall have the right after review of said comprehensive  
management plan by the Legislative oversight committee to either  
adopt said plan, disapprove said plan or to recommend modifications  
thereto.

If the plan is either rejected or modifications are recommended the plan shall be returned to the commission for review and action consistent with the recommendations of the Legislature. If the plan is approved by concurrent resolution of the Legislature it shall then be submitted to the Secretary of the United States Department of the Interior as provided in the Federal Act. If the plan is returned to the commission, the commission shall within 90 days from the date it is so returned act on the recommendations of the Legislature and resubmit the comprehensive management plan to the Legislature for review. The comprehensive management plan, after review and resubmission by the commission to the Legislature in the absence of a concurrent resolution stating in substance that the Legislature does not favor such plan which resolution shall be passed within 60 days of its resubmission to the Legislature, shall be deemed as adopted by the Legislature and forwarded to the Secretary of the Department of the Interior.

c. Subsequent to the adoption of the comprehensive management plan, the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, no application for development as defined in Section 3a within the pinelands area shall be approved by any municipality, county or agency thereof, and no State approval, certificate, license, consent, permit, or financial assistance for the construction of any structure

within such area shall be granted, unless such approval or grant conforms to the provisions of such comprehensive management plan; provided, however, that the commission, by a majority of its total membership, is hereby authorized to waive strict compliance with such plan or with any element or standard contained therein, upon finding that such waiver is necessary to alleviate extraordinary hardship or to satisfy a compelling public need, is consistent with the purposes and provisions of this act and the Federal Act, and would not result in substantial impairment of the resources of the pinelands area. This provision shall apply only to non-complying applications for development and shall not apply to those applications covered under Section 14 of this act.

11. a. The pinelands area shall consist of all that area within the boundaries described herein:

Beginning at the intersection of the abandoned-right-of-way of the Pennsylvania Railroad and the Garden State Parkway near south Toms River; thence Southerly along the Garden State Parkway to its intersection with the boundary of the Bass River State Forest; thence southerly, and then westerly, along the Bass River State Forest boundary to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with Atlantic County Alternate Route 559; thence northwesterly along Atlantic County Alternate Route 559 to its intersection with Atlantic County Route 559 at Gravelly Run; thence northwesterly along Atlantic County Route 559 to its intersection with U.S. 40 and N.J. Route 50 at Mays Landing; thence westerly along U.S. 40 and N.J. Route 50 to the intersections with N.J. Route 50; thence

southerly on N.J. Route 50 to its intersection with Buck Hill Road near Buck Hill; thence westerly along Buck Hill Road (River Road) to its intersection with N.J. Route 49; thence southeasterly along N.J. Route 49 to its intersection with N.J. Route 50; thence southeasterly along N.J. Route 50 to its intersection with Cape May County Route 610; thence southwesterly along Cape May County Route 610 to its intersection with N.J. Route 47 at Dennisville; thence northwesterly along N.J. Route 47 to its intersection with the east bank of the Manamuskin River; thence northerly along the east bank of the Manamuskin River to NJ. Route 49; thence northwesterly along N.J. Route 49 to its intersection with Cumberland County Route 671; thence northerly along Cumberland County Route 671 and then Atlantic County Route 671 (both known as Union Road) to Atlantic County Route 557; thence northwesterly along Atlantic County Route 557 to its intersection with U.S. Route 40; thence northwesterly along U.S. Route 40 to its intersection with Gloucester County Route 555; thence northerly along Gloucester County Route 555 to its intersection with U.S. Route 322 and Gloucester County Route 536; thence easterly along Gloucester County Route 536 (known as New Brooklyn Road) to its intersection with Camden County Route 705 at New Brooklyn Lake; thence northerly along the western shoreline of New Brooklyn Lake to the east bank of the main stem of the Great Egg Harbor River; thence northerly along the east bank of the main stem of the Great Egg Harbor River to its intersection with the east bank of Tinkers Branch; thence northeasterly along the east bank

of Tinkers Branch to its intersection with the corporate boundary of Berlin Borough; thence easterly along the Berlin Borough corporate boundary to its intersection with the boundary of that area designated as the critical area for sewerage purposes pursuant to the provisions of P. L. 1954, c. 199 (C. 58:11-23, et seq.), as amended and as implemented by N. J. A. C. 7:9-10.1, et seq.; thence northerly and then easterly along such critical area boundary to its intersection with the Burlington County-Camden County boundary; thence northerly along the Burlington County-Camden County boundary to its intersection with N. J. Route 73; thence northerly along N. J. Route 73 to its intersection with Jackson Road; thence easterly along Jackson Road to its intersection with Taunton Road, north on Taunton Road to its intersection with Stokes Road; thence west along Stokes Road to said road's intersection with N. J. Route 70; thence easterly along N. J. Route 70 to its intersection with U. S. Route 206; thence northerly along U. S. Route 206 to its intersection with Burlington County Route 530; thence easterly along Burlington County Route 530 to the corporate boundary of Pemberton Borough; thence easterly, then northerly, and then westerly, along the Pemberton Borough corporate boundary to its intersection with Burlington County Route 616; thence northerly along Burlington County Route 616 to its intersection with Burlington County Route 663; thence northerly along Burlington County Route 663 to its intersection with the corporate boundary of Springfield Township; thence easterly along the Springfield

Township corporate boundary to its intersection with the boundary of the Fort Dix Military Reservation/McGuire Air Force Base; thence easterly along the boundary of the Fort Dix Military Reservation/McGuire Air Force Base to its intersection with Ocean County Route 539; thence northwesterly along Ocean County Route 539 to its intersection with Ocean County Route 528; thence northeasterly along Ocean County Route 528 to its intersection with Ocean County Route 547; thence southerly along Ocean County Route 547 to its intersection with Ocean County Route 527; thence southeasterly along Ocean County Route 527 to its intersection with the Central Railroad of New Jersey tracks; thence southwesterly along the tracks of the Central Railroad of New Jersey to the junction with the abandoned right-of-way of the Pennsylvania Railroad near Whittings; thence easterly along the abandoned Pennsylvania Railroad right-of-way to its intersection with the Garden State Parkway near South Toms River, at the point of origin.

b. The preservation area shall consist of all that area within the boundaries described herein:

Beginning at the crossing of the Mullica River and the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with Atlantic County Route 624; thence northwesterly along Atlantic County Route 624 to its intersection with Atlantic County Route 563; thence northwesterly along Atlantic County Route 563 to its intersection with

Elwood-Weekstown Road at Weekstown; thence westerly along Elwood-Weekstown Road to its intersection with Atlantic County Route 643 to an unnamed local road south of Nescochague Lake; thence westerly along such unnamed local road to its intersection with Atlantic County Route 542; thence northeasterly along Atlantic County Route 542 to its intersection with the boundary of Wharton State Forest; thence northwesterly along the Wharton State Forest across Route 206 along the Wharton State Forest boundary to Carranza Road; thence easterly on Carranza Road to the point where the Wharton State Forest boundary heads north therefrom; thence northerly along the west boundary of the Wharton State Forest to the intersection of Wharton State Forest's western boundary to the intersection of an unnamed road which extends from Burlington County Route 532 to Apple Pie Hill; thence along the unnamed road in a northerly direction to its intersection with Burlington County Route 532; thence Easterly along Burlington County Route 532 to its intersection with N. J. Route 72; thence northwest along Route 72 to its intersection with the south boundary line of Lebanon State Forest; thence southwest and then northwest along Lebanon State Forest boundary to its intersection with N. J. Route 72; thence northwest along Route 72 to the intersection of said highway with the southeast boundary line of the New Lisbon State Colony; thence southwest, northwest and northeast along the three sides of the New Lisbon

