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State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

March 13, 2018

Mr. Robert Lupp
State Library – NJ Reference Section
185 West State Street
P.O. Box 520
Trenton, New Jersey 08625



Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for February 9, 2018 for your information.

Sincerely,

Teri Melodick
Principal Clerical Assistant

PC1
Enclosure: Minutes



PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

February 9, 2018

Commissioners Present

Alan W. Avery Jr., Bob Barr, Paul E. Galletta, Jordan P. Howell, Ed Lloyd, Mark Lohbauer, William Pikolycky, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Absent

Candace Ashmun, Giuseppe Chila, Jane Jannarone and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:35 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

The Commission and public in attendance pledged allegiance to the Flag.

Oath of Office

Chairman Earlen introduced and welcomed Dr. Howell and Mr. Pikolycky to the Commission.

DAG Velzy administered the oath of office to Dr. Jordan Howell, who will serve as Camden County's appointee on the Commission and to William Pikolycky, who will serve as Cape May County's appointee.

ED Wittenberg mentioned that she met with Commissioner Howell and provided him with information about the Commission and his role as Commissioner and she said she had a telephone conversation with Commissioner Pikolycky.

ED Wittenberg noted that she attended the Pinelands Municipal Council meeting in January and there was a presentation on urban and neighborhood forests.

ED Wittenberg said that after a very long process the rules will be published in the New Jersey Register on March 5, 2018.

Director Larry Liggett said the Commission along with the New Jersey Department of Environmental Protection and the New Jersey Conservation Foundation is working with NASA on a project to determine fire risks in the Pinelands using satellite data. He said staff member Gina Berg has scheduled working phone meetings to occur every two weeks and the project is expected to be complete in about three months. He said when the study is finished, the Commission will have an additional tool to assess fire risk in the Pinelands.

Director Liggett said staff continues to work on the Long Term Economic Monitoring (LTEM) report. He said Rutgers University is evaluating the effectiveness of the LTEM report and will be providing the Commission with information soon. Staff is also considering an enhanced website for the LTEM program. The website will allow the public to access the LTEM data. He said the state of New Jersey has contracted with a company called Socrata and staff has previewed its products.

Director Charles Horner updated the Commission on the following items:

- Staff met with Pemberton Township about the possibility for two existing schools located near Fort Dix to connect to public sanitary sewer. He said the schools are currently served by an onsite wastewater treatment facility. He added that the schools are located in a management area that does not permit the extension of sanitary sewer unless it can be demonstrated that there is a public health hazard.
- Staff met with the Administrator of Stafford Township to discuss a road improvement project located on Route 72 in the vicinity of the stormwater basin projects that the Commission approved over a year ago. He said the Township Administrator indicated that the town is not proceeding with the development of the stormwater basin.
- Jackson Township has revised its original application to construct a solar project on an existing landfill to avoid impacts to a threatened and endangered plant species.

ED Wittenberg added that at the January Commission meeting questions were raised about the maximum height of trees for vegetation management. She said the New Jersey Board of Public Utilities' requirement is three feet.

Commissioner Lloyd said he remembered the Commission approving the Stafford basin project because homes were flooding.

Many extensions to the settlement have been signed over the years. In 2016, the NJDEP designated the development area as a Planning Area 2 under the State Plan. She said because the property owner did not preserve the appropriate lands, the Commission and the NJDEP decided no further extensions would be permitted. The property owner started the process to reinvigorate the Federal litigation. The Division of Law made a motion for summary judgment. The Federal magistrate has not rendered a decision on the State's motion and the matter continues in Federal Court. In the meantime, the applicant was allowed to move forward with its new CAFRA permit application. The new CAFRA permit proposes 4,000 units and 40,000 square feet of commercial development. She said the NJDEP had to hold a public hearing because once an application is deemed administratively complete a decision has to be made within 90 days. She said there are traffic issues associated with the development. She said that under CAFRA rules the Commission is a consulting party and will prepare a memo with comments. She said under the Coastal rules, the NJDEP fulfills the intent and goals of the Comprehensive Management Plan.

Commissioner Avery asked whether the settlement is currently in place.

Ms. Roth said she spoke with the DAG representing the NJDEP and the Commission about the status of the settlement and he indicated that the settlement has expired. However, she said the parties are in court and could commence new settlement negotiations. She added that the following obligations of the settlement have been implemented: the Management Area change from Forest Area to Regional Growth Area, amendment of the Water Quality Management Plan and the change of State Planning designation for the development area from Planning Area 5 to Planning Area 2.

Ms. Roth offered clarification that if a new settlement is negotiated, the Commission will need to take action on it.

Commissioner Lloyd asked if we could require the development to be clustered.

Chief Planner Susan R. Grogan noted that the original settlement designated a development area and it was in a way, a cluster development. The 1,000 acres were specifically sited for very dense development and the surrounding acreage in the Forest Area was to be preserved.

Commissioner Avery asked what has changed since 2004 that would allow the number of units to increase from 2,450 to 4,000 and what is the status of Manchester's zoning.

Chief Planner Grogan said Manchester Township was never a party to the settlement agreement. The Commission changed the management area boundary and the Township adopted amendments to its zoning plan to mirror the settlement agreement. She said Manchester Township's zoning ordinance references the settlement agreement. She said what Commissioner Avery is referring to is a redevelopment plan that Manchester Township and the property owner created and which encompassed a larger development

Commissioner Galletta moved the adoption of a resolution Issuing an Order to Certify the Mays Landing Neighborhood Plan and Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township (See Resolution # PC4-18-05). Commissioner Lohbauer seconded the motion.

