



AMENDMENTS TO THE COMPREHENSIVE MANAGEMENT PLAN

The Pinelands Commission recently proposed amendments to the Comprehensive Management Plan (CMP) and has scheduled a public hearing for December 7, 2005 at 7:00 pm at the Southampton Township Municipal Building, Rt 206 and Retreat Road, Southampton. The Pinelands Preservation Alliance (PPA) is in support of these amendments and urges you to become involved in this important process by attending the hearing or providing written comments.

The amendments being proposed are:

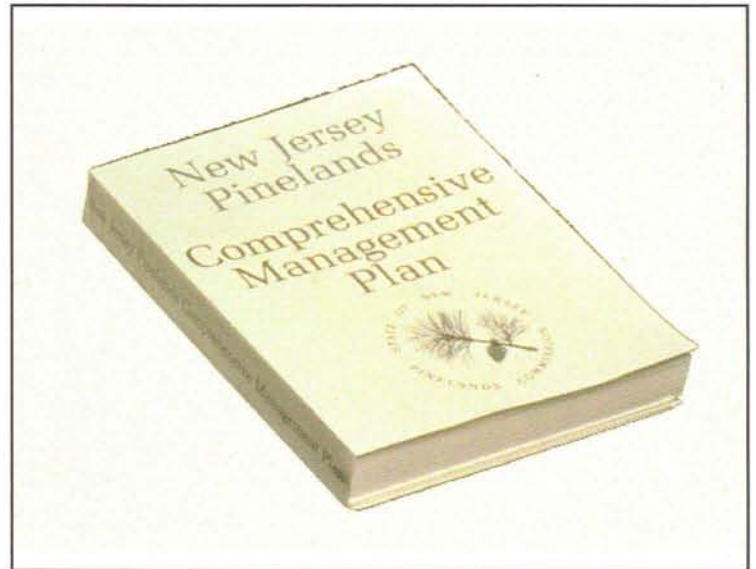
Municipal Reserves

The Pinelands CMP establishes Regional Growth Areas (RGA's) in many municipalities, and local government has to allow development in these areas. Some municipalities have complained of the very rigid development they have had in the recent years. The CMP currently allows municipalities to designate reserve areas as a mechanism to phase in growth. These "municipal reserves" are a portion of the RGA that is downzoned until other appropriately zoned districts that already have access to infrastructure are developed. But because the rules for creating reserves are so difficult only one municipality to date has actively used this approach.

The proposed amendments would make it easier for municipalities to designate municipal reserves within their RGA. The new rules would still recommend there be sufficient vacant, developable land remains in the RGA and in other portions of the municipality, including those outside the Pinelands Area, to meet the projected growth needs of that municipality for the next six years. A period of six years, rather than the current CMP five, was selected to coincide with the municipal master planning cycle required under the Municipal Land Use Law. Each reserve area would need to encompass at least 50 contiguous acres of predominantly vacant land and not currently be served by sewer or planned for sewer service in the near future.

The proposed rule requires the submission of a plan to the Pinelands Commission assessing the need for sewer service, other public service infrastructure and capital improvements within a reserve area at the time of its designation. The plan must indicate how and when such services and improvements will be provided to the reserve area.

The new amendment also sets forth provisions which municipalities must include in their master plans and land



use ordinances to govern development with the established reserve area. The provisions include residential density of one unit per 10 acres in the reserve areas, with all development clustered on one-acre lots using alternate design wastewater treatment systems rather than conventional septic systems.

Stormwater Management

On February 4, 2004 the New Jersey Department of Environmental Protection (DEP) adopted new Stormwater Management Rules (N.J.A.C. 7:8) which require all municipalities to adopt municipal stormwater management plans and stormwater management ordinances to address stormwater-related water quality, groundwater recharge and water quantity impacts of major development.

Municipalities and applicants for development in the Pinelands are required to manage stormwater pursuant to both the new DEP rules and the stormwater management standards of the CMP. The proposed amendments, because there are some differences between these two regulations, joins the Pinelands and DEP rules in a manner that is consistent with the goals of the CMP and recognizes the special resources of the Pinelands.

The proposed amendments require that surface water runoff be managed in accordance with DEP's stormwater regulations and the DEP's Best Management Practices

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Manual, dated February 2004. The proposed amendments further require low impact site design, provide standards for permanent stormwater facility maintenance and address management of onsite soil resources including post construction soil and site assessments field verify that as-built conditions are consistent with stormwater design assumptions.