State Colony line to the intersection of the northwest  
boundary line of New Lisbon State Colony with N.J. Route 72;  
thence northwest along Route 72 to its intersection with N.J.  
Route 70 at the 4 mile Circle; thence northwesterly, then  
northeasterly, then southeasterly, along the Lebanon State  
Forest boundary to its intersection with N.J. Route 70; thence  
northeasterly along N.J. Route 70 to its intersection with  
the Lebanon State Forest boundary at a point approximately one-  
half mile west of the intersection of N.J. Route 70 and  
Burlington County Route 530; thence westerly, and then northerly  
along the Lebanon State Forest boundary to its intersection with  
the boundary of the Fort Dix Military Reservation near South  
Boundary Road; thence northwesterly along the Fort Dix Military  
Reservation boundary to its intersection with Burlington County  
Route 667; thence northerly along Burlington County Route 667  
to its intersection with the northern boundary of the Fort Dix  
Military Reservation; thence easterly along the Fort Dix  
Military Reservation boundary to the boundary of the  
Colliers Mills Fish and Wildlife Management Area; thence  
northerly along the Colliers Mills Fish and Wildlife  
Management Area boundary to its intersection with Ocean County  
Route 528; thence northeasterly along Ocean County Route 528  
to its easternmost intersection with the Colliers Mills Fish and  
Wildlife Management Area boundary; thence southerly along the  
Colliers Mills Fish and Wildlife Management Area boundary to its

intersection with the boundary of the Lakehurst Naval Air Station; thence easterly, then southerly, and then westerly along the Lakehurst Naval Air Station boundary to intersection with an unnamed local road at the northeastern corner of the boundary of the Manchester Fish and Wildlife Management Area; thence southerly along such unnamed local road, then along Beckerville Road, to its intersection with N.J. Route 70; thence southwesterly along N.J. Route 70 to its intersection with the boundary of the Fort Dix Military Reservation; thence southerly, and then northwesterly, along the Fort Dix Military Reservation boundary to its intersection with the boundary of the Lebanon State Forest; thence southerly along the Lebanon State Forest boundary to its intersection with the boundary of the Pasadena Fish and Wildlife Management Area; thence southeasterly along the Pasadena Fish and Wildlife Management Area boundary to its intersection with the northerly ridge line of the Cedar Creek Drainage Basin; thence northeasterly along the northern ridge line of the Cedar Creek Drainage Basin to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to its intersection with the southern ridge line of the Cedar Creek Drainage Basin; thence southwesterly along the southern ridge line of the Cedar Creek Drainage Basin to its intersection with the boundary of the Greenwood Forest Fish and Wildlife Management Area; thence southeasterly along the Greenwood Forest Fish and Wildlife

Management Area to its intersection with N.J. Route 72; thence northwesterly along N.J. Route 72 to its intersection with the East Branch of the Oswego River; thence southerly along the East Branch of the Oswego River to its intersection with Ocean County Route 539; thence southerly along Ocean County Route 539 to its intersection with the boundary of the Stafford Forge Fish and Wildlife Management Area; thence southeasterly along the Stafford Forge Fish and Wildlife Management Area to its intersection with the North bank of Governors Branch Creek; thence easterly along the north bank of Governors Branch Creek to its intersection with the boundary of the Stafford Forge Fish and Wildlife Management Area; thence easterly along the Stafford Forge Fish and Wildlife Management Area boundary to its intersection with the Garden State Parkway; thence southerly along the Garden State Parkway to that point where the C.A.F.R.A regulation line heads northwest from said Parkway; thence along the C.A.F.R.A. Line to its intersection with Oswego Road; thence west along Oswego Road to the eastern boundary of Wharton State Forest; thence south, southwest and south along the Wharton State Forest line to its intersection with Wading River; thence south along the Wading River and Mullica River to the intersection of Mullica River with Garden State Parkway being the place of beginning.

c. Where a boundary in the preservation zone is shown as a municipal, county or state roadway and the said road boundary is not concurrent with the present boundary of a state forest, said road boundary shall be determined to be for the purpose of defining the preservation zone a point 500 feet distant from the side of the roadway toward the interior of said zone and running along a course 500 feet from the side of a roadway for the duration of each said road as so delineated as a preservation zone boundary.