Chief Planner Grogan said the Mays Landing Neighborhood Plan is an amendment to Hamilton Township's Master Plan. She said Hamilton Township is trying to revitalize downtown Mays Landing by reusing the existing structures. She said that in an attempt to encourage redevelopment, the town has chosen to add and change some of the permitted uses to include bed and breakfasts, art galleries and museums, to name a few. She said the most significant change is to include mixed-use buildings as a permitted use. An example of this would be ground floor commercial use and an upper floor residential use. She said that if five or more units are proposed in the VC District, the redemption of Pinelands Development Credits (PDCs) will be required.

Commissioner Lohbauer was supportive of the ordinance and zoning change.

The Commission adopted the resolution by a vote of 10 to 0.

Chairman Earlen presented a resolution on Jackson Township's 2017 Amended Housing Element and Fair Share Plan and Ordinance 22-17 amending permitted residential development in the RG-2 and RG-3 Zones

Chief Planner Grogan said that staff has been working with Jackson Township for many years regarding the permitted uses of Jackson's Regional Growth Area. She said that at one point there was a push to rezone the RGA to a commercial zone, but that never came to fruition. She said there was another push to down-zone and then affordable housing issues arose. She said the Township had previously not done much to provide for affordable housing. The Township has signed a settlement agreement with the Fair Share Housing Center. She said Jackson had a prior affordable housing obligation of about 1,250 units and a prospective obligation of 1,247 new units. The majority of Jackson's affordable units are outside of the Pinelands Area. She said, however, Jackson has shown the court and documented in the housing plan a number of fairly significant residential projects. She said in order to accomplish that Jackson has to maintain its residential densities in the RG-2 and RG-3 zones. She said the Regional Growth boundary and densities will remain the same. She noted two changes in the ordinance: one pertains to housing type and the other addresses the need to accommodate opportunities for PDCs. There is a 30% mandatory use of credits in projects serviced by sewer in these zones.

She noted that PDCs have never been used in Jackson's RGA.

Commissioner Barr moved Issuing an Order to Certify Planning Board Resolution 2017-15, Adopting the June 2017 Amended Housing Element and Fair Share Plan of Jackson Township, and Ordinance 22-17, Amending Chapter 244 (Land Use and Development

No members of the Commission had questions.

General Public Comment

Jonathan Peters with City University of New York said the Long Term Economic Monitoring report needs to expand on tourism. He said as more land is preserved, job opportunities decrease.

Fred Akers of the Great Egg Harbor Watershed Association, said his organization has committed \$10,000 to a water study in Winslow to determine if stormwater runoff can be directed back into the aquifer. He also mentioned a parcel in Hamilton Township that he is involved in finding grant monies to acquire the property for preservation. He also noted the new proposal for off-shore oil and gas exploration in the northeast. He said Atlantic County is opposed to offshore drilling.

Katie Smith with the Pinelands Preservation Alliance, said PPA is a party to the Heritage Minerals federal litigation. She said the settlement agreement is not dependent on time and is still in effect. She said there is a provision in the agreement that if the state has not taken action by a certain date then Hovoson's has the right to open the federal litigation. She said she attended the NJDEP hearing and estimated about 200 people were in attendance. She said the public, who were mostly all opposed to the development, raised concerns about traffic.

Raven Potosky of Manchester Township raised concerns about the Heritage Minerals CAFRA permit.

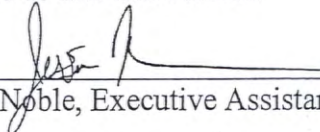
Other

Chairman Earlen said that the Commission received sad news about a former Commissioner. He said Fran Witt passed away last week. Commissioners spent a few minutes sharing their admiration for former Commissioner Witt. Commissioner Witt will be remembered for his public service and his devotion to his family.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Prickett seconded the motion. The Commission agreed to adjourn at 11:04 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: February 21, 2018



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 04

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

Commissioner Galletta moves and Commissioner Aery seconds the motion that:

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

1985-0909.017

Applicant:

Jackson Township Board of Education

Municipality:

Jackson Township

Management Area:

Pinelands Village

Date of Report:

January 19, 2018

Proposed Development:

Demolition of a structure (abandoned sewage treatment plant), 50 years old or older;

1986-1334.002

Applicant:

NJ DEP Parks and Forestry

Municipality:

Washington Township

Management Area:

Pinelands Preservation Area District

Date of Report:

January 19, 2018

Proposed Development:

Forestry on 13 acres within Wharton State Forest; and

2017-0149.001

Applicant:

New Jersey Department of Transportation

Municipality:

Borough of Berlin

Waterford Township

Winslow Township

Management Area:

Pinelands Village

Pinelands Regional Growth Area

Pinelands Rural Development Area

Date of Report:

January 19, 2018

Proposed Development:

Guides and sidewalk improvements within the State Route 73 right-of-way.

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

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

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

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



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

January 19, 2018

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

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

Dear Ms. Richardson:

The Commission staff has completed its review of this application for demolition of an abandoned sewage treatment plant, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Jackson Township Planning Board (via email)
- Jackson Township Construction Code Official (via email)
- Jackson Township Environmental Commission (via email)
- Secretary, Ocean County Planning Board (via email)
- William Edwards (via email)





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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

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

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

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

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

STANDARDS

The Commission staff has reviewed the proposed demolition for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.27)

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

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

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

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

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



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Sean W. Earlen
 Chairman
 Nancy Wittenberg
 Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission's offices no later than 5:00 p.m. on February 6, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

January 19, 2018

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

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

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry on 13 acres within Wharton State Forest. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely

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

Enc: Appeal Procedure

c: Secretary, Washington Township Planning Board (via email)
Washington Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)





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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

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

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

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

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.22(a)3)

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

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

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

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

CONDITIONS

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

CONCLUSION

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



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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

January 19, 2018

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

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

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for road improvements within the State Route 73 right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

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

Enc: Appeal Procedure

- c: Secretary, Borough of Berlin Planning Board (via email)
- Borough of Berlin Construction Code Official (via email)
- Secretary, Waterford Township Planning Board (via email)
- Waterford Township Construction Code Official (via email)
- Waterford Township Environmental Commission (via email)
- Secretary, Winslow Township Planning Board (via email)





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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

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

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

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

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

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.27(a), 5.26(b)10 & 5.28(a))

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

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

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

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

CONCLUSION

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 05

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

Commissioner Galletta moves and Commissioner Lohbauer
seconds the motion that:

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

WHEREAS, Resolution #PC4-85-10 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-85-10 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on November 5, 2015, the Hamilton Township Planning Board amended the Hamilton Township Master Plan to include the Mays Landing Neighborhood Plan; and

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

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

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

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

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

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

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

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



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 Nancy Wittenberg
 Executive Director

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

January 26, 2018

Hamilton Township
 6101 Thirteenth Street
 Mays Landing, NJ 08330

FINDINGS OF FACT

I. Background

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

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

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

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

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

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

Ordinance 1858-2017

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

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

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

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

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

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

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

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

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

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

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

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

PUBLIC HEARING

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

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

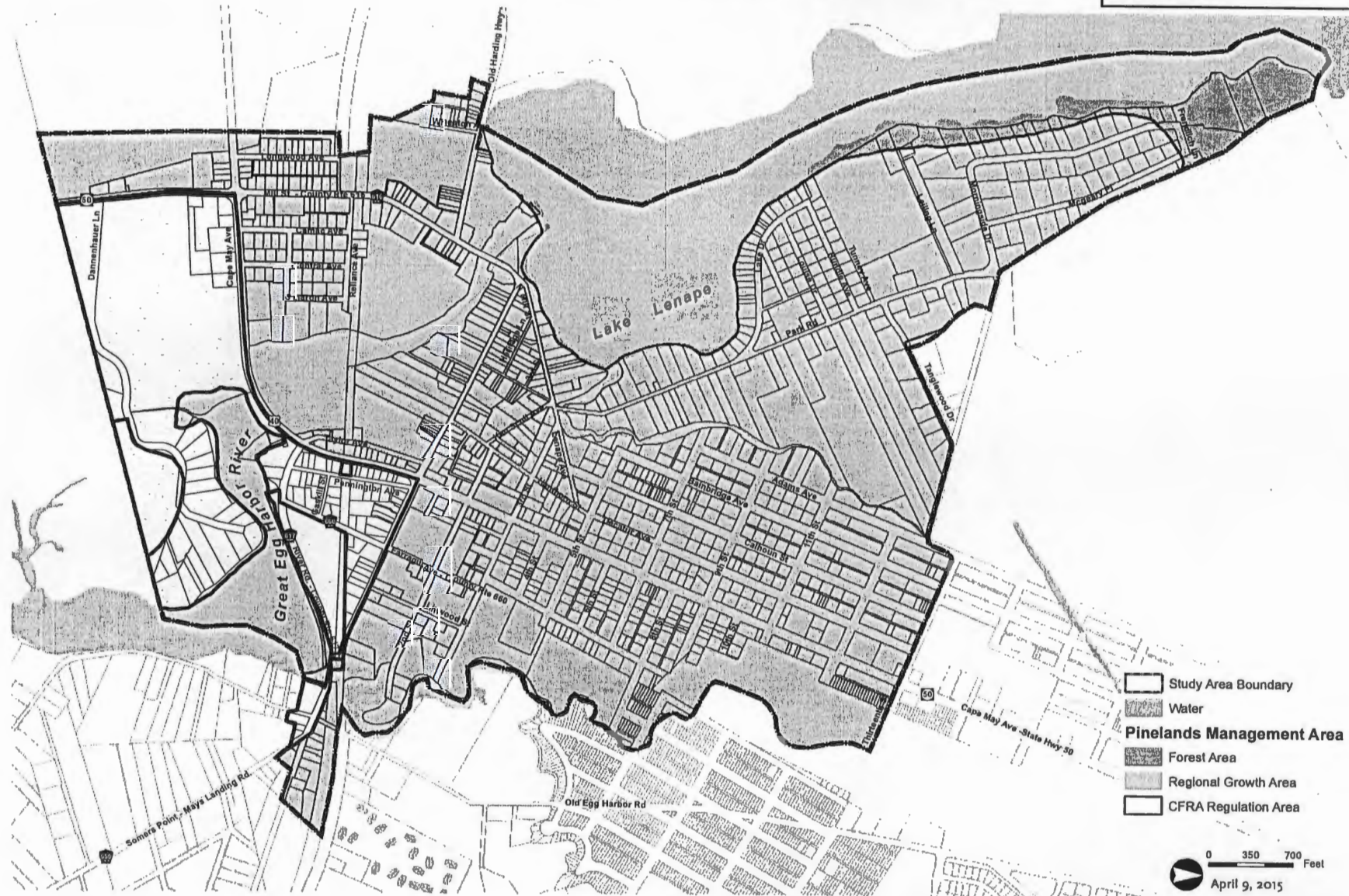
Written comments on the Mays Landing Neighborhood Plan and Ordinance 1858-2017 were accepted through December 13, 2017. However, no written comment was received.

