



PINELANDS PRESERVATION ALLIANCE

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August 7, 2012

Pinelands Commission
PO Box 7
New Lisbon, NJ 08064

Re: Hamilton Cluster Development Ordinance # 1722-2012

Dear Ms. Grogan:

We are writing to support an approach to the cluster development ordinance you are considering which would better protect Hamilton's natural resources and scenic values.

It is a great weakness of the cluster rules as adopted by the Pinelands Commission that, in some situations, these rules will actually provide more development and worse environmental protection than the old rules provided. It is up to the municipalities, therefore, to use the flexibility built into the cluster requirements to fix this problem through their own cluster development ordinances.

The Hamilton Ordinance No. 1722-2012 should be commended for adopting two strategies: 1) excluding wetlands from density bonus calculations, and 2) applying bonus densities only to parcels aggregated after April 6, 2009. Both strategies will create incentives for combining lots and truly creating opportunities for cluster development on parcels that would have otherwise succumbed to traditional development practices. Since the rationale behind the bonus density built into the Commission's rule amendment was to provide a financial incentive to developers to combine lots, so the protected portion of the land is bigger, it is only logical to restrict the bonus to cases where the developer actually does this. In addition, the Commission has the ability to also allow the exclusion of wetlands from the bonus density.

There is nothing in the Pinelands Comprehensive Management Plan (CMP) regulations that prohibits a municipality from excluding wetlands in this situation. In fact, the CMP does not speak one way or the other to how a municipal ordinance determines the net number of units a parcel can accommodate in the presence of wetlands. Excluding wetlands from the yield is exactly what Hamilton's ordinances do now for Planned Adult Communities.

Again, we support Hamilton's cluster ordinance, and hope that the Commission will also endorse these provisions.

Sincerely,

Jaclyn Rhoads, Ph.D.