



PINELANDS  
PRESERVATION  
ALLIANCE

Jan - Feb 2013  
Issue 63

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## Upcoming PPA Event

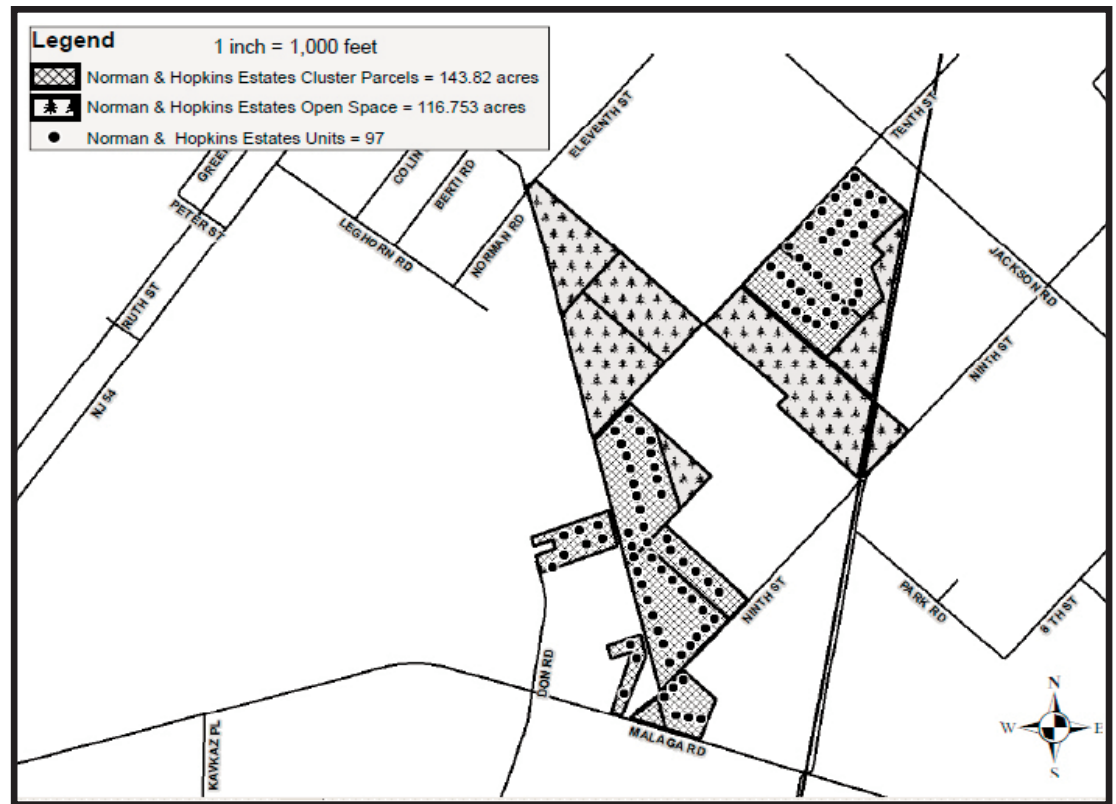
February 26, 2012  
7:00 p.m.

Low Impact  
Development Techniques  
presented by  
Steve Souza, Ph.D.  
Princeton Hydro

Learn about LID techniques which  
include a variety of practices to  
minimize impacts of stormwater  
from development and that work  
with the natural resources and envi-  
ronmental constraints of a site.

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# PINELANDS WATCH



Layout of the homes submitted by IMAJE LLC, - Ira Mendelsohn in Buena Vista Township, Atlantic County.

## Clustering gone bad?

The Pinelands Commission and Buena Vista Township in Atlantic County are reviewing a cluster development application for the Rural Development Management Area of the Pinelands. The Pinelands Commission gave the developer, IMAJE LLC - Ira Mendelsohn a Certificate of Filing stating that the application did not raise any inconsistencies with the Comprehensive Management Plan (CMP). But when you take a close look at the site plans for this 97 home project it's hard to see how this cluster layout will protect the natural resources of the Pinelands.

In April of 2009, the Pinelands Commission adopted amendments to the CMP which required mandatory clustering of residential development in the Pinelands Forest and Rural Development Areas. The IMAJE LLC - Ira Mendelsohn application is located in Buena Vista's

Rural Development Area and is the first application for a cluster development that PPA is aware of since these new cluster rules have taken effect.

In Buena Vista Township single family homes are permitted in the Rural Development, RDR-1 zoning district at a residential density of 1 dwelling unit per 3.2 acres. The new CMP rules mandate the clustering of homes on lots of 1 acre whenever two or more dwelling units are proposed as part of a residential development, with the balance of the property within the development to be permanently deed restricted from further development.

Eighty-one of the 97 homes in the development would be permitted under the RDR-1 zoning (on 3.2 acre lots), and the developer is given 16 more units

*continued on page 2*

under the CMP's clustering bonus provision. The map on page 1 shows the location of the homes (hatched area with dots) and the deed restricted open space lots (tree pattern lots).

The hatched area to the northeast of Malaga Road will contain 38 homes while the hatched area closest to Malaga Road will support 59 homes. The 38 home cluster is surrounded on two sides by some of the deed restricted open space required with the application, while the 59 home cluster will have no surrounding open space. The only additional open space associated with this portion of the proposal is located at the far northwest point of the cluster, approximately 1/2 mile from homes along Malaga Road. With this application the open space lots are barely connected and don't provide for a contiguous connection of all the forested open space areas of the development.