CONCLUSION

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

SRG/DBL/CHA
Attachments

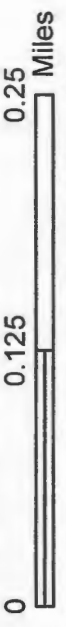
PINELANDS MANAGEMENT AREAS MAP



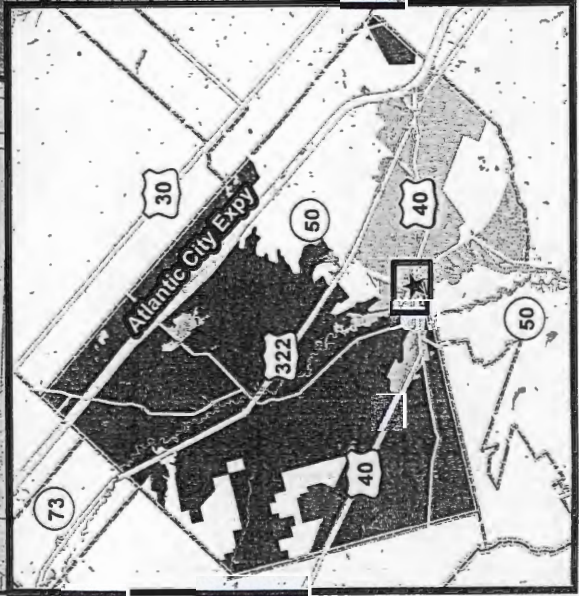
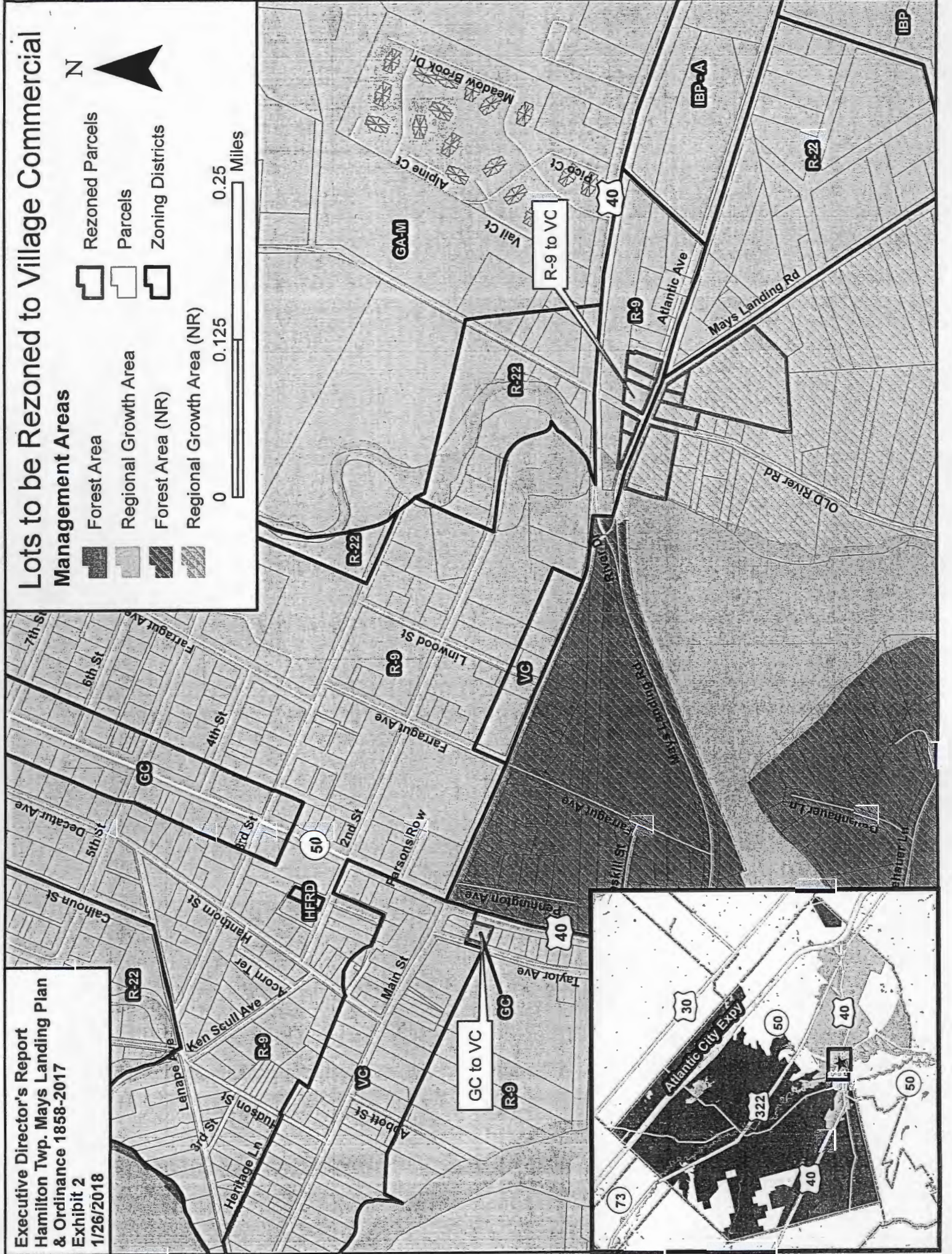
Lots to be Rezoned to Village Commercial



