



PINELANDS PRESERVATION ALLIANCE

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Re: Pinelands Commission Mandatory Clustering Ordinance

Dear Sir or Madam:

The Pinelands Comprehensive Management Plan (CMP) now requires towns to adopt ordinances mandating cluster development in Pinelands Rural Development and Forest Management Areas. Pinelands Preservation Alliance (PPA) supports clustering development, but not the bonus densities, beyond what your zoning allows, which the Pinelands Commission included in its amendments.

I am writing to be sure you know that under the CMP your township has the option to propose a cluster ordinance without bonus densities in all or part of your Rural Development and Forest Management Areas.

The CMP cluster development rules say developers of cluster developments must be given “bonus” units beyond what the local zoning currently allows. However, the CMP also expressly states that municipalities can propose **alternative cluster rules that do not include a bonus density** so long as they justify their approach. The CMP rule that allows this flexibility to municipalities states as follows:

N.J.A.C. 7:50-3.39(a)2.ix:

The Commission may certify municipal clustering ordinances that contain different clustering standards than those set forth in N.J.A.C. 7:50-5.19 (c) and (d) provided that those standards are supported through sound land use planning principles, are based upon local conditions or circumstances that warrant such changes and do not undermine the overall goals and objectives of the Forest and Rural Development Area clustering program set forth at N.J.A.C. 7:50-5.19 (c) and (d)

There are numerous sound planning considerations based upon local conditions which warrant omission of bonus densities from its cluster ordinance. These include:

- **The ecological integrity and value of the area** – The Pinelands Commission science program identified the ecological integrity of areas throughout the Pinelands. The Commission’s Ecology Integrity Assessment and Pinelands Special Area Mapping are useful tools for determining the ecological value of land within the Rural Development and Forest Areas and should be consulted prior to developing a cluster ordinance.

- **Rare plant and wildlife habitat** – A town can consult with the New Jersey Natural Heritage Program and the New Jersey Endangered and Nongame Species Program’s Landscape Project Map to identify locations of rare plant and wildlife populations that are under protection.
- **Well locations** - There are shallow wells in the Kirkwood-Cohansey Aquifer System, so they are likely to be affected by impacts to the water table, including contaminants flowing through ground water from developed areas upstream. See www.state.nj.us/dep/njgs/geodata/dgs97-1.htm for printable map and GIS shapefiles to help determine these locations and identify areas in need of protection.
- **Lots not available for aggregation** - The reason the Pinelands Commission has given for having bonus densities is to provide a financial incentive for developers to consolidate lots that are not already in common ownership, since the bigger the development the more bonus units would be provided. However, if an area has little or no prospect of such consolidation, because there are only relatively small clusters of undeveloped, privately owned, upland parcels left, then there is no reason to provide for bonus densities.

Sound planning principles support restricting the intensity of development and the number of additional units in environmentally intact and important areas of the Pinelands, because more units bring more disturbance and more pollutants from septic systems, lawns, and impervious surfaces. For this reason, the Pinelands Commission has itself limited development in numerous cases based on finding that an area of intact forest is of high ecological value. Under the CMP, towns have the ability to bring this same justification to the Commission for not allowing bonus densities as part of their clustering ordinance.

PPA encourages towns to evaluate the bonus density needs in their community before allowing an increase in units for no obvious benefit. We would be happy to help out with mapping environmentally sensitive areas and ownership patterns if that would be useful to you.

Please contact me at 609-859-8860 x19 or reach my colleague Jaclyn Rhoads at x18 or by email at Jaclyn@pinelandsalliance.org with any questions.

Sincerely,



Carleton Montgomery