RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-09

TITLE: To Adopt an Amendment to the Pinelands Infrastructure Master Plan

Commissioner Barr **moves and Commissioner** Pikolycky **seconds the motion that:**

WHEREAS, P.L. 1985, Chapter 302 (the Pinelands Infrastructure Trust Bond Act) authorized creation of a debt of the State of New Jersey by issuance of bonds in the sum of $30,000,000 for the purpose of providing grants and loans to local units of government in the Pinelands Area for infrastructure capital projects necessary to accommodate development in the Regional Growth Areas; and

WHEREAS, P.L. 1985, Chapter 302 required that the Pinelands Commission adopt an infrastructure master plan to be used in evaluating projects to be financed, to specify funding structure in terms of grants and loans to be awarded, and to recommend the level of funding for selected projects; and

WHEREAS, the Department of Environmental Protection adopts regulations regarding grant and loan procedures and regulations regarding allowable costs in N.J.A.C. 7:22 – 6 and 7 to implement the awards specified in the adopted Pinelands Infrastructure Master Plan; and

WHEREAS, on January 16, 1987, the Pinelands Commission adopted the original Pinelands Infrastructure Master Plan by Resolution PC4-87-03; and

WHEREAS, since that time, the Pinelands Commission adopted a number of amendments to the Pinelands Infrastructure Master Plan, most recently in 2006 through Resolution PC4-06-12; and

WHEREAS, the Pinelands Commission awarded all available funding to various wastewater construction projects and to a program that provided a portion of planning costs to Pinelands municipalities for the purposes of preparing utility service plans; and

WHEREAS, repayment of loans issued under the Pinelands Infrastructure Master Plan and earlier amendments has resulted in the availability of approximately $15,000,000 in the Pinelands Infrastructure Trust Fund; and

WHEREAS, the Pinelands Commission has conducted outreach among Pinelands municipalities and utility authorities to gauge the needs for infrastructure to support the demands of the Regional Growth Area; and

WHEREAS, it is necessary to revise the Pinelands Infrastructure Master Plan to create a framework for ranking new projects and to design a structure for funding that will address the current needs for infrastructure; and

WHEREAS, a public hearing to receive testimony on a proposed amendment to revise the project ranking criteria and funding structure was duly advertised, noticed and held on January 3, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 7:00 p.m.; and

WHEREAS, the Executive Director has found that the amendment supports the objectives of the Pinelands Infrastructure Bond Act; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending adoption of the January 2019 Pinelands Infrastructure Master Plan amendment; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that the January 2019 Infrastructure Master Plan amendment be adopted; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the amendment 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 amend the Pinelands Infrastructure Master Plan by revising the project ranking criteria and funding structure in accordance with the January 2019 amendment.

2. The Executive Director shall issue a request for project proposals and in the event that projects are submitted to and evaluated by the Commission in accordance with the amended Infrastructure Master Plan, selection of projects and funding awards will be considered in a future amendment.

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 8, 2019

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON THE JANUARY 2019 PINELANDS INFRASTRUCTURE TRUST MASTER PLAN AMENDMENT TO SET RANKING CRITERIA AND FUNDING STRUCTURE

The 1985 Pinelands Infrastructure Trust Fund (PITF) Bond Act created an initial source of funding with the goal of defraying the costs of infrastructure in Pinelands Regional Growth Areas while simultaneously offering land value equity to property owners in the Preservation Area, Agricultural Production Area and Special Agricultural Production Area through the use of Pinelands Development Credits (PDC). The PITF Act directed the Pinelands Commission to prepare a Master Plan to evaluate and identify infrastructure projects and to include a funding structure through which the State would administer grants and/or loans for projects that are identified in the Master Plan. The Act allows funding for a wide array of infrastructure projects to support development in the Regional Growth Area. Infrastructure projects may include wastewater (including stormwater and green infrastructure), water supply, or transportation, as long as it serves new development in the Regional Growth Area with the potential to generate demand for PDCs.

The Commission previously adopted a PITF Master Plan and amendments that set forth projects and ranking, and funds were disbursed in the form of loans and grants. Repayment of loans has replenished the Fund. Currently, there is approximately $15 million available in the Trust Fund. Considering the length of time that has elapsed since the prior funding rounds, the Commission sought input from local governments and utilities regarding current infrastructure needs. Staff reached out via mail, e-mail, web notice, telephone and in-person meetings with local officials and utility authorities. Staff reviewed that input along with historical information to assist with preparation of the proposed PITF Master Plan Amendment.

Several projects are intended to be subsidized and this Master Plan amendment will establish the criteria by which projects will be evaluated and the funding structure through which loans and grants may be offered pending approval by the State legislature. Pending Commission adoption of the January 2019 amendment, Commission staff anticipates issuing a Request for Proposals by mid-March 2019. Following receipt and ranking of project proposals, a second Master Plan amendment will be prepared and provided to the Commission for consideration. That second amendment will include a list of specific projects, ranked in accordance with this January 2019 amendment, and will be forwarded for legislative approval upon resolution of the Commission.

PUBLIC HEARING

A public hearing to receive testimony concerning the PITF Master Plan amendment ranking criteria and funding structure was duly advertised, noticed, and held on January 3, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 7:00 P.M. Ms. Susan Grogan conducted the hearing. Testimony was given by two members of the public:

1. Mark Demitroff (see Exhibit #1)
2. April Jenkins

Written comments on the PITF Master Plan amendment were accepted through January 10, 2019 and were received from the following individuals:

1. Mark Demitroff (see Exhibit #1)
2. Ian Borden, PP, AICP of Professional Design Services LLC. January 2, 2019 e-mail (see Exhibit #2)
3. Philip Sartorio, Community Development Director, Hamilton Township. January 3, 2019 letter (see Exhibit #3)
4. Albert Yodakis, Director of Public Works, Manchester Township. January 4, 2019 letter (see Exhibit #4)
5. David Harpell, Executive Director, Jackson Township Municipal Utilities Authority. January 7, 2019 e-mail (see Exhibit #5)

EXECUTIVE DIRECTOR'S RESPONSE

One commenter in public testimony and written comments (Exhibit #1) stated that he was opposed to the amendment because it supports redevelopment. The commenter said redevelopment may occur in Pinelands Villages, as they are designated growth areas under the State Development and Redevelopment Plan. The commenter further notes that redevelopment should not be used in the Pinelands Area because no government agency oversees it.

Response: The PITF Act does not allow PITF funding to be used to support development or redevelopment in Pinelands Villages, but only in Pinelands Regional Growth Areas. In addition, any development or redevelopment that is proposed within the Pinelands Area will be required to meet all Comprehensive Management Plan environmental standards as well as CMP land use and intensity standards for development in the applicable management area.

The second commenter giving oral testimony and one commenter who submitted written comments (Exhibit #4) stated support of the amendment without raising any specific issues.

Response: The commenters' support is noted.

One commenter (Exhibit #2) indicates that a lack of sewer and water has hindered development in the Regional Growth Areas of Manchester and Jackson townships. Support is offered for the amendment and the funding structure.

Response: The commenter's support is noted.

One commenter (Exhibit #3) notes that the ranking criteria are acceptable, but questions whether points will be assigned on a scale or only on an "all or nothing" basis. He further states that the funding structure should be modified so that projects which satisfy municipal affordable housing obligations will

receive a higher proportion of grant to loan on a sliding scale so that a greater percentage of affordable housing will result in a higher proportion of the funding to be allocated as a grant.

Response: In response to the question about points assigned to ranking criteria, the draft amendment includes point scales for each of the mandatory factors. As implied by the language of the draft amendment that bonus factors may be awarded "up to 10 points", proportional points may be assigned to these factors. If funding demand is such that competitive projects must be more closely evaluated, bonus factors will be allocated points on a scale of 0 – 10 points.

As to the comment regarding affordable housing, it is appropriate that municipal affordable housing obligations be addressed in the Regional Growth Areas. The proposed amendment recognizes that the accommodation of affordable housing obligations often necessitates higher density development and awards a greater number of points in the ranking system to projects that would support higher numbers of units and greater numbers of Pinelands Development Credits. Additional points will be awarded for projects that serve areas zoned for residential development at a net density of at least 3.7 units per acre. In addition, the factor associated with local matching funds indicates that financial hardship may be taken into account when considering whether 10 percent of the project funding must come from non-PITF sources. Project proposals will be required to lay out the financial hardship which will be considered in the ranking process. It is conceivable that such financial hardship may be related to a municipality's need to fund and construct infrastructure for affordable housing projects. No specific change to the funding allocation is recommended for this amendment, but may be part of a future amendment if deemed necessary.

One commenter (Exhibit #5) stated that strains on limited resources caused by new regulatory mandates would hinder new infrastructure in Regional Growth Areas without the availability of the PITF. The commenter supports the ranking criteria and requests that the requirement for local matching funds be limited to no more than 10 percent of project costs, although additional points might be awarded if more than 10 percent in local matching funds are provided.

Response: The proposed amendment would award points for projects with a minimum match of 10 percent in non-PITF funding as the commenter suggests, but also allows some flexibility where financial hardship has been clearly documented in the PITF project proposal. The commenter's support of the amendment is noted.

CONCLUSION

Based on the background and comments described above, the Executive Director has concluded that the January 2019 PITF Master Plan amendment will support the objectives of the PITF Act. Accordingly, the Executive Director recommends that the Commission adopt the Amendment as proposed.

ATTACHMENTS
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Pinelands Infrastructure Trust Fund
Master Plan Amendment
January 2019 Exhibit #1

MARK DEMITROFF
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-8346

RE: PINELANDS VILLAGES

January 03, 2019
Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Pinelands Infrastructure Master Plan
Proposed Amendment

Pinelands Commissioners,

Please include this document as testimony for the Pinelands Infrastructure Master Plan Proposed Amendment hearing of January 03, 2019.

ABSTRACT

Pinelands Villages—now inappropriately deemed as Regional Growth Areas—should not be included as Pinelands Infrastructure Trust Fund (PITF) recipients since "significant" redevelopment will likely become the preferred tool to achieve Pinelands Infrastructure Master Plans' goals (e.g., Richland Village). The Pinelands Commission (PC) is responsible for all development within its jurisdiction. Redevelopment is development, yet the PC's ability to review redevelopment is limited in scope. This can't be. Additionally the PC lacks authority to determine if redevelopment parcels meet the standards of "land in need of redevelopment." Normally, the Department of Community Affairs (DCA) performs that duty, but by Memorandum of Agreement (MOA, 1999) with the PC, the DCA has no say over Pinelands redevelopment. Also, the 1999 MOA indicated the SPC (*also* DCA, OPA) must "rely on the adopted plans and regulations of the PC to achieve objectives of the [State Development and Redevelopment Plan] SDRP," and not the other way around. Also troubling, when things go wrong, there doesn't appear to be an entity to turn to for help. Significant conflicts exist between redevelopment and legal requirements of the Comprehensive Management Plan (CMP). The very planning mechanism sought is in itself flawed within its Pinelands National Reserve (PNR) context.

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DISCUSSION

1) PINELANDS HAS AUTHORITY OVER DEVELOPMENT – One of the environmental controls of the CMP is that *all* PNR development is under the purview of the PC. This is true even if jurisdictions overlap, as in the case of Coastal Area Facility Review Act (CAFRA) regulations. According to Attorney General Dow (2011, *see addenda*), "N.J.S.A. 13:18-A-23 and N.J.A.C. 7:7E-3.44 ... provides that '[w]ithin the Pinelands National Reserve, the Pinelands Commission will serve as a reviewing agency for the coastal construction permit applications.'" Redevelopment is a State-constitution authorized land-use management designation. In extension, it seems reasonable that the PC also has management powers over redevelopment (a specific form of development).

2) REDEVELOPMENT IS DEVELOPMENT – According to the *Oxford English Dictionary* (2009), redevelopment is defined as "The action or an act of developing again (in various senses)," *specifically* "The redesigning and rebuilding of an urban area, typically after the demolition of existing buildings. (The usual current sense.)" In fact, redevelopment is a form of development. According to the CMP (7:50-2.11 Definitions), *Development* means "change of or enlargement of any use or disturbance of any land..."

3) ALL DEVELOPMENT MUST COMPORT TO THE CMP – Herein lies a dilemma. According to Attorney General Dow (2011), "The New Jersey Pinelands Commission's ... role in municipal redevelopment is only to ensure that any such redevelopment in the Pinelands Area comports with the ... CMP ... adopted in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 *et seq.*" According to the *Oxford English Dictionary* (2009), comport means to agree or endure, so redevelopment must coincide in all and any respect to the CMP. In implementation redevelopment does not agree (*i.e.*, harmonize or accord) in all its respects with the CMP.

4) THE STATE PLANNING ACT DOES NOT APPLY TO THE PINELANDS – Hartkopf (2010) noted that the State Planning Act (NJSA 52:18A-196 *et seq.*), which governs the SDRP, was "adopted by the State Legislature in 1985 in response to Mount Laurel II (Fair Housing Act,

NJSA 52:27D-301 also passed in 1985)..... [but] The State Planning Act does not apply (NJSA 52:18A-206) to lands within the federally designated Pinelands (see Pinelands Protection Act, NJSA 13:18A-23 *et seq.*)" Hence compliance with the Sate Plan is not a PC *obligation*, just as COAH requirements are not a PC *obligation* (*also* Kinsey, 2008: 4 & 6, P.L. 1987, c. 267; N.J.S.A. 13:18A-12.b. and -15). It is also worth noting that this also means the PC is not *obligated* to turn Pinelands Villages into sewered growth zones as suggested by Leaken (*see* Donio, 2011).

5) REDEVELOPMENT IS INCHOATELY REVIEWED – The PC can at best provide a partial examination of a redevelopment plan, their role limited to portions that are covered under the CMP. Also, pursuant to N.J.S.A. 40A: 12A-8b&c, which is cited as statute in current Pinelands redevelopment plans, a redevelopment plan cannot be effected until State approval (when the SPC makes a determination that a redevelopment parcel meets their standards of "land in need of redevelopment)." Yet, as stated earlier in #4, the SPC (*also* DCA, OPA) has no jurisdiction over Pinelands redevelopment. Outside the Pinelands the State Planning Commission (SPC) reviews and endorses redevelopment plans, making recommendations to enhance plan efficiency and effectiveness to insure redevelopment implementation is consistent to Smart Growth plans under the *State Development and Redevelopment Plan* (Hartkopf, 2010). Again, there is a deficiency in that no one performs that function in the Pinelands.

6) ONLY PC PLANS AND REGULATIONS CAN BE USED TO REACH SDRP OBJECTIVES – According to MOA (1999: 2, II. D) between the PC and SPC (*also* DCA, OPA), it was recognized that "the SPC will rely on the adopted plans and regulations of the PC to achieve the objectives of the SDRP." Redevelopment is a tool of the SPC, and not the PC. This is inconsistent with current MOA applicability, and is another reason that redevelopment should not be used in the PNR.

> D. This MOA acknowledges the statutory treatment of the New Jersey's Pinelands under the Pinelands Protection Act and the State Planning Act and recognizes that the SPC will rely on the adopted plans and regulations of the PC to achieve the objectives of the SDRP.

(*above*) Excerpt from MOA (1999: 2).

7) REDEVELOPMENT LACKS OVERSIGHT – Additionally, there doesn't seem to be an entity that has oversight of Pinelands redevelopment law. PC plan endorsement only provides an illusion of due process. In actuality, State redevelopment statutes can be cited but then can be ignored with impunity within the PNR. For example I use Richland Village, where redevelopment was touted as "a prototype for the immediate region as well as the State" (Karabashian/Eddington Planning Group, 2006: 1). The Township began redevelopment at least two-years before the PC gave the municipality permission to move forward. In response to violations in State redevelopment statutes (*e.g.*, issuance of bonds and accumulating real property before they had a plan), I tried to find an entity who had jurisdiction over Pinelands redevelopment. Not a single person could, or can, tell me where to go, including councils for the PC, the Department of Community Affairs (DCA), and the Local Finance Board (LFB). Examples of their responses are provided below:

a – *On multiple occasions the PC indicated they had no such authority:*

> The third reason for your appeal request is alleged deficiencies by Buena Vista Township under the New Jersey Local Redevelopment and Housing Law. The Pinelands Commission has no authority to enforce the requirements of this Law. The Commission's authority is limited to its enabling act, the Pinelands Protection Act. The Executive Director's recommended approval

(above) Excerpt from a letter by Pinelands Senior Counselor S. Roth to M. Demitroff denying his appeal to the Office of Administrative Law, May 12, 2010, even though I lived within 200-feet of the parcel in question and was not notified pursuant to N.J.S.A. 40:55D-12.