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



Executive Director's Report
 Hamilton Twp. Mays Landing Plan
 & Ordinance 1858-2017
 Exhibit 2
 1/26/2018





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 06

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

Commissioner Barr moves and Commissioner Lloyd seconds the motion that:

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

WHEREAS, Resolution #PC4-83-58 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-58 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on June 19, 2017, the Jackson Township Planning Board adopted Resolution 2017-15, approving the Township's Amended Housing Element and Fair Share Plan, dated June 2017; and

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

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

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

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

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

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

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

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

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

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Resolution 2017-15 and Ordinance 22-17 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

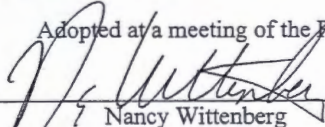
1. An Order is hereby issued to certify that Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan of Jackson Township, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Jackson Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

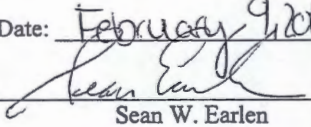
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*				
Ashmun			X	Howell			A	Prickett	X			
Avery	X			Jannarone		X		Quinn	X			
Barr	X			Lloyd	X			Rohan Green			X	
Chila			X	Lohbauer	X			Earlen	X			
Galletta	X			Pikolycky	X							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date: February 9, 2008


 Sean W. Earlen
 Chairman



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
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Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wisenberg
Executive Director

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

January 26, 2018

Jackson Township
95 W. Veterans Highway
Jackson, NJ 08527

FINDINGS OF FACT

I. Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. Master Plans and Land Use Ordinances

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

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

These amendments have been reviewed to determine whether they conform to the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. **Natural Resource Inventory**

Not applicable.

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

Housing Plan

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

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

RG-2 and RG-3 Zones

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

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

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

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

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

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

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

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

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

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

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

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

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

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

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

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

CONCLUSION

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

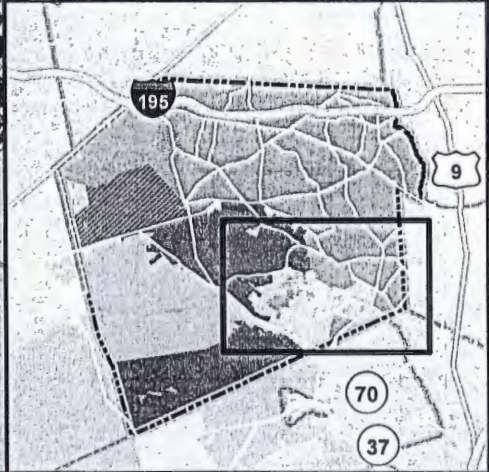
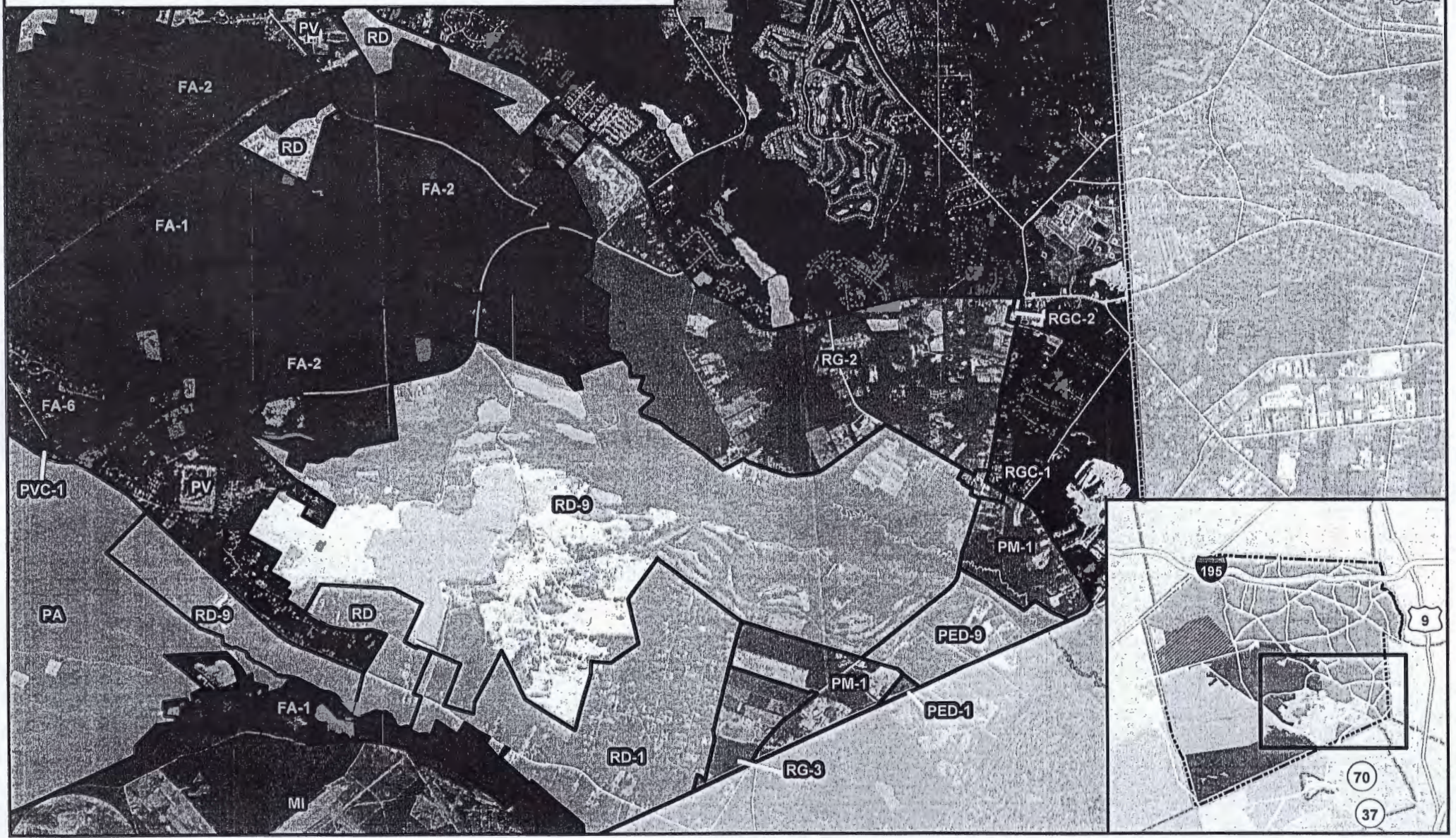
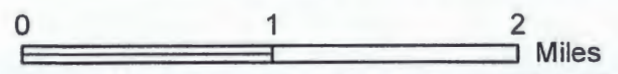
SRG/CJA
Attachment

