



## The Great Egg Harbor Watershed Association

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July 14, 2010

New Jersey Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08064

RE: April 2010 Stockton Master Plan and Galloway Master Plan Comments

Dear Pinelands Commission:

The Great Egg Harbor Watershed Association does not believe that the proposed implementation of the added Regional Growth Area part of Richard Stockton College (RSC) of New Jersey's April 2010 Master Plan, and the proposed implementation of the Galloway Township 2010 Master Plan changes for RSC, meet the minimum standards required to protect the Pinelands under the Comprehensive Management Plan. In fact, we see these deviations from the protective standards of the CMP as a significant threat to Pinelands protection in Galloway Twp., and we are greatly concerned that the strategy and tactics of the Pinelands Commission to work around the basic protections of the Pinelands Comprehensive Management Plan in this case will set a precedent to reduce protections in other areas of the Pinelands, including in the Great Egg Harbor Watershed and in and near the federal boundaries of the Great Egg Harbor National Scenic and Recreational River in the Pinelands.

In general, we believe that the 1,560 acre RSC parcel was already granted the minimum necessary relief under the 1990 MOA to allow the development of the parcel in accordance with the CMP Waiver of Strict Compliance Part V, 7:50-4. More specifically, we outline our comments as follows:

**1. 1990 MOA** – Under this Memorandum of Agreement, Galloway Township adopted zoning changes that would permit a 500 acre Pinelands Management Area change from Rural Development Area to Regional Growth Area, with the following certification: *“WHEREAS, the Commission has certified this rezoning with the understanding that any future use of the balance of the site would be of low intensity and/or conservation oriented”* and *“WHEREAS, the College has adopted a master plan which reflects this approved zoning plan”*.

Furthermore, the 1990 MOA also stated that RSC would, “Pursue additional options, in cooperation with the Commission, to permanently protect the 1,060 acres outside the growth area by restricting its use to those specified in the Master Plan.”, and “Only apply for developments that are consistent with the approved Master Plan.

This 1990 MOA satisfied the compