State of New Jersey
THE PINELANDS COMMISSION
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PHILIP D. MURPHY
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SEAN W. EARLEN
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Executive Director

REPORT ON ORDINANCE 2018-19, AMENDING CHAPTER 211 (ZONING) OF THE CODE OF STAFFORD TOWNSHIP

January 25, 2019

Stafford Township
260 E. Bay Avenue
Manahawkin, NJ 08050

FINDINGS OF FACT

I. Background

The Township of Stafford is located in the southern portion of Ocean County, in the eastern section of the Pinelands Area. Pinelands municipalities that abut Stafford Township include the Townships of Barnegat, Eagleswood and Little Egg Harbor in Ocean County and the Townships of Woodland and Bass River in Burlington County.

On October 7, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Stafford Township.

On September 11, 2018, Stafford Township adopted Ordinance 2018-19, amending Chapter 211 (Zoning) of the Township's Code by revising the standards applicable to planned unit developments in the HMC (Highway Medical Commercial Zone). The HMC Zone is located in a Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 2018-19 on October 24, 2018.

By letter dated November 15, 2018, the Executive Director notified the Township that Ordinance 2018-19 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

* Ordinance 2018-19, amending Chapter 211 (Zoning) of the Code of Stafford Township, introduced on August 14, 2018 and adopted on September 11, 2018.

This 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. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50 3.39.

1. Natural Resource Inventory

Not applicable.

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

Ordinance 2018-19 amends Chapter 211 (Zoning) of the Code of Stafford Township by revising the standards applicable to planned unit developments in the HMC (Highway Medical Commercial) Zone. Specifically, Ordinance 2018-19 provides that long-term care facilities, assisted living facilities, residential health care facilities, age-restricted independent living and continuing care retirement communities may be permitted as part of a planned unit development. Ordinance 2018-19 also reduces the maximum number of age-restricted, market rate units permitted in a planned unit development from 239 to 125 and specifies that a maximum of 110 assisted living or continuing care retirement community units may be permitted.

The HMC Zone is located along Route 72, in a Pinelands Regional Growth Area (see Exhibit #1). In total, the HMC Zone encompasses approximately 75 acres, the majority of which is already developed for hospital and related uses. Permitted uses in the HMC Zone include hospitals, medical offices and facilities, hotels, schools, restaurants, banks, child care centers, long-term care facilities, assisted living facilities, residential health care facilities and continuing care retirement communities. Planned unit developments that contain offices, retail uses and multifamily dwellings are also permitted. Such planned unit developments require a minimum of 25 acres and are subject to a maximum residential density requirement of 13 units per acre. Ordinance 2018-19 expands the types of residential uses permitted in a planned unit development to include assisted living facilities, age-restricted independent living and continuing care retirement communities but does not change the permitted density. It remains the same at 13 units per acre; thus, Ordinance 2018-19 has no impact on the residential zoning capacity of the Township's Regional Growth Area.

It is worth noting that within Regional Growth Areas, the CMP provides that Pinelands municipalities may permit any use, with the exception of certain waste management facilities, provided residential density and opportunities for the use of Pinelands Development Credits are appropriately accommodated. The CMP also expressly authorizes assisted living facilities as a permitted use in Regional Growth Areas pursuant to N.J.A.C. 7:50-5.34, which sets forth specific standards for such uses. Among these standards is the establishment of a permitted residential density applicable to assisted living facilities. Ordinance 2018-19 satisfies this requirement by establishing a permitted density of 13 units per acre, which while quite a bit higher than required by the CMP for Stafford's Regional Growth Area, is nevertheless appropriate given the intensity of surrounding development, developability of vacant lands in the HMC Zone and availability of infrastructure.

Ordinance 2018-19 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. **Requirement for Municipal Review and Action on All Development**

Not applicable.

5. **Review and Action on Forestry Applications**

Not applicable.

6. **Review of Local Permits**

Not applicable.

7. **Requirement for Capital Improvement Program**

Not applicable.

8. **Accommodation of Pinelands Development Credits**

Ordinance 2018-19 adds assisted living facilities, age-restricted independent living and continuing care retirement communities to the list of uses permitted as part of a planned unit development in Stafford Township's HMC Zone. All of these residential uses will be subject to the density and Pinelands Development Credit requirements previously established by the Township for such planned unit developments. Specifically, a maximum density of 13 units per acre is permitted and the redemption of Pinelands Development Credits is required for 30 percent of all market rate units. As noted previously, Ordinance 2018-19 does not increase residential zoning capacity or the number of PDCs that may be used in the HMC Zone. It merely expands the types of residential development that are permitted.

With respect to assisted living facilities in the Regional Growth Area, the CMP specifies that PDC use must be accommodated when the density of such facilities exceeds 8 units per acre. Rather than establishing a base density of 8 units per acre, Ordinance 2018-19 requires that PDC use be a significant component of <u>any</u> assisted living project, regardless of density. Thirty percent of all assisted living facility units will require the redemption of PDCs, whether an assisted living facility is constructed at a density that exceeds 8 units per acre or not. This approach is consistent with the intent of N.J.A.C. 7:50-5.34(a)(2) of the CMP.

Rather than relying on the traditional approach of providing developers with the *option* of using PDCs to increase permitted density, Ordinance 2018-19 *guarantees* a PDC redemption rate of 30 percent for all permitted types of residential development in the HMC Zone. While this 30 percent requirement is not as high a number as would be provided through the more traditional zoning approach where PDCs would account for 33 percent of the total number of permitted units, it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 2018-19 *guarantees* that PDCs will be redeemed as part of any residential development in the HMC Zone, regardless of the type or number of units that are ultimately built. Given the greater certainty provided by this approach and the relatively high density permitted in the HMC Zone, the Executive Director believes that the 30 percent PDC requirement adopted by Ordinance 2018-19 should be viewed as being 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