Jackson Township Regional Growth Area

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

Pinelands Management Areas

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





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 07

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

Commissioner Lohbauer moves and Commissioner Lloyd seconds the motion that:

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

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

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

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

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

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

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

WHEREAS, the Executive Director has found that Ordinance 17-025 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 17-025 is in conformance with the Pinelands Comprehensive Management Plan; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Manchester Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

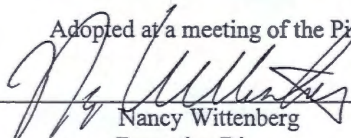
Record of Commission Votes

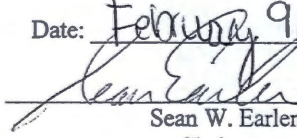
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun			X	Howell	X			Prickett	X		
Avery	X			Jannarone		X		Quinn	X		
Barr	X			Lloyd	X			Rohan Green			X
Chila			X	Lohbauer	X			Earlen	X		
Galletta	X			Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 9, 1998


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



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



Philip D. Murphy
 Governor

Stefia Y. Oliver
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

**REPORT ON MANCHESTER TOWNSHIP ORDINANCE 17-025, AMENDING CHAPTER 245
 (LAND USE AND DEVELOPMENT) OF THE CODE OF MANCHESTER TOWNSHIP**

January 26, 2018

Township of Manchester
 1 Colonial Drive
 Manchester, NJ 08759

FINDINGS OF FACT

I. Background

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

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

On November 13, 2017, the Manchester Township Committee adopted Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township. The ordinance revises the zoning districts that permit Garden Apartments and Townhouse Developments and includes provisions for the use of Pinelands Development Credits for the development of such uses in the Pinelands Regional Growth Area. The ordinance also rezones four lots in the Pinelands Regional Growth Area from the PRC-1 (Pinelands Retirement Community) zoning district to the POR-LI (Pinelands Office, Research and Light Industrial) zoning district.

The Pinelands Commission received a certified copy of Ordinance 17-025 on November 14, 2017. By letter dated December 6, 2017, the Executive Director notified the Township that Ordinance 17-025 would require formal review and approval by the Pinelands Commission.

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II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, introduced on October 23, 2017 and adopted on November 13, 2017

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

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Land Use Ordinance Relating to Development Standards**

Garden Apartments and Townhouse Developments

Ordinance 17-025 revises the zoning districts within the Pinelands Area wherein Garden Apartments and Townhouse Developments are permitted as a conditional use. Garden Apartments will be permitted as a conditional use in the PB-1 (Pinelands Business) district, located in the Pinelands Regional Growth Area, as well in the WTB-1, WTHD, WTO-P and WTRC districts, all of which are located in the Pinelands Town of Whiting. Townhouse Developments will be permitted as a conditional use in these same districts, as well as in the POR-LI district, which is located within the Pinelands Regional Growth Area.

Under the existing provisions within the Township's code, Garden Apartments and Townhouse Developments require a minimum lot size of 10 acres and are permitted to have a maximum gross density of six units per acre for Garden Apartments and eight units per acre for Townhouse Developments.