d. The commission shall, within 120 days of the effective date of this act, prepare a detailed map of the Pinelands National Reserve, the pinelands area and the preservation area. Such map shall include, but need not be limited to, the location of all major waterways, roads, and publicly-owned lands in such areas, as well as a depiction of the boundaries of every county and municipality which is located in whole or part within such area. Such map shall be transmitted to the governing body of every such county and municipality, shall be published in the New Jersey Register and in at least two newspapers circulating within the affected areas, within 150 days of said effective date, and shall be submitted to the Governor and the Legislature as the official State Maps of the Pinelands National Reserve, the pinelands area and the preservation area.

e. Nothing in this section or this Act shall be construed to limit either temporarily or permanently the right of any landowner to construct on a tract of not less than 10 acres a residential structure that is the principal residence of a farmer or farm manager which is situate on the land being so farmed nor shall any provision of this Act affect the right of a farmer to construct farm labor quarters, barns, packing houses, well houses or other structures related to the operation of said tract for agricultural purposes. Nothing in this act shall affect the right of a farmer to use any part of his land for agricultural or horticultural purposes. Applications for building permits, well approvals and septic tank approvals shall be process for such applicants in the same manner and subject to the same regulations, guidelines and procedures as were employed for said purpose on February 7, 1979.

f. Nothing in this Act shall prohibit the construction of a residential structure on a lot acquired by the owner thereof on or before February 7, 1979 where said lot conforms to the standards established by the Department of Environmental Protection on January 23, 1978 controlling the installment of septic systems in the Central Pine Barrens area and establishing ground and surface water standards therefore or the guidelines enacted pursuant thereto/in effect on February 7, 1979 where said lot conforms to zoning regulations of the municipality as they exist on February 7, 1979 and complies with all provisions of Chapter 199 of the Public Laws of 1954 known as The Individual Sewage Disposal System Code of New Jersey as amended (N.J.A.C. 7:9-21 through 7:9-27. inclusive). In the preservation zone, nothing

in this section shall be construed as granting an exception under this subsection unless the lot is one acre or more in size.

g. Nothing in this Act shall be determined to limit or prevent the construction of single family residential structures on lots within a major development as herein defined in the pinelands area, exclusive of the preservation zone.

where the developer had an application for development on file with the local planning board on February 7, 1979.

h. Nothing in this act shall be determined to limit or prevent the construction of a single family residential structure on lots within a major development as herein defined in the preservation zone that has on or by February 7, 1979 received preliminary approval from the local and county planning boards where the developer has either (1) installed all or part of the permanent improvements are required by the Land Subdivision Ordinance of the municipality; or (2) has filed the necessary performance bond guaranteeing the completion of improvements and has sold and conveyed title to one or more individual lots by February 1, 1979 in reliance on the preliminary approvals so obtained.

i. This act shall not apply to all portions of the pinelands area falling within the boundaries of the Coastal Area Facilities Review Act and such lands shall be governed according to the provisions of that act and the regulations enacted pursuant thereto, notwithstanding any section of this Act.

12. a. The provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding, within one year of the date of the adoption of the comprehensive management plan or any revision thereof, each county located in whole or in part in the pinelands area shall submit to the commission such revisions of the county master plan as may be necessary in order to implement the objectives of the comprehensive management plan and conform with the minimum standards contained therein. After receiving and reviewing such revisions, as applicable to the development and use of land in the pinelands area, the commission shall approve, reject, or approve with conditions said revised plans, as it deems appropriate, after public hearing, within 60 days of the submission thereof.

Upon rejecting or conditionally approving any such revised plan, the commission shall identify such changes therein that it deems necessary for commission approval thereof, and the relevant county shall adopt and enforce such plan, as so changed

b. Within one year of the date of the adoption of the comprehensive management plan, or any revision thereof, each municipality located in whole or in part in the pinelands area shall submit to the commission such revisions of the municipal master plan and local land use ordinances as may be necessary in order to implement the objectives of the comprehensive management plan and conform with the minimum standards contained

therein. After receiving and reviewing such revisions, as applicable to the development and use of land in the pinelands area, the commission shall approve, reject, or approve with conditions said revised plans and ordinances, as it deems appropriate, after public hearing, within 120 days of the date of the submission thereof.