Ordinance 2018-19 is 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

Ordinance 2018-19 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

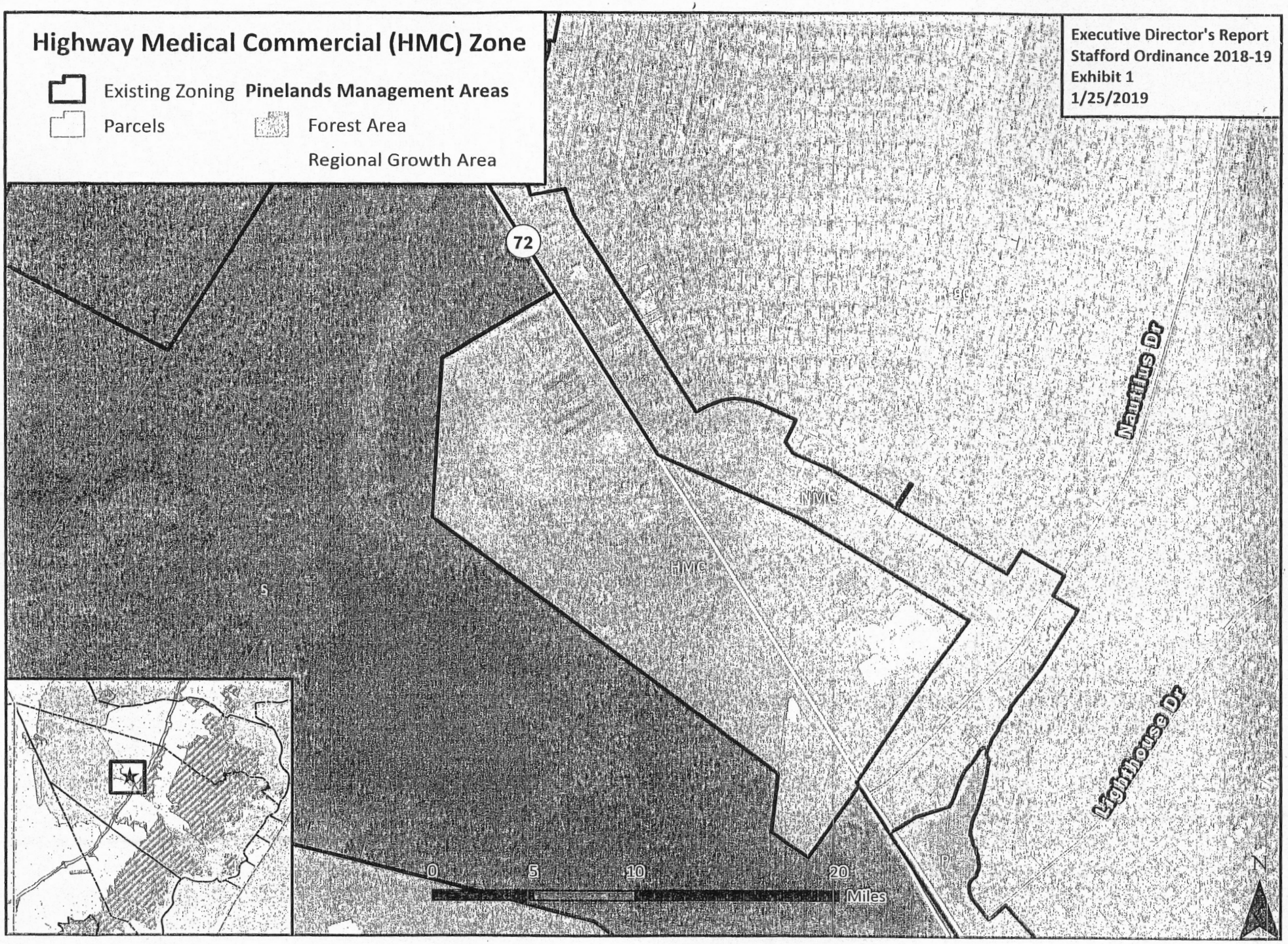
A public hearing to receive testimony concerning Stafford Township's application for certification of Ordinance 2018-19 was duly advertised, noticed and held on December 12, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 2018-19 were accepted through December 19, 2018; however, no such comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2018-19, amending Chapter 211 (Zoning) of the Code of Stafford Township, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 2018-19 of Stafford Township.

SRG/CST
Attachment


Highway Medical Commercial (HMC) Zone
Existing Zoning
Parcels
Pinelands Management Areas
Forest Area
Regional Growth Area
Executive Director's Report
Stafford Ordinance 2018-19
Exhibit 1
1/25/2019
72
HMC
HMC
Nautilus Dr
Lighthouse Dr
0
5
10
20
Miles
N

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 08

TITLE: Issuing an Order to Certify Winslow Township Ordinance O-2018-025, Adopting the Maressa Redevelopment Plan

Commissioner Galletta **moves and Commissioner** Jannarone **seconds the motion that:**

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

WHEREAS, Resolution #PC4-83-30 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified 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 #PC4-83-30 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 20, 2018, Winslow Township adopted Ordinance O-2018-025, approving a redevelopment plan for the Maressa Redevelopment Area in the Pinelands Regional Growth Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O-2018-025 on November 28, 2018; and

WHEREAS, by letter dated November 30, 2018, the Executive Director notified the Township that Ordinance O-2018-025 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance O-2018-025 was duly advertised, noticed and held on January 9, 2019 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 Winslow Township Ordinance O-2018-025 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 Winslow Ordinance O-2018-025, adopting the Maressa Redevelopment Plan, 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 O-2018-025 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance O-2018-025 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 Winslow Township Ordinance O-2018-025, adopting the Maressa Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan.

2. Any additional amendments to Winslow 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 8, 2019

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON WINSLOW TOWNSHIP ORDINANCE O-2018-025, ADOPTING THE MARESSA REDEVELOPMENT PLAN

January 25, 2019

Winslow Township
125 South Route 73
Winslow Township, NJ 08037

FINDINGS OF FACT

I. Background

The Township of Winslow is located on the western fringe of the Pinelands Area, in Camden County. Pinelands municipalities adjacent to Winslow Township's Pinelands Area include the Boroughs of Berlin and Chesilhurst and the Township of Waterford in Camden County, the Township of Monroe in Gloucester County, and the Town of Hammonton and the Borough of Folsom in Atlantic County.