> With respect to the question concerning the review and enforcement of local redevelopment and housing laws, the Executive Director would only submit that the Pinelands Commission's authority is limited to determinations of whether municipal redevelopment plans are consistent with the Pinelands Protection Act and the Comprehensive Management Plan. The Commission does not have the authority to review or enforce local redevelopment and housing laws. To the

(above) Excerpt from CMP Policy & Implementation Committee Meeting, September 24, 2010.

Permitting, of this comment. Public Comment: Additional comments regarding "redevelopment lands" and authority of the Township Engineer to proceed with developing Sawmill Park were offered by the commentor. Staff Response: These matters are not regulated by the Commission.

(*above*) Excerpt from Pinelands Commission Report on an Application for Public Development, June 24, 2011.

b – *The DCA indicated it has no authority to review or enforce Pinelands redevelopment rules;*

In addition, you inquired as to whether the Office of Smart Growth was aware of six points relating to the project. While we are aware that you have concerns regarding the process by which the Township has conducted their redevelopment activity, that issue must be addressed at the local level. The Office of Smart Growth has not been actively involved in assisting Buena Vista Township in its redevelopment efforts, and as a result is unable to comment on their activities.

(*above*) Excerpt from DCA's Acting Executive Director, D. Rendeiro, Office of Smart Growth, response to M. Demitroff's query, October 1, 2009.

c – *The NJ LFB indicated it has no authority to review or enforce Pinelands redevelopment rules;*

was secured, (or attempted to be secured). Please also be advised that the Board has no jurisdiction over the Pinelands Commission, the Local Redevelopment and Housing Law or the Municipal Land Use Law. It is suggested that you speak to a private attorney concerning the possibility of filing civil action to represent your interests in a court of law.

(*above*) Excerpt from NJLFB Chair, T. Neff, response to M. Demitroff's query, February 28, 2011.

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SYNTHESIS

Redevelopment is a powerful tool for the land-use planner, and it must be used wisely and fairly. The NJ State Comptroller recently expressed his concern about historical evidence of corruption of the redevelopment process (Boxer, 2010: 6, 13). Many redevelopment ordinances are written by the developer (Boxer, 2010: 16). Boxer indicated that more County and other officials should be "involved at earlier stages of the redevelopment process" and that there should be "fulsome public discussion" of redevelopment dynamics that goes beyond the "modicum of public notice" (Boxer, 2010: 22).

Municipal land-use applications within the PNR cannot have less oversight and jurisdictional accountability than areas outside the Pinelands. As it stands, it appears that only the redeveloper (the municipality) is minding the hen-house (*see #4–7 above*). Reforms are needed so that the mechanism properly fits the PC's mission to preserve, protect, and enhance the environmental and cultural environment of the Pinelands. Heed NJAPA's (2006) warning, that "planning professionals should exercise extreme caution when advising clients regarding redevelopment practices." Redevelopment can be rife with controversy (*e.g.*, eminent domain). We, the Pinelands residents, are the PC's primary clients - not the developers, and the PC must fully safeguard our individual and societal rights, as well as the Pinelands cultural and environmental ecosystem.

Redevelopment will in all likelihood be a preferred tool of targeted economic growth under PITF in the Pinelands. Yet for all the previous reasons stated above, redevelopment does not comport to the Pinelands Comprehensive Management Plan, and in extension cannot be invoked in the disbursement of PITF. A workable relationship between redevelopment and PITF must be addressed in the final Pinelands Infrastructure Master Plan, yet this component is conspicuously absent from this proposed amendment.