Cape May Landfill

In 1996, the Pinelands Commission amended the CMP to resolve the 10 yearlong conflict with the Cape May County Municipal Utilities Authority (CMCMUA) for the continued use of its landfill. The amendments allowed the CMCMUA to continue landfilling beyond May 1, 1996 under certain conditions. These conditions included a limitation to 42 acres of land for future landfilling, and the deed restriction of the remaining landfill property to preclude any other landfilling. The total approved landfill area totaled 93 acres.

The CMP amendments adopted by the Pinelands Commission in 1996 also required a mitigation payment to the Commission by the CMCMUA of \$2.04 per ton of waste disposed in the landfill until the amount reaches \$2,250,000. The money is to be used for the purchase of conservation and recreation lands within the Pinelands National Reserve, with at least eight percent to be utilized for purchase in Cape May County.

In an effort to extend the life of its landfill by as many as 20 years the CMCMUA approached the Pinelands Commission with a request for more landfill acres. The current proposed rules would allow approximately 167 acres of land currently owned by CMCMUA to be landfilled. This would include the 93 acres of land which were the subject of the 1996 amendments and an additional 74 acres of land. Use of these additional 74 acres will allow for the development of three additional landfill cells.

In return CMCMUA will be required by these new amendments to place a deed restriction prohibiting any landfilling activities on lands owned by the CMCMUA, with the exception of those lands specifically authorized for landfilling. Land use on the remaining portions of the Landfill Site will be limited to solid waste and recycling related activities, specifically excluding landfilling. The amendments further requires the imposition of a deed restriction prohibiting any development on lands owned by the CMCMUA north of the areas proposed for landfilling. Lands subject to the second and more restrictive deed restriction total approximately 90 acres of the overall 486 acres landfill site and are located in the Pinelands Forest Area. This means that there can be no further expansion of the landfill in the future.

These new rules also impose an environmental offset, which will be required of the CMCMUA in exchange for the expanded landfill capacity in the amount of \$4,651,045 to the Pinelands Commission. The money would again be used for the purchase of conservation and recreation lands within the Pinelands National Reserve, with at least eight percent to

be utilized for purchase in Cape May County.

PPA supports this final expansion of the only landfill operating in the Pinelands because (a) the CMCMUA does an excellent job in Cape May County is environmentally responsible and promote recycling and (b) the new rule will be the last expansion of this facility.

Local Communications Facilities

In 1995, to accommodate what the Pinelands Commission felt was a legitimate federal mandate and a need, the CMP was amended to permit local communications facilities (i.e. cell phone towers) to exceed the 35-foot height limit if a comprehensive plan for the entire Pinelands was first prepared and approved. Since that time the Pinelands Commission review and approval of plans and towers has identified several ways in which the regulations could be clarified and improved.

These proposed amendments require that if more than one existing structure or location for a local communication facility is identified technically feasible, the structure or location which offers the least potential for visual impacts on roads, low intensive recreation facilities, campgrounds, wild and scenic rivers, residential dwellings and certain special Pinelands resources must be utilized.

The proposed amendments also allow for the siting of new facilities on a parcel of any existing commercial or industrial site within a Rural Development Area regardless of its municipal zoning designation.

Lastly these amendments require comprehensive plans to specify how the use of multiple shorter facilities or alternate technology could meet the technical needs identified in the facility plan in a manner which would have less of an overall visual impact than one taller facility.

Cumulative Cost of Waivers and Municipal Variances

This amendment eliminates the required purchase of Pinelands Development Credits (PDC) in association with municipal variances, which grant relief from density or lot area requirements in Pinelands Villages, Pinelands Towns, and Regional Growth Areas in those cases where a Waiver of Strict Compliance for the Pinelands Commission is also required.

Under current regulations, the development of such lots requires the purchase of one-half of a PDC, one-quarter as a result of the municipal variance approval and one-quarter as a requirement of the Waiver of Strict Compliance. The purchase of one-quarter would continue to be required for the Pinelands Commission waiver but the additional one-quarter for the municipal variance would be eliminated.

Pilot Program for Alternate Design Wastewater Treatment Systems. Under the Pinelands Commission's current Pilot

Program for Alternate Design Wastewater Treatment Systems, the installation of five certified technologies is permitted for residential development with no more than 10 alternate systems utilizing the same technology on any parcel.

The CMP is being changed to provide prospective developers in the Pinelands Area with the ability to install more than 10 alternate design wastewater treatment systems of the same technology on a single parcel, provided the Executive Director determines that the use of the additional systems on the parcel would not substantially alter the character of the certified zoning plan of the municipality in which the parcel is located.