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

On November 20, 2018, Winslow Township adopted Ordinance O-2018-025, approving a redevelopment plan for the Maressa Redevelopment Area in the Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance O-2018-025 on November 28, 2018.

By letter dated November 30, 2018, the Executive Director notified the Township that Ordinance O-2018-025 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

* Ordinance O-2018-025, adopting the Maressa Redevelopment Plan, introduced on September 25, 2018 and adopted on November 20, 2018.

This 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. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50 3.39.

1. **Natural Resource Inventory**

Not applicable.

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

Ordinance O-2018-025 adopts a Redevelopment Plan, dated September 20, 2018, for the Maressa Redevelopment Area. This new Redevelopment Area consists of four lots (Block 1502, Lots 10, 25 and 33 and Block 2502, Lot 15) and is located on Route 73 near the municipality's northern border (see Exhibit #1). In total, 105 acres are included in the new redevelopment area, 29 of which were previously located in the PC-2 (Commercial) Zone and 76 of which were in the PTC (Pinelands Town Center) Zone where a mix of residential and commercial uses is required. The entire redevelopment area is currently vacant and located in a Pinelands Regional Growth Area.

The purpose of the Maressa Redevelopment Plan is to facilitate a mix of commercial and residential uses in the Redevelopment Area, with commercial uses along the highway (Route 73) and residential development toward the rear of the parcels. To that end, permitted uses in the Redevelopment Area include single-family dwellings and townhouses, as well as a variety of nonresidential uses including offices, research facilities, hospitals, retail stores, banks, restaurants and gas stations. All such nonresidential uses must be located within 600 feet of the Route 73 right of way. A maximum density of five units per acre is permitted for single-family dwellings. Townhouses are permitted at a density of eight units per acre on Block 2502, Lot 15 and at five units per acre on the other lots in the Redevelopment Area. The acquisition and redemption of Pinelands Development Credits is required for 25 percent of all residential units in the Redevelopment Area. No exemption for affordable housing units has been provided because the Redevelopment Plan does not require that any of the new units be made affordable to low and moderate income households. Any development that occurs within the redevelopment area must comply with all other municipal application requirements and development regulations, as well as the Comprehensive Management Plan.

The Maressa Redevelopment Plan provides an opportunity for development of 594 units in Winslow's Regional Growth Area, nearly 400 more than permitted by the underlying zoning plan. The permitted densities in the Redevelopment Area are significantly higher than that prescribed by the Comprehensive Management Plan, which requires the Township to zone for a density of only 1.125 units per upland acre in its Regional Growth Area. However, the Comprehensive Management Plan does provide municipalities with the ability to zone portions of their Regional Growth Areas for higher densities, provided the lands in question are appropriate for more intensive development, infrastructure exists or can be provided to support the increased density and sufficient opportunities for the use of Pinelands Development Credits are provided. The Maressa Redevelopment Area meets these standards, as detailed below.

In terms of environmental conditions, several of the lots included in the Redevelopment Area do contain a significant amount of wetlands (see Exhibit #2). Field delineation of the wetlands will be required to determine their exact extent as well as required wetlands buffer areas. The Redevelopment Plan acknowledges these wetlands constraints and appropriately permits a variety of housing types as well as the ability to reduce lot area and bulk requirements through cluster development as a means of providing design flexibility for future residential development projects. These measures provide a reasonable opportunity for the permitted densities to be achieved, as is required pursuant to N.J.A.C. 7:50-3.39(a)2vii, while ensuring that CMP wetlands protection standards are met.