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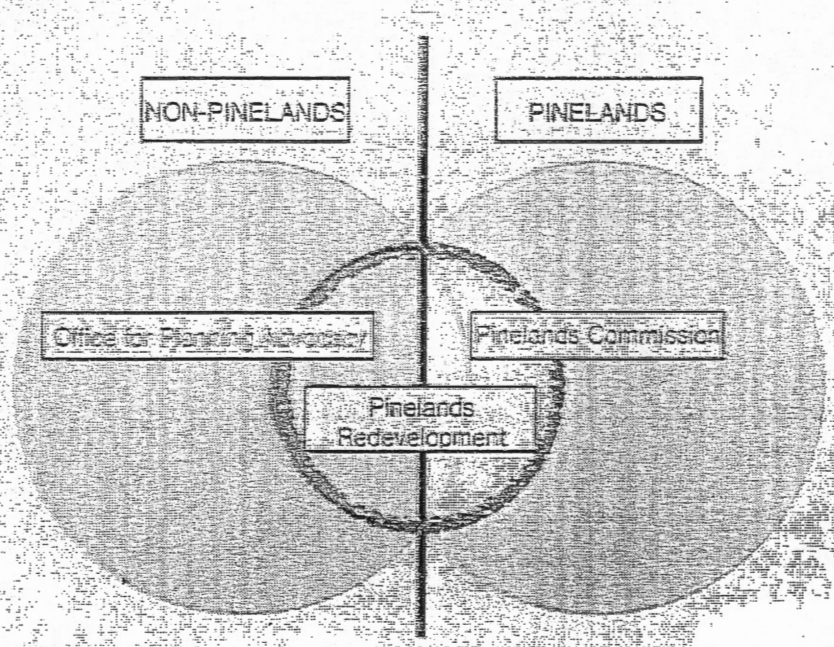

CONCLUSION

Redevelopment cannot be used anywhere in the Pinelands, until it becomes abundantly clear which entity oversees and which entity enforces Pinelands redevelopment. Not even the Office of the Attorney General was able to resolve those issues (*see attached*). According to the CMP (7:50-1.4 Applicability), "It shall be unlawful for any person to carry out any development in the Pinelands Area which does not conform to the minimum standards of this Plan." Redevelopment does not comport to the CMP (*e.g.*, eminent domain). The 1999 MOA does not provide equal or greater protection to Pinelands resources, nor does it allow the use of non-PC land-use tools. This is important, since the PC, through the CMP, has effectively managed growth, while the SPC (*also* DCA, OPA) has not (Kinsey, 2008). While I am not an attorney, the "hole" story, one of less - not equal or greater protection, points out very real conflicting legal requirements that must be resolved.

Sincerely,

Mark Demitroff

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BIBLIOGRAPHY

Boxer, A.M. (State Comptroller), 2010: *A Programmatic Examination of Municipal Tax Abatements*. Office of the State Comptroller, State of New Jersey, Trenton, NJ, 30 pp.

Donio, G., 2011: Pinelands: sewer plants OK. *The Hammonton Gazette*. **15**, 38: 1, 12, 16.

Dow, P. (by K. Heinzerling), 2011: Re: September 23, 2011 Correspondence to the Office of the Attorney General. Letter from P, Dow to M. Demitroff, 2 pp. (*added as addenda*).

Hartkopf, K. (Planning Director, Office of Smart Growth), 2010: The State Development and Redevelopment Plan: New Jersey Planning Law Review. PowerPoint presentation for the NJAPA, April 10, 2010.

Kinsey, D.N., 2008: Has the *Mount Laurel* doctrine delivered on Smart Growth? *Planning & Environmental Law*. **60**, 6: 3–9.

MOA, (1999): Memorandum by and between the New Jersey Pinelands Commission and the New Jersey State Planning Commission. June 1, 1999. 11 pp.

NJAPA, (New Jersey Chapter, American Planning Association), 2006: Position statement on redevelopment planning and exercise of eminent domain. c/o URS Corporation, One Gateway Center, Suite 1000, Newark, NJ, 6 pp.

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November 23, 2011

Via Regular & Certified Mail
Mark Demitrolli
822 Main Ave.
Vineland, NJ 08360-9346

Re: September 21, 2011 Correspondence to the Office of the Attorney General

Dear Mr. Demitrolli:

I am in receipt of your September 21, 2011 correspondence to the Office of the Attorney General. You asked for a determination as to "who has authority over redevelopment within the Pinelands National Reserve."

As noted in the August 1, 2011 correspondence sent to you by DAG Julie Cavanagh, this office is unable to provide you with legal advice or assistance.

