



PINELANDS

Early Signs



WATCH

ISSUE 18, March 2003

How to know when the development process has started

The Pinelands has its own special process for government to review, change, and approve development. Understanding this process empowers citizens to participate early in the process - and influence the outcome.

Before an application for development in the Pinelands Protection Area gets to your local Planning Board, it must obtain a Certificate of Filing (CF) from the Pinelands Commission. A municipality or county **cannot** act on an application until the Pinelands Commission has issued a Certificate of Filing. Note that the CF just means the application is complete, not that the Pinelands Commission has approved the development!

Many land disturbance activities such as construction of a new home or commercial structure, subdivisions, the expansion of a commercial building, or a change in the use of a building are considered development, and they require an application to the Pinelands Commission. Other types of land use activities such as commercial woodcutting, sand and gravel mining, and the clearing of more than 1,500 square feet of land (except for farming) also require an application.

In some cases, as part of a completed application, the applicant is required to send certified letters to all landowners within 200 feet of the property to be developed and publish a legal notice in the municipality's official newspapers. This notice requirement applies to all applications for major development (subdivisions and commercial structures) and public development (road construction) proposals.

The official newspaper of the municipality is determined each year by the governing body and can be learned by placing a call to your municipal clerk. Each governing body designates at least two publications

during the township's reorganization meeting.

Some early signs of activity on a piece of property include a "For Sale" sign going up or being taken down by a new owner. This might be followed by blue or pink ribbons appearing around trees, meaning that the property is being surveyed.

You can learn about applications for development before the notification process! You can monitor activity throughout the Pinelands region, or just in your municipality, by reviewing the Pinelands Commission's Project Status Report.

This biweekly report is on the Pinelands Commission web site at www.state.nj.us/pinelands. From there, click "Applicant Services" then "Reports and Statistics." You can view the biweekly status report in either ASCII text or Adobe format.

Applicants are listed in alphabetical order by county, then by municipality. Also listed are the block and lot numbers of the property, the number of units in the proposed development, the type of development being proposed, and the last action and date of activity by the Pinelands Commission.

If you want more information about the development being proposed, you can use the application



It *IS* possible to get involved *BEFORE* things look like this!

number to make an appointment with the Pinelands Commission to review the file by calling 609-894-7300. Or use the application number to write to the Commission with any concerns you may have about the area.

If you have concerns, you can raise them at this stage with your local Planning Board or Zoning Board. That can be the best way to stop bad developments - or at least make changes for the better - early in the process!

If your Planning Board approves the application, the Pinelands Commission is required to function as an oversight agency, making sure that the development approval has been granted in accordance with the Comprehensive Management Plan (CMP) and the municipality's own certified ordinances.

Sometimes the oversight process has already begun at the same time the Pinelands Commission



issues the CF. When the information submitted by the applicant does not meet the requirements of the CMP, the Commission will issue an "inconsistent" Certificate of Filing. In this case the Commission will outline for the applicant, municipal planning board, or environmental commission how the application is deficient.

But whether the CF is "consistent" or "inconsistent," the public still gets to raise its concerns with the Pinelands Commission during its review of any local approvals. The Commission frequently disapproves applications that had a "consistent" CF when new information comes to light - such as when residents submit information on threatened or endangered species on the property which the developer failed to report.

If any inconsistent items are not addressed as the application proceeds through the local process, or

if citizens or government officials raise evidence of inconsistency with the CMP, the Pinelands Commission may "call-up" the local approval. That means the development will not be able to proceed without addressing inconsistencies with the CMP. If the application cannot be made consistent with the CMP, then the Commission can and should reject the development altogether.

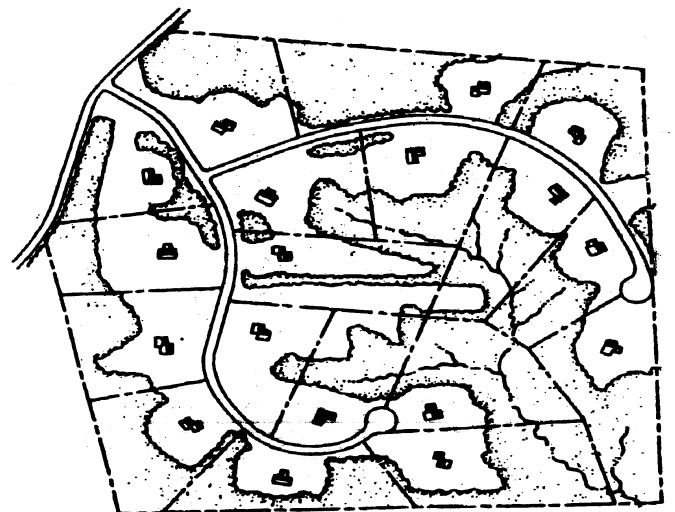


An applicant must receive local approval and a "no call-up" letter from the Pinelands Commission before going on to get the other needed approvals. Such approvals may include County Planning Board approval, a water allocation permit, or sewer approval through the local municipal utilities authority.

The most important lesson is this: **Bad projects are more likely to be rejected or changed by local boards or the Pinelands Commission, if valid issues—inconsistencies with the Pinelands rules—are raised *early* in the application process.**

WHAT CAN YOU DO TO MONITOR ACTIVITIES?

- Visit the Pinelands Commission's web site on a regular basis to review development activity in your area.
- Review applications you are concerned about



The public has the opportunity to review site plans.

at the Pinelands Commission or local Planning Board office before the public hearing is scheduled.