With respect to the availability of infrastructure to serve the Redevelopment Area, both water and sewer will be provided. Importantly, a 2017 amended Memorandum of Understanding amongst the Commission, Winslow Township and the Camden County Municipal Utilities Authority sets forth a plan for the provision of water to the Township's entire Regional Growth Area in a manner that ensures protection to the Kirkwood/Cohansey aquifer. The Memorandum of Understanding requires that water from a non-Kirkwood/Cohansey source be provided to serve future development once water demands reach a certain point.

The third condition for approval of increased densities and zoning capacity relates to the accommodation of Pinelands Development Credit opportunities. As discussed in more detail in Section 8 of this report, the Redevelopment Plan requires the use of Pinelands Development Credits for 25 percent of all residential units in the Redevelopment Area, regardless of project density. Thus, Pinelands Development Credit use has not only been accommodated, it has been guaranteed in the Redevelopment Area.

Ordinance O-2018-025 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. **Requirement for Capital Improvement Program**

Not applicable.

8. **Accommodation of Pinelands Development Credits**

Ordinance O-2018-025 adopts a new redevelopment plan for a portion of Winslow Township's Regional Growth Area. Based on this plan, 594 units will be permitted in the Maressa Redevelopment Area, with the use of Pinelands Development Credits (PDC) required for 25 percent of all proposed units. No exemption for affordable housing units is provided, as the Township's Housing Element and Fair Share Plan do not call for any such units in the Redevelopment Area. The result is increased residential zoning capacity and opportunities for the redemption of PDCs in the Township's Regional Growth Area. A maximum of 594 new units can be developed, which would require the redemption of 149 rights (37.25 PDCs). These numbers are well in excess of what the Comprehensive Management Plan prescribes for Winslow's Regional Growth Area.

It is important to note that the new Maressa Redevelopment Area standards described above represent a departure from the traditional zoning and PDC strategy outlined in N.J.A.C. 7:50-5.28(a). This section of the Comprehensive Management Plan anticipates that municipalities will establish "base" densities in their various Regional Growth Area zoning districts and then provide opportunities to increase such densities through the use of PDCs. In Winslow's Regional Growth Area, the Comprehensive Management Plan establishes a "base" density of 1.125 units per developable acre and directs the Township to provide for "bonus" density through the use of PDCs to allow for a total of 1.69 units per developable acre. There is nothing in the CMP that prevents municipalities from exceeding these minimum requirements, which is exactly what Winslow Township has elected to do. The Township has chosen to provide for higher density in the Maressa Redevelopment Area as a means of facilitating a mixture of housing types and attracting additional commercial ratables on a major highway. At the same time, the Township has adopted standards to ensure that PDC use will be a significant part of any redevelopment project.

Rather than relying on the traditional approach of providing developers with the *option* of using PDCs to increase permitted density, Ordinance O-2018-025 *guarantees* a PDC redemption rate of 25 percent for all residential development within the Redevelopment Area, regardless of project density. Given the greater certainty provided by the Township's overall approach in terms of PDC use, the Executive Director finds that the PDC requirements adopted by Ordinance O-2018-025 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

Ordinance O-2018-025 is 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

Ordinance O-2018-025 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The redevelopment area established by Ordinance O-2018-025 does not include lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Winslow Township's application for certification of Ordinance O-2018-025 was duly advertised, noticed and held on January 9, 2019 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 11, 2019; however, no such comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance O-2018-025, adopting the Maressa Redevelopment Plan, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance O-2018-025 of Winslow Township.