Upon rejecting or conditionally approving any such revised plan or ordinance, the commission shall identify such changes therein that it deems necessary for commission approval thereof, and the relevant municipality shall adopt and enforce such plan or ordinance, as so changed.

The commission may, as herein provided, delegate the review of any municipal master plan or land use ordinance to the planning board of the county wherein such municipality is located. Any such delegation shall be made only: (1) by a majority vote of the total authorized membership of the commission upon a finding that such delegation is consistent with the purposes and provisions of this act and the Federal Act; (2) if the commission has approved the master plan for such county; and (3) at the request of the governing body of such county. The results of any such county planning board review shall be transmitted to the commission prior to the commission's review and approval of any such municipal master plan or ordinance.

c. In the event that any county or municipality fails to adopt or enforce an approved reviewed master plan or implementing land use ordinances, as the case may be. including any condition thereto imposed by the commission, the commission shall adopt and enforce such rules and regulations as may be necessary to implement the minimum standards contained in the comprehensive management plan as applicable to any such county or municipality.

d. Any approval of any application for development as defined in Section 3a granted by any municipality, county or agency thereof in violation of the provisions of this section shall be null and void and of no force and effect at law or equity.

[12. In order to assure that the actions, decisions determinations and rulings of the State, county and municipal governments shall, to the maximum extent practicable and feasible, conform with the comprehensive management plan adopted by the commission pursuant to section 7 of this act, the commission shall prepare. periodically revise and transmit to all State county or municipal agencies empowered to finance or construct any capital project within the pinelands area and to all State agencies empowered to grant or deny any approval, certificate, license consent, or permit for the construction of any structure or the disturbance of land therein, such guidelines for the location and construction of such capital projects orfor the granting of any such approval, certificate, license, consent, permit, or financial assistance, as the case may be as the commission deems necessary and appropriate.]

13. Subsequent to the effective date of this act. the provisions of any other law, ordinance, rule or regulation to the contrary notwithstanding:

- a. No State department, division, commission, authority, council, agency or board shall grant any approval, certificate, license, consent, permit or financial assistance for the construction of any structure or the disturbance of any land within the pinelands area prior to the adoption of the comprehensive management plan: provided, however, that such grant may be made prior to such adoption if the commission, by a two-thirds vote of its total authorized membership, finds that such grant is necessary to alleviate extraordinary hardship or to satisfy a compelling public need, is consistent with the purpose and provisions of this act and the federal Act, and would not result in substantial impairment of the resources of the pinelands area;
  
- b. No application for a major development in the pinelands area shall be approved by any municipality, county or agency thereof, prior to the adoption of the comprehensive management plan; provided, however, that such an application may be approved if the commission, by a two-thirds vote of its total authorized membership, finds that such approval is necessary to alleviate extraordinary hardship or to satisfy a compelling public need, is consistent with the purposes and provisions of this act and the Federal Act, and would not result in substantial impairment of the resources of the pinelands area.
  
- c. No application for development in the preservation area shall be approved by any municipality, county, or agency thereof prior to the adoption of the comprehensive management plan and the approval, pursuant to section 11 of this act, of the master plan and land use ordinances applicable to any such municipality, county, or agency thereof; provided, however, that such an application may be approved prior to such adoption and approval if the commission, by a two-thirds vote of its total authorized membership, finds that such approval is necessary to alleviate extraordinary hardship or to satisfy a compelling public need, is consistent with the purposes and provisions of this act and the Federal Act, and would not result in substantial impairment of the resources of the pinelands area.

a. No application for subdivision approval involving three or more lots including the residual lot, site plans, planned developments, conditional uses or zoning variances for undersized lots or use variances as defined in the Municipal Land Use Law or any application for the opening of any new streets that are not opened to the public or were not in the process of being constructed on February 7, 1979 shall be permitted in the preservation area until such time as the comprehensive management plan is adopted provided, however, that such an application may be approved prior to such adoption and approval if the commission by a majority vote of its total authorized membership finds that such approval is necessary to alleviate extraordinary hardship, to satisfy a compelling public need or is consistent with the purposes and provisions of this act and the Federal Act and would not result in substantial impairment of the resources of the pinelands area.

b. Any approval, certificate license. consent, permit, or financial assistance granted in violation of this section shall be null and void and of no force and effect at law or equity.