The CMP provides that any use not otherwise limited pursuant to Subchapter 6 of the CMP may be permitted in a Pinelands Town and Regional Growth Area¹. With respect to Pinelands Towns there are additional provisions that must be met related to the availability of public service infrastructure and the compatibility of the use with the existing character of the Pinelands Town. Garden Apartments and Townhouse Developments are not uses specifically limited by Subchapter 6 of the CMP. Furthermore, the Pinelands Town of Whiting has existing public service infrastructure and existing uses and structures compatible with the densities permitted for Garden Apartments and Townhouse Developments. With respect to Pinelands Regional Growth Areas, there are additional provisions that must be met related to residential density and the use of Pinelands Development Credits. The residential density component is discussed in this section below after taking into consideration the proposed rezoning of four lots. The ordinance does

¹ N.J.A.C. 7:50-5.27(a) and 7:50-5.28(a), respectively

contain provisions for the use of Pinelands Development Credits for the development of Garden Apartments and Townhouse Developments in the PB-1 district and POR-LI district (see Section 8 below)

Zoning Boundary Changes

Ordinance 17-025 rezones four lots, totaling approximately 129 acres, in the Pinelands Regional Growth Area from the PRC-1 district to the POR-LI district (see Exhibit 1). This rezoning effectively eliminates the PRC-1 zone located on Ridgeway Boulevard, on the boundary of the Pinelands Area. This contiguous tract of land, referred to as the Pulte Homes Site, was previously included in the PRC-1 district and zoned for residential development based on a 2007 builders' remedy settlement agreement. The planned residential development allowed by that settlement agreement and the Township's previously certified ordinances is no longer being pursued. In addition, one of the lots has been purchased by Ocean County, and an application for public development has been approved by the Commission for development of a County Roads Department Garage (Application 1982-2731.007). The remaining three lots are privately held. One lot is vacant and the other two lots are developed and classified as industrial. It is noted that the four lots subject to the rezoning were previously zoned POR-LI prior to the adoption of the ordinance implementing the 2007 builders' remedy settlement agreement. In effect, the Township is returning the lots to their prior zoning district designation to reflect updated affordable housing plans and recent County acquisition.

The existing PRC-1 district currently permits single family houses, home occupations, agriculture and a variety of institutional uses such as churches and cemeteries. Also permitted are planned retirement communities, retirement community multi-family housing, senior citizen light care and continuing care for the elderly. Rather than specifying a permitted residential density, the Township's ordinance specifies a maximum number of market-rate units that may be developed on the Pulte Homes Site in accordance with the 2007 builders' remedy settlement agreement. A maximum of 400 market-rate units and 20 affordable units are permitted on the Pulte Homes site, with the use of Pinelands Development Credits required for thirty percent of the market rate units.

The POR-LI district is an existing zoning district within Manchester's Pinelands Regional Growth Area. The currently certified POR-LI district regulations allow for a variety of non-residential uses. Based on the amendments made by Ordinance 17-025, Townhouse Developments will now be permitted in the zone.

Staff performed an analysis to assess the change in residential zoning capacity in the Regional Growth Area due to the elimination of the PRC-1 zoning district and the addition of Townhouse Developments as a conditional use in the PB-1 and POR-LI districts. This analysis took into consideration developable lands (i.e., lands that are privately owned, non-wetland lands with a depth to seasonal high water table of greater than 1.5 feet) excluding lots that were less than ten acres. The ten acre lot size was selected based on the minimum lot size requirement established in Manchester's certified land use ordinances for Townhouse Developments. The total number of potential residential units was then discounted by 50% in recognition of the fact that the PB-1 and POR-LI districts are primarily nonresidential zones, in which a new conditional residential use is being permitted. The analysis shows that Manchester's Regional Growth Area residential zoning capacity decreases by 132 units as a result of Ordinance 17-025 (see Table 1). Such a result is to be expected, given Ocean County's acquisition of vacant, residentially zoned land in the Regional Growth Area and the effective expiration of an old builders remedy agreement.

Table 1. Summary of RGA Residential Capacity Enabled by Ordinance 17-025

Current RGA Residential Capacity	Proposed RGA Residential Capacity
PRC-1 District (129 acres): 420 units ¹	-----
POR-LI District (26 acres): 0 units ²	POR-LI District (52 acres): 208 units ³
PB-1 District (20 acres): 0 units ²	PB-1 District (20 acres): 80 units ³
Total Units: 420	Total Units: 288 units
Net change in Residential Unit Potential: -132 units	

1. Current residential capacity for the PRC-1 Zone is based on Ordinance 07-018, which established the zone. It specifies the number of units permitted in the zoning district rather than establishing a density. The number of units permitted was based on a 2007 builders remedy settlement agreement.

2. Prior to Ordinance 17-025, the POR-LI and PB-1 districts did not permit residential uses.

3. Proposed residential capacity is based on the theoretical build-out of those developable lands on lots 10 acres or larger as Townhouse Developments at a maximum permitted density of 8 units per acre. The total units are then discounted by 50% in recognition of the fact that these are primarily nonresidential zones, in which a new conditional residential use is being permitted.

Miscellaneous Revisions to Development Regulations

Ordinance 17-025 repeals the zoning district regulations for a number of districts that are no longer delineated on the Township's official zoning map. They include the PRC, PRC/RCL, PMP, WTR-10AF and WTR-14AF districts. These districts had been eliminated from the official zoning map via previously certified ordinance amendments.

The ordinance revises the zoning district regulations for a number of districts so that the permitted uses for each district would be solely controlled by Appendix 6, Schedule F (Pinelands Area Residential Zoning Districts – Permitted and Conditional Uses). Previously, these zoning districts permitted uses based on both Schedule F and those uses permitted in other enumerated zoning districts outside of the Pinelands Area. These revisions mitigated the potential conflicts that have arisen from time to time when the Township has sought changes to those affiliated non-Pinelands Area districts. The following zoning districts were updated: PR-40, PR-A, PR-15, BVR-40, WTRA, WTR-40, and WTRC.