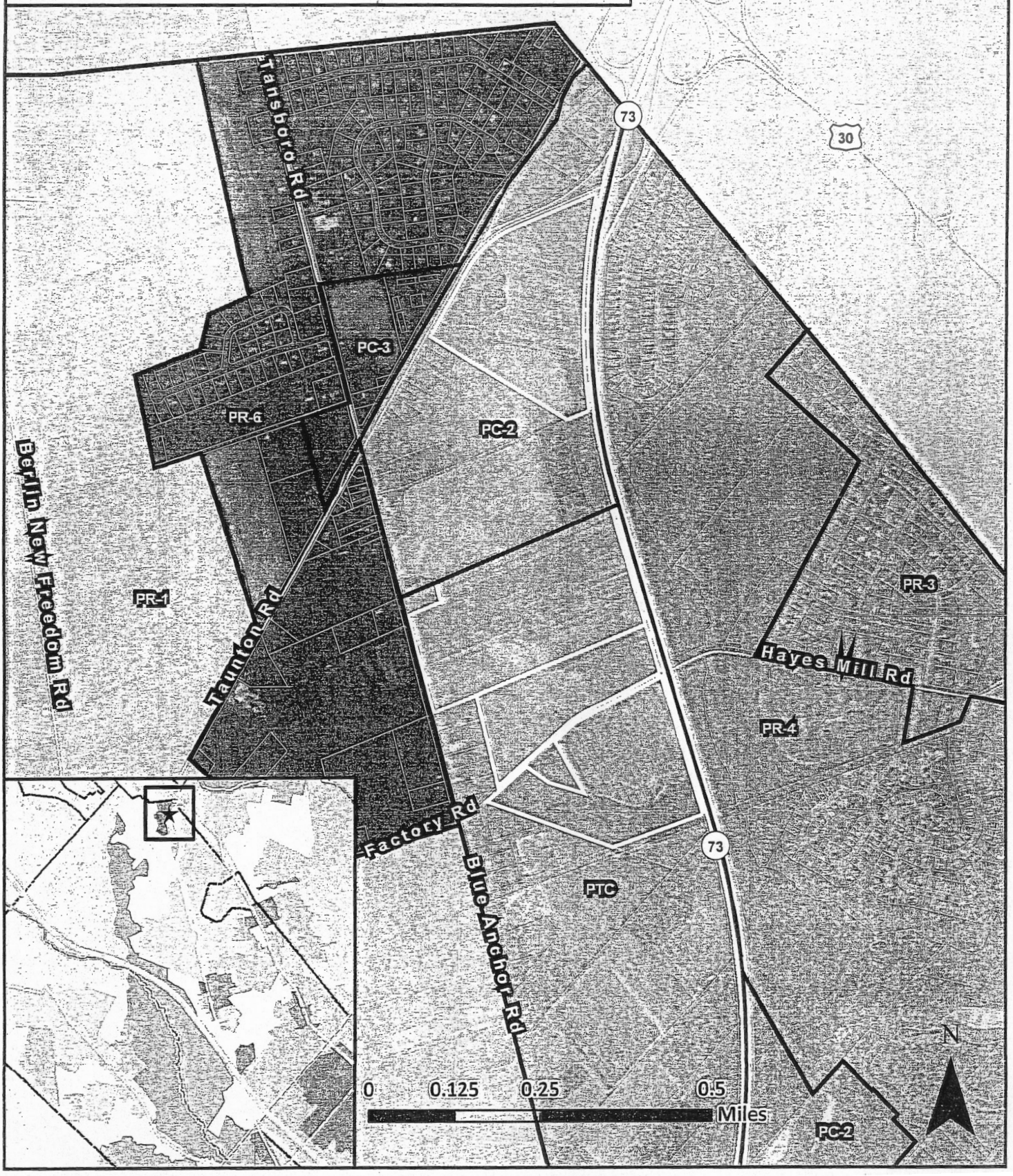
SRG/CWI
Attachments

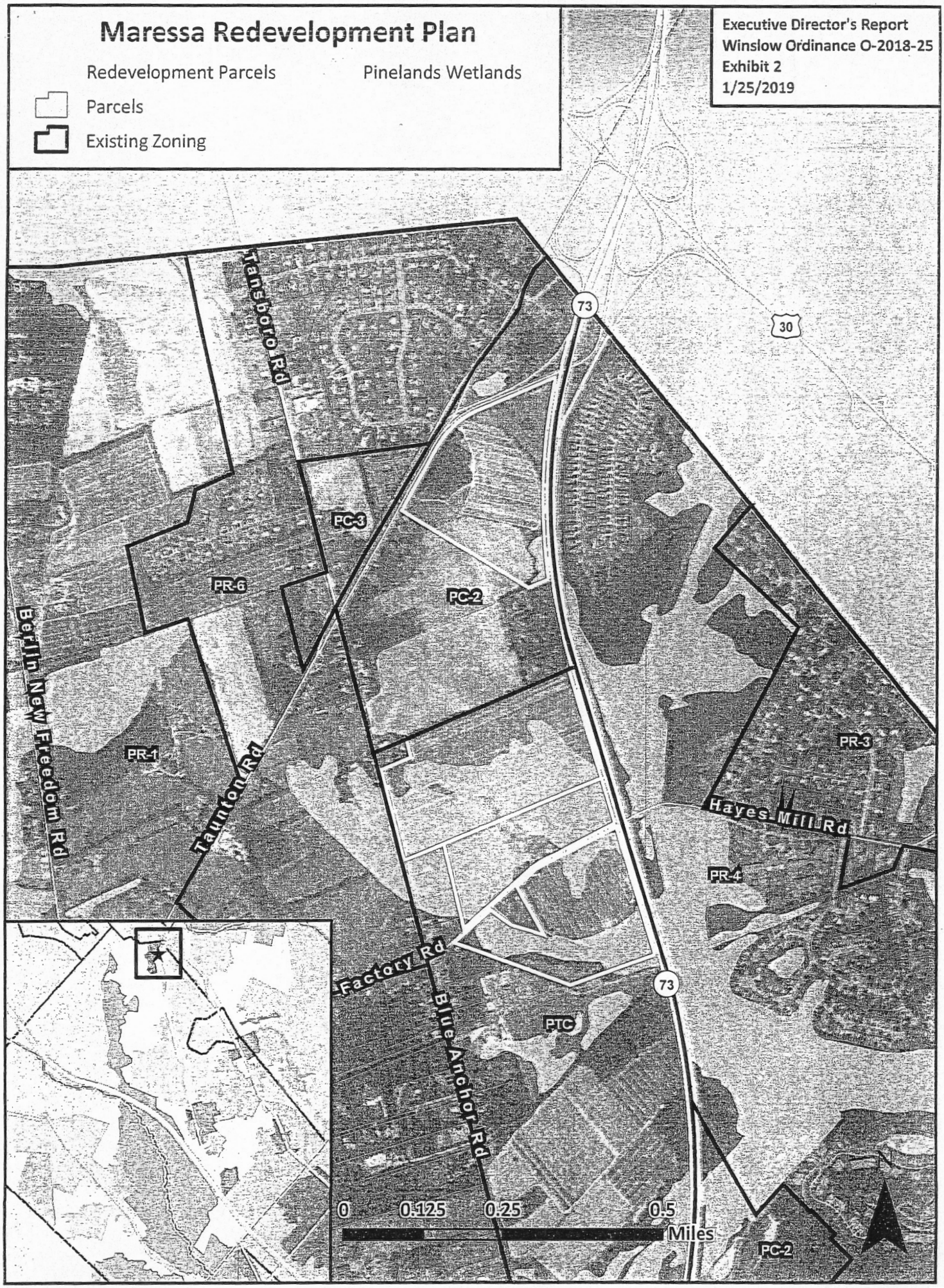
Maressa Redevelopment Plan

Executive Director's Report
Winslow Ordinance O-2018-25
Exhibit 1
1/25/2019

Redevelopment Parcels
Parcels
Existing Zoning

Pinelands Management Areas
Regional Growth Area
Pinelands Village
Rural Development Area




Maressa Redevelopment Plan
Redevelopment Parcels
Pinelands Wetlands
Parcels
Existing Zoning
Executive Director's Report
Winslow Ordinance O-2018-25
Exhibit 2
1/25/2019
Tansboro Rd
73
30
PC-3
PR-6
PC-2
Berlin New Freedom Rd
PR-1
Taunton Rd
PR-3
Hayes Mill Rd
PR-4
Factory Rd
Blue Anchor Rd
73
PTC
0
0.125
0.25
0.5
Miles
PC-2