- [14. Subsequent to the adoption of the comprehensive management plan, the commission is hereby authorized to commence a review, within 15 days after any final municipal or county approval thereof, of any application for development in the pinelands area. Upon determining to exercise such authority, the commission shall transmit written notice thereof to the person who submitted such application. The commission shall approve, reject, or approve with conditions any such application within 45 days of transmitting such notice; provided however, that such application shall not be rejected or conditionally approved unless the commission determines, by a two thirds vote

of its total authorized membership, that such development does not conform with the comprehensive management plan or the minimum standards contained therein, as applicable to the county or municipality wherein such development is located, or that such development could result in substantial impairment of the resources of the pinelands area. Such approval, rejection or conditional approval shall be binding upon the person who submitted such application, shall supersede any municipal or county approval of any such development, and shall be subject only to judicial review as provided in section 19 of this act.]

14. Subsequent to the adoption of the comprehensive management plan all applications for development as defined in Section 3a or for major development shall be submitted to the local planning board and reviewed by the county planning board. Should any individual be aggrieved by the municipal and county approval or disapproval of such an application said individual shall have the right to appeal to the commission within 15 days after any final municipal or county approval or disapproval of any such application. The commission shall then review said application and either approve, reject or approve with conditions any such applications within 45 days after receiving the notice of said appeal. The appeal shall be solely on the basis as to whether or not the application conforms with the comprehensive management plan or the minimum standards contained therein as applicable to the county or municipality wherein said application for development is located.

15. The commission is hereby authorized and required to make grants to municipalities and counties for any revision of local master plans or the implementing ordinances thereto which is designed to bring such plans and ordinances into conformance with

the comprehensive management plan prepared by the commission. The commission shall make such grants from any State, Federal or other funds which may be appropriated or otherwise made available to it for such purpose.

[ 16. a. No member, officer, employee or agent of the commission shall take any official action on any matter in which he has a direct or indirect financial interest; provided, however, that the ownership of, or tenancy in, one's own private residence shall not be considered a financial interest for the purposes of this section; and provided further, however, that nothing in this section shall be construed so as to prohibit any such member from participating in the preparation and approval of the comprehensive management plan; ]

16. a. No member, officer, employee or agent of the commission shall take any official action on any matter in which he has a direct financial interest. However, the ownership or tenance in one's private residence or the operation of a commission member's personal business shall not be considered a financial interest for the purpose of this section and nothing in this section shall be construed so as to prohibit any such member from participating in the preparation and approval of the comprehensive management plan;

b. Any commission action taken or approval granted in violation of this section is voidable;

[ c. Any person who shall willfully violate any provision of this section shall forfeit his office or employment and shall be guilty of a misdemeanor and be punished by a fine of not more than \$7,500.00 or by imprisonment for not more than 18 months, or both such fine and imprisonment. ]

c. Any person who shall willfully violate any provision of this section shall forfeit his office or employment and shall be guilty of a misdemeanor and be punished by a fine of not more than \$3,000.00 or by imprisonment for not more than twelve (12) months, or both such fine and imprisonment.

17. The State Auditor shall conduct an annual audit of the commission's activities pursuant to the provisions of Chapter 24 of Title 52 of the Revised Statutes.

18. On or before March 31 in each year the commission shall make an annual report of its activities for the preceding calendar year to the Governor and to the Legislature. Each such report shall set forth a complete operating and financial statement covering its operations during the year.

19. Any person aggrieved by any decision rendered by the commission pursuant to subsection c. of section 9 and sections 13 and 14 of this act may obtain judicial review thereof by the filing of a petition in the Appellate Division of the Superior Court of New Jersey within 45 days after the issuance of such decision. The court shall have the power to grant such relief as it deems just and proper, and to make and enter an order enforcing, modifying and enforcing as so modified, remanding for further specific evidence or findings, or setting aside in whole or in part, such decision of the commission. The findings of fact on which such decision is based shall be conclusive if supported by substantial evidence on the record considered as a whole.