The ordinance revises schedules B, C, F, and G, reflecting revisions to maximum building height standards, the elimination of legacy districts, and changes to the land use classification codes related to the permitted and conditional use tables. Land use categories within schedules F (Pinelands Area Residential Zoning Districts – Permitted and Conditional Uses) and G (Pinelands Area Nonresidential Zoning Districts – Permitted and Conditional Uses) have been revised from the SIC (Standard Industry Classification) codes to the NAICS (North American Industry Classification System) codes. These changes did not impact the underlying land uses that are permitted in a given zone, simply the affiliated codes associated with a given land use.

The revised Schedule B (Pinelands Area Zoning Districts Schedule) eliminates those legacy zoning districts noted above. It also adds a line in the schedule for the existing PR-40 zone, which is located in the Pinelands Regional Growth Area, and includes standards based on the previously affiliated R-40 zone outside of the Pinelands Area. It also increases the rear-yard setback in the PR-15 from 15 feet to 26 feet and increases the maximum building height in the POR-LI and PB-1 districts from 35 feet to 40 feet. It is noted that the POR-LI and PB-1 districts are located in the Pinelands Regional Growth Area, where the CMP does not impose a maximum height limitation.

The revised Schedule C (Beckerville Village and Whiting Town Zoning District Schedule) includes increases to the maximum building heights permitted in the WTR-40, WTHD, WTB-1, and WTO-P zoning districts from 35 feet to 40 feet. It is noted that these districts are located in the Pinelands Town of Whiting, which does not have any limitations on maximum structure height pursuant to the CMP.

The Revised Schedule F (Pinelands Area Zoning Districts – Permitted and Conditional Uses) contains new entries for the existing PED-1 and PED-9 zoning districts consistent with previously certified ordinance regulations.

The development intensities, permitted uses and zoning changes adopted by Ordinance 17-025 are consistent with the development standards as set forth in the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

N.J.A.C. 7:50-3.39(a)8 requires that municipal ordinances provide for sufficient residentially zoned property in the Pinelands Regional Growth Area to be eligible for an increase in density via Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3. Pursuant to N.J.A.C. 7:50-5.28(a), Manchester Township's Regional Growth Area is required to provide an opportunity for the development of residential units at a base-density of 3.5 units per acre, with a bonus-density of up to 5.25 units per acre with the use of PDCs. This traditional approach requires that municipalities provide the *opportunity* for use of PDCs for 33% of the total number of residential units permitted in their Regional Growth Areas.

Ordinance 17-025 has implications for the accommodation of PDCs due to: (1) the addition of Garden Apartments and Townhouse Developments as a conditional use within two Regional Growth Area nonresidential zones; and (2) the rezoning of four lots from a residential zone (PRC-1) to a nonresidential zone (POR-LI) in the Regional Growth Area. Prior to Ordinance 17-025, the POR-LI and PB-1 districts did not permit residential uses, and therefore, only required PDC use when a variance permitting residential units was approved by the Township.

The Township's previously certified zoning plan for the Pulte Homes site required the acquisition and redemption of PDCs for 30% of the market rate units developed on the site. In order to remain in compliance with N.J.A.C. 7:50-5.28(a)3, Ordinance 17-025 incorporates the same 30% PDC requirement for Garden Apartments and Townhouse Developments if developed in the POR-LI and PB-1 zoning districts. Units made affordable to low- and moderate-income households are excluded from the PDC requirement for up to 20% of the total units in the development. It is important to note that affordable units beyond the 20% threshold will be required to redeem PDCs at the 30% rate.

The PDC requirements adopted by Ordinance 17-025 result in an opportunity for the use of 69 rights (21.75 Pinelands Development Credits)². While the overall PDC opportunity provided by the ordinance is not as high a number as would be provided through the more traditional approach described above requiring 33%, it is important to consider that the traditional base-density/bonus-density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 17-025 *guarantees* a PDC redemption rate of 30% for apartment or townhouse development in the POR-LI and PB-1 districts. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance 17-025 are consistent with Comprehensive Management Plan standards. This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

² PDC opportunities were calculated by applying the 30% PDC requirement to the maximum residential build-out of vacant lands in the PB-1 and POR-LI zoning districts – 288 units (see table 1 above). This calculation also assumes that the inclusionary housing requirements of the Fair Housing Act, which require a 20% set-aside for low- and moderate-income households, will be applied.

10. General Conformance Requirements

Ordinance 17-025 is consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 17-025 is consistent with standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Ordinance 17-025 does impact zoning districts that are contiguous with the Manchester municipal boundary. In particular, portions of the POR-LI and WTRC districts are located on the border with Jackson Township and Berkeley Township, respectively. Although the ordinance permits greater residential density via Garden Apartments and Townhouse Developments, neither of these zones that are contiguous with the municipal boundary contain sufficient vacant developable lands to enable such development.

Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Manchester Township's application for certification of Ordinance 17-025 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 17-025 were accepted through January 10, 2018. However, no written comments were received.







CONCLUSION

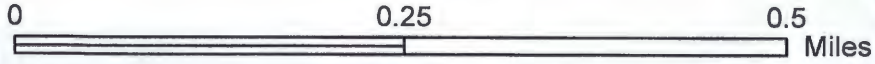
Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 17-025 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Manchester Township Ordinance 17-025.

SRG/DBL/CMT
Attachment

Existing Conditions of Lots to be Rezoned

Pinelands Management Areas

-  Regional Growth Area
-  Federal or Military Facility
-  N
-  Rezoned Lots
-  Existing Lots
-  Zoning Districts



Executive Director's Report
Manchester Twp. Ord. 17-025
Exhibit 1
1/26/2018