What can you do?

- Attend the public hearing scheduled for **December 7, 2005** at 7:00 pm at the Southampton Township Municipal Building, Rt 206 and Retreat Road, Southampton. New Jersey.
- Submit written comments by regular mail, facsimile or e-mail by **January 6, 2006** to:

Susan R. Grogan
Chief Planner
Pinelands Commission
P.O. Box 7
New Lisbon, NJ 08064
Fax: 609-894-7330
E-mail: planning@njpines.state.nj.us

You can view the entire rule proposal document at www.state.nj.us/pinelands/amends.htm.



PINELANDS COMMISSION 2005 MEETING SCHEDULE

Friday, October 14, 2005 (9:30 a.m.)
Thursday, November 10, 2005 (7:00 p.m.)
Friday, December 9, 2005 (9:30 a.m.)

Pinelands Commission Meetings are open to the public. For meeting location call the Commission at 609-894-7300.

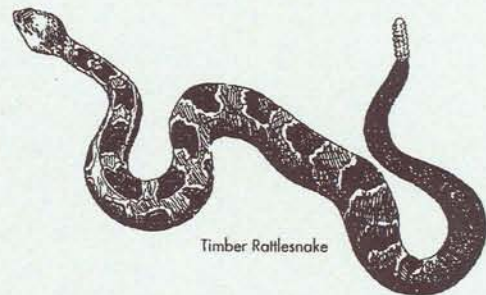
Pinelands Commission Public Meeting on Southern Medford/Evesham Sub-Regional Natural Resource Protection Plan

Wednesday, November 30, 2005
7:00 PM

Evesham Township Building
984 Tuckerton Road
Marlton, NJ 08053

Pinelands Commission is presenting to the public their final plan for natural resource conservation of the 22-square-mile project area within the southern portions of Evesham and Medford. This detailed natural resource conservation plan will include innovative zoning, land preservation, resource management and community design recommendations. PPA strongly supports clustering in this plan with additional protections for water quality in the Black Run sub-watershed.

Please attend this meeting to voice your support and your concerns before the plan is implemented. If you have any questions for PPA, please feel free to contact Jaclyn Rhoads or Rich Bizub at 609-859-8860.



Timber Rattlesnake

Illustration by Mary Pat Finelli, courtesy Plexus Publishing from *A Field Guide To The Pine Barrens of New Jersey* by Howard P. Boyd.

What is the CMP?

The CMP, the Comprehensive Management Plan for the New Jersey Pinelands, is a land use plan, which incorporates a lengthy set of regulations. The CMP is based on five specific goals, which are the outgrowth of state and federal legislation aimed at protecting the Pinelands.

These five goals are:

1. Preserve, protect and enhance Pinelands ecology
2. Maintain and enhance the historic resources of the Pinelands
3. Preserve and protect agricultural and horticultural uses that are compatible with Pinelands ecology
4. Accommodate development in a way that is compatible with the preservation and protection of Pinelands ecology
5. Protect and enhance outdoor recreational uses

The regulations in the CMP are divided into ten numbered Subchapters, four of which are relevant to someone seeking to develop in the Pinelands. The remaining six deal with the following topics: the makeup and operation of the Pinelands Commission, the 15-member board that adopts the regulations and operates within their requirements (Subchapter 1); certification of municipal, county and public facility plans (Subchapter 3); the process for amending the CMP (Subchapter 7); enforcement

(Subchapter 8); the purchase of lots with limited practical use (Subchapter 9); and pilot programs (Subchapter 10). The four important subchapters dealing with Pinelands development will be the focus of future columns in Pinelands Watch. These four subchapters, which focus on development and development applications, address the following topics: interpretations and definitions (Subchapter 2); procedures for review of development applications (Subchapter 4); what uses are permitted where and how intense they may be (Subchapter 5); and, minimum on-site standards for the permitted uses (Subchapter 6). To actually read and study these sections of the CMP, consult the New Jersey Administrative Code (NJAC). Citations look like this: NJAC 7:50x.yz. The NJAC contains all the regulations for the State of New Jersey; section 7:50 refers to the location within the administrative code for the regulations of the CMP. The specific location in the CMP is identified by the "x.yz" part of the citation, with "x" being a number that corresponds to one of the Subchapters, for example, NJAC 7:50-5.24 refers to a specific regulation in Subchapter 5.

Look for future articles, which will start to walk you through the Subchapters dealing with Pinelands development, explaining how this major section of the CMP works and why it was adopted.



PINELANDS PRESERVATION ALLIANCE
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