- Write to the Pinelands Commission early in the process if you have concerns about a piece of property.
- Coordinate with others in your community to help monitor the applications that you are concerned about. Make sure everyone is notified when an application for development will be before your Township Environmental Commission or Planning Board.

PPA Provides Public Education On Threatened And Endangered Species Of The Pinelands

In addition to PPA's general slide presentation about the Pinelands and the strategies to protect this unique region, a new slide presentation entitled *The Threatened and Endangered Species of Pinelands* is now available.

All the legally protected animals and plants likely to occur in the Pinelands National Reserve are featured, including 21 birds, three snakes, two frogs, two turtles, two salamanders, and the 54 plant species.

This presentation includes outstanding color slides of all the animals, with their respective range maps. All of the 54 plant species protected under the Comprehensive Management Plan are shown as well, many of them in color.

The presentation includes an introduction to the legal protections that are in effect for these plants and animals and their habitats, tips on identifying them, and suggestions on the many ways we can help protect and restore their habitats and populations.

Call PPA at 609-894-8000 to schedule a presentation.

Key Issues in the Pinelands

Review of the Pinelands Comprehensive Management Plan (CMP): PPA has submitted several policy proposals to the Pinelands Commission aimed at strengthening the CMP's protections for water quality, threatened and endangered species, and contiguous forests. The Commission is in the middle of a periodic review of the CMP.

Pinelands Commission Science Activities: The Commission has released its Draft Work Plan for how state and federal agencies will conduct a \$5.5 million study of the shallow Kirkwood-



Butterfly-pea, a very rare Pine Barrens up-land plant,

RESOURCES

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PINELANDS PRESERVATION ALLIANCE
www.pinelandsalliance.org/

NEW JERSEY AUDUBON SOCIETY
www.njaudubon.org/

NEW JERSEY CONSERVATION FOUNDATION
www.njconservation.org/

SIERRA CLUB, NEW JERSEY CHAPTER
www.sierraactivist.org/

THE NATURE CONSERVANCY
<http://nature.org>

THE FORKED RIVER MOUNTAIN COALITION
www.frmc.org/

LEAGUE OF WOMEN VOTERS
www.lwv.org/

NEW JERSEY ENVIRONMENTAL FEDERATION
732-280-8988

GARDEN STATE ENVIRONET
www.gsenet.org

ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS
www.anjec.org

SAVE BARNEGAT BAY
www.savebarnegatbay.org

ALLIANCE FOR LIVING OCEAN
www.livingocean.org

BARNEGAT BAY WATERSHED & ESTUARY FOUNDATION
www.bbweif.org

DELAWARE RIVERKEEPER
www.delawareriverkeeper.org

AMERICAN LITTORAL SOCIETY
www.littoralsociety.org

STATE OF NEW JERSEY
www.state.nj.us/

www.state.nj.us/pinelands/
www.state.nj.us/dep/

Cohansey aquifer. PPA is preparing comments on the draft aimed at ensuring the study leads to far more careful management of this critical water resource.

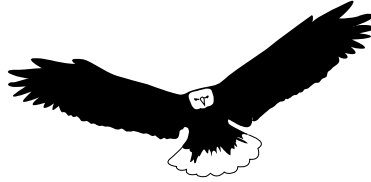
Berlin Supply Well, Berlin, Camden County: On the evening of February 20, 2002 the New Jersey Department of Environmental Protection (NJDEP) held a public hearing to

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Key Issues in the Pinelands, cont.

have the shallow supply well turned off, because it is drying up a Pinelands stream and wetlands. PPA and many residents of the Pinelands urged the NJDEP to close the well as soon as possible. No final decision has been announced, but the well is off for now.

Crestwood Village Water Company, Manchester, Ocean County: The water company is requesting to pump an additional 95 million gallons of groundwater per year from the shallow water table. At a recent public hearing attended by over 350 people, PPA and many residents spoke in opposition to NJDEP granting the request for additional water.

Reforming Water Allocation in New Jersey: PPA and the state's other environmental groups have proposed basic reforms to the way New Jersey gives away fresh water – a public asset in our state. Our proposals would make NJDEP avoid adverse environmental and cumulative impacts on the sustainability of aquifers and rivers before it issues water allocation permits.

Threatened and Endangered Snake Species: In a growing number of cases, PPA is advocating and going to court to protect the habitats of State-Endangered Timber Rattlesnake and State-Threatened Northern Pine

Snake populations from being destroyed by housing developments. The most notorious case is the “Sanctuary” development in Evesham Township, where PPA and other groups are fighting in court against the developer and the Pinelands Commission for approving construction on Rattlesnake and Pine Snake habitats.

Hovbilt/Jackson Valley National Golf Club, Jackson Twp., Ocean County: This proposal is to build an 825-unit retirement community and 18-hole golf course on 650 acres in the Cassville section. The proposed project includes wetlands and cranberry bogs adjacent to the Colliers Mills Wildlife Management Area and would directly violate the terms of the Pinelands Comprehensive Management Plan.

Tuckahoe Turf Farm, Hammonton, Atlantic County: This turf farm is currently using biosolids (sludge) as fertilizer on their fields. This is part of an NJDEP regulated program that PPA has been monitoring since 1996. PPA wants sludge use to be carefully controlled to avoid adding excessive nutrients to the ground water.