That being said, the New Jersey Constitution authorizes redevelopment. N.J. Const., art. VIII, § III, ¶ 1. Municipal redevelopment is primarily governed by the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., which gives municipalities the authority to designate areas in need of redevelopment. N.J.S.A. 40A:12A-5. The New Jersey Pinelands Commission's ("Commission") role in municipal redevelopment is only to ensure that any such redevelopment in the Pinelands Area complies with the Pinelands Comprehensive Management Plan ("CMP") adopted in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. See N.J.A.C. 7:50-4.11 et seq. (development in municipalities not certified in compliance with the CMP); N.J.A.C. 7:50-4.31 et seq. (development in municipalities certified in compliance with the CMP). The Commission has no authority to implement the New Jersey Local Redevelopment and Housing Law.

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Finally, it should be clarified that, since your letter asks who had authority over redevelopment in the "Pinelands National Reserve," the Commission's authority is limited to the "Pinelands Area" as defined by N.J.S.A. 13:18A-11. See also N.J.S.A. 13:18A-3; N.J.S.A. 13:18A-8. Although the CMP constituted the management plan called for by the National Parks and Recreation Act of 1978, 16 U.S.C. §471i(d), the Commission's jurisdiction is limited to those portions of the Pinelands National Reserve that overlap with the Pinelands Area. The New Jersey Department of Environmental Protection has primary jurisdiction over those portions of the Pinelands National Reserve located outside the Pinelands Area within the Coastal Area. See N.J.S.A. 13:19A-23 and N.J.A.C. 7:7E-2.14 which provides that "[w]ithin the Pinelands National Reserve, the Pinelands Commission will serve as a reviewing agency for the coastal construction permit applications."

Sincerely yours,

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

By: Kristen D. Reinhardt
Deputy Attorney General

c: AAG Kevin Auerbacher
AAG Robert M. Stolloff
DAG John Ferrell
DAG Christine Plateis

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Pinelands Infrastructure Trust Fund
Master Plan Amendment
January 2019 Exhibit #2

Pinner, Betsy

From: Ian Borden P.P., AICP <iborden@pds-nj.com>
Sent: Wednesday, January 02, 2019 10:49 AM
To: Planning, PC
Subject: Planning and Conformance Submissions

Below is the result of your feedback form. It was submitted by Ian Borden P.P., AICP (iborden@pds-nj.com) on Wednesday, January 2, 2019 at 10:49:12

---

email: iborden@pds-nj.com

subject: Planning and Conformance Submissions

print_blank_fields: 1

Name: Ian Borden P.P., AICP

Affiliation: Professional Design Services LLC

Mailing Address: 1245 Airport Road Lakewood NJ 08701

Phone Number: 7323630060

Message: We represent a number of landowners and developers seeking to development areas within the Regional Growth Zone of Manchester and Jackson Townships, which developments will require the purchase of PDC's. The absence of public water and sewer facilities have hindered the growth of these areas. Please accept these comments in support of the PITF Master Plan Amendment, including the proposed funding structure.

Submit: Submit

Pinelands Infrastructure Trust Fund
Master Plan Amendment
January 2019 Exhibit #3

Philip C. Sartorio, PP/AICP, CFM
Community Development Director
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New Jersey's Largest Municipality

January 3, 2019

Nancy Wittenberg, Executive Director
NJ Pinelands Commission
PO Box 359
15 Springfield Road
New Lisbon, NJ 08064

Re: Comment on proposed amendments to the Pinelands Infrastructure Master Plan

Dear Ms. Wittenberg:

Enclosed are Hamilton Township's comments on the proposed amendments to the Pinelands Infrastructure Trust Master Plan.

As discussed in my meeting with Larry Liggett, Gina Berg and Ed Wengrowski, Hamilton Township is considering applying for funding through the PITF to undertake transportation improvements that are essential for the development have an approximately 475 unit inclusionary development located in the Regional Growth Area of the Township. The development of this project, which has General Development Plan approval, will require the use of over 23 Pinelands Development Credits. Development of this project also helps the Township address a portion of its affordable housing obligation.

Pursuant to the public notice of this hearing, my comments are limited to discussion of the mandatory and bonus factor ranking criteria and the funding award structure.

Thank you for the opportunity to submit these comments.

Sincerely,

Phil Sartorio

Philip Sartorio, PP/AICP, CFM

Cc: M. Jacobs, Administrator (encl)