The IMAJE LLC - Ira Mendelsohn application is proposing to use 74 conventional septic systems and 23 alternate design systems. The lots proposed to have the alternate design systems (Amphidrome, Bioclere or FAST) will be scattered throughout the two development clusters. The 74 conventional septic systems, in theory, will have the benefit of the open space for dilution, but this open space does not surround all the homes portion of the development. The septic dilution area for the 59 home cluster is about a half mile to the north, even though the ground water flows to the south of the development cluster.

This cluster layout may also have some fiscal impacts for Buena Vista Township, which the applicant disputes. IMAJE LLC - Ira Mendelsohn has submitted a Fiscal Impact Analysis, done by William D. Crane Associates, which projects an equal home value for all 97 homes. But in the Pinelands Commission's rule proposal summary for the cluster regulations, it states on page 38, "Mandatory clustering on smaller lots may also result in lower building lot values, although the presence of substantial permanently protected land **adjacent to the development area** will reduce this impact. For example, an examination of recent data suggests a diminution in value of between 25 and 50 percent. The bonus density provisions being proposed and the added value which should accrue to the lots due to the proximity of and access to protected open space will reduce or eliminate this potential negative economic impact for property owners." With the IMAJE LLC - Ira Mendelsohn application, the 59 home cluster portion will have no surrounding open space to reduce the impact, because the open space portion is located about a half of a mile to the north of all the units. Only the two units backing up to the open space will not have this reduced impact. Fifty

seven of the new homes built, if using the Pinelands Commission's data, will have a 25 to 50 percent lower assessment than the homes in the surrounding neighborhood. The analysis submitted to the Buena Vista Planning Board indicates the homes will all have a value of \$375,000. The full report can be viewed on PPA's web site at [http://www.pinelandsalliance.org/downloads/pinelandsalliance\\_804.pdf](http://www.pinelandsalliance.org/downloads/pinelandsalliance_804.pdf).

The new homeowners will have to belong to and pay into a homeowners association responsible for maintaining all the storm water measures and protecting the open space. There will be legal deed restrictions on every lot requiring storm water system maintenance, no tree removal, and limiting the accessory uses of each lot. In reviewing the Buena Vista's regulations it is unclear how this homeowners association will be established and how any of these restrictions will be enforced. If there isn't a viable homeowners association infrastructure put into place at the beginning of the project, which includes six phases, Buena Vista Township will have to step in to ensure that maintenance measures are being taken care of on a regular basis.

This application has begun the local approval process with the first of several meetings before the Buena Vista Township Planning Board. IMAJE LLC - Ira Mendelsohn is asking for preliminary approval and in the near future will be requesting final approval. Watch PPA's web site page for future updates announcing the date and times of meetings. <http://www.pinelandsalliance.org/protection/hotissues/development/clusterbuenavista/>.

If there is a cluster development application being proposed in your township, PPA would like to know about it so that we might take a closer look at the application. We would like to know how much and where the open space lots are located within the development to see if the intent of the Pinelands Commission rule is being met.

Your planning board agenda can be reviewed by attending the meeting or reading the agenda on the township's web site.

If you see a cluster development application pending email [Theresa@pinelandsalliance.org](mailto:Theresa@pinelandsalliance.org) to let us know.



## Prescribed Burn Bill (S368/A329) Moves a step closer to becoming Law

A329 passed the Assembly Agriculture and Natural Resources Committee on December 10th. The Prescribed Burn Bill allows for ecological burning and mechanical thinning on public land in-holdings if a landowner is unavailable. The bill also shields burners and property owners from liability unless negligence is documented, which allows the opportunity for private property owners to conduct burns on their property and purchase insurance. Assemblymen Dancer and Conaway are sponsors of the bill. Please thank them and Senators Singer and Beach for supporting this important piece of legislation for the Pinelands.

<http://www.njleg.state.nj.us/members/legsearch.asp>



### Barred Owl *Strix varia*

**State Status:** THREATENED  
**State Rank:** S3B  
**Global Rank:** G5  
**Length:** 17-24 in.  
**Wing span:** 42 in.  
**Nesting Habitat:** Usually nests in large swamps or large, mature forests.

## Save the date!

The NJ Pinelands Short Course  
is scheduled for

**Saturday**  
**March 23, 2013**

# Barnegat Bay LID

A Guide To Low-Impact Development  
in the Barnegat Bay Watershed

**New Barnegat Bay Low Impact Development Guide**

PPA just completed a Low Impact Development Guide tailored to the Barnegat Bay Watershed. The guide is available on PPA's website on the home page and under the sustainable design page. The guide provides techniques to limit stormwater pollution and infiltrate stormwater on a development site. The most important element of the guide is within the site planning and design phase.

The content and graphics of the guide were created by Princeton Hydro and Scott Bruinooge of Ocean County College, respectively. The guide was funded by the Barnegat Bay Partnership. PPA is offering free workshops on the LID guide.

**Please contact Jaclyn Rhoads at PPA**  
**609-859-8860 ext. 18 or**  
**Jaclyn@pinelandsalliance.org.**

Editor: Theresa Lettman

Distributed to members of the Pinelands Watch Network and other members of the public. If you would like to receive these alerts, please contact Theresa Lettman at (609) 859-8860 Ext 22 or [theresa@pinelandsalliance.org](mailto:theresa@pinelandsalliance.org).

Prior issues are available at: [www.pinelandsalliance.org](http://www.pinelandsalliance.org)

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A Patron will receive John McPhee's seminal book *The Pine Barrens*  
A Benefactor will receive *The Pine Barrens of New Jersey*, a photographic history of this region  
Chairman's Circle will receive the book *Seasons of the Pines* and a personalized tour of the Pinelands



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**Buena Vista Township - Clustering gone bad?**



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