20. The commission shall, within one year of the effective date of this act, prepare and submit to the Governor and Legisla-

ture a report concerning State payments in lieu of taxes to municipalities in perpetuity in the pinelands area wherein the State owns any land or interests therein. Such reports shall include an evaluation of the manner of calculation and amount of such payments made or to be made pursuant to the provisions of the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974," P.L. 1974, c.102; P.L. 1977, c.272 (C.54:4-2.2a et seq.); and the "New Jersey Green Acres Bond Act of 1978," P.L. 1978, c.118, as well as the recommendations of the commission for executive and legislative action on additional or alternative proposals for such payments, including the fiscal implications of any such proposal and potential sources of funding therefor.

21. a. No person shall contract to sell any land within the preservation area, or any interest therein or option therefor, unless:

(1) Such person has provided the Commissioner of Environmental Protection with a written notice of intention to sell such land, interest, or option, and

(2) Such person has offered such commissioner the right of first refusal to purchase such land, interest or option at a specified price, and

(3) Such offer has not been acknowledged and accepted by such commissioner within 60 days of the receipt thereof.

b. The Commissioner of Environmental Protection shall within 30 days of the effective date of this act, transmit notice of the provisions of this section to the governing body of every county and municipality located in whole or in part in the preservation area, and publish such notice in the New Jersey Register and in at least two newspapers circulating within the affected areas.

c. Any contract made in violation of this section is hereby declared to be void and unenforceable as contrary to public policy.

d. Nothing in this section shall be construed so as to limit any authority granted the commissioner pursuant to law, to acquire any lands, or interests therein or options therefor, in such manner as may be provided by law.

21. In addition to the functions required pursuant to the "Coastal Area Facility Review Act," P.L. 1973,c.185 (C.13:19-1 et seq.), the Department of Environmental Protection shall, in consultation with the commission and within 18 months of the effective date of this act, review the environmental design for the coastal area as it affects the planning and management of the development and use of any land in the coastal area which is also within the boundaries of the Pinelands National Reserve, make any necessary revisions to such environmental design as may be necessary in order to effectuate the purposes of this act and the Federal Act, and prepare and transmit to the commission a report detailing the provisions of the environmental design as so revised and as applicable to such land.

22. It is the intent of the Legislature that, except as otherwise specifically provided in this act, in the event of any conflict or inconsistency in the provisions of this act and any other acts pertaining to matters herein established or provided for or in any rules and regulations adopted under this act or said other acts, to the extent of such conflict or inconsistency, the provisions of this act and the rules and regulations adopted hereunder shall be enforced and the provisions of such other acts and rules and regulations adopted thereunder shall be of no force and effect.

23. If any section, part, phrase, or provision of this act or the application thereof to any person be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase,

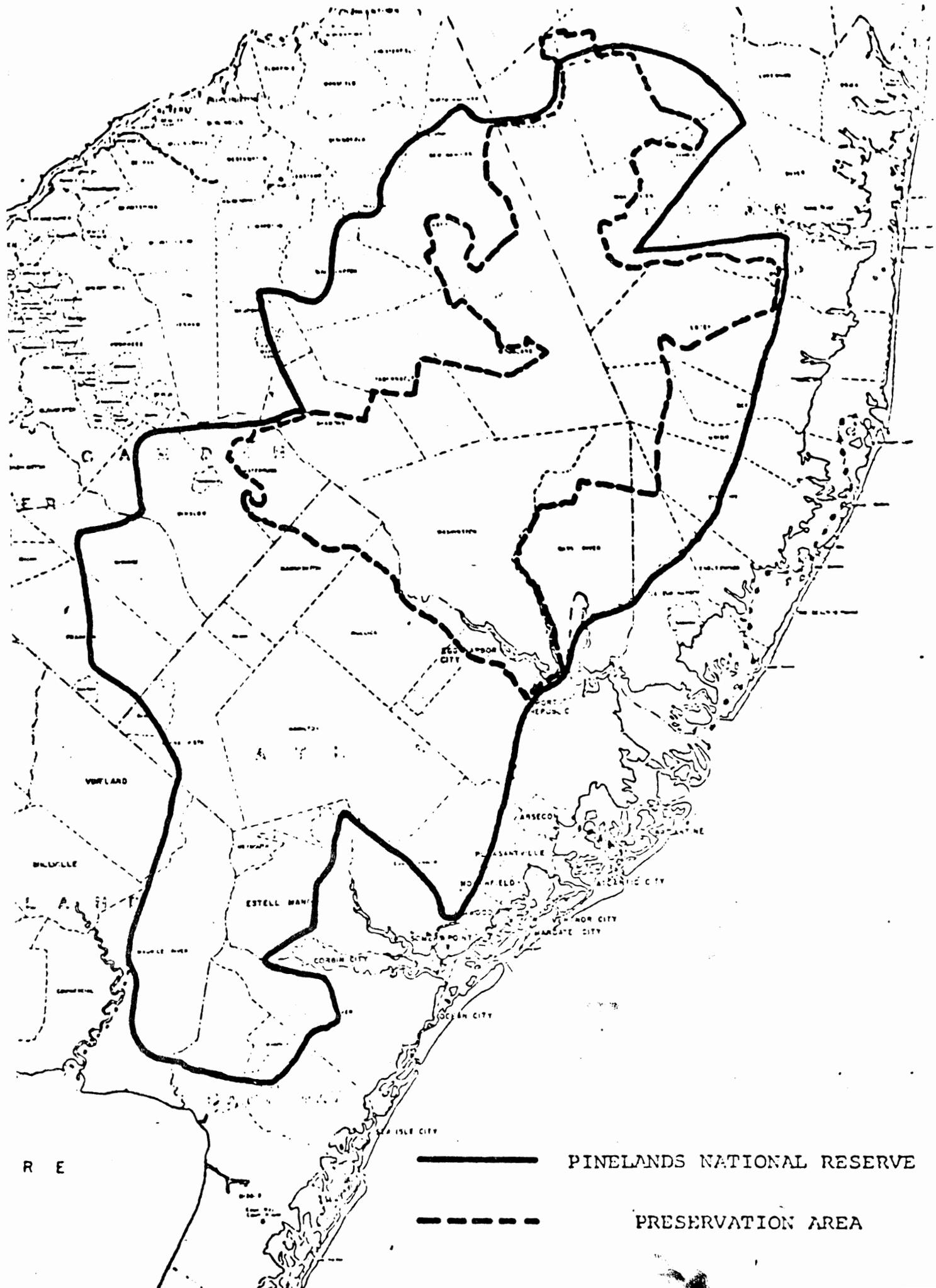
provision, or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the validity of the remainder of this act or the application thereof to other persons.

24. The object, design and purpose of this act being the protection of the pinelands area and the resources thereof, this act shall be liberally construed.

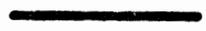
25. P.L. 1971, c.417(C.13:18-1 et seq.) is repealed.

26. There is hereby appropriated to the commission, in order to effectuate the purposes and provisions of this act and the Federal Act, such sums as may be appropriated and provided to this State pursuant to the Federal Act.

27. This act shall take effect immediately.



R E



PINELANDS NATIONAL RESERVE



PRESERVATION AREA

UNITED SPORTSMEN OF NEW JERSEY, INC.

P. O. Box 62  
Williamstown, N.  
3/19/79 <sup>2859</sup>

Gentlemen

The membership of the United Sportsmen of New Jersey, Inc. wish to add their support to the Merlino bill.

Our members come from all six of the southern counties in the state so we are directly affected by any action on the Pinelands.

The Pines are our last remnant of good, solid habitat and any invasion of this pristine land would be the farewell to most wildlife in this state. We must conserve this asset and protect it vigorously.

Very truly yours  
Mary Lou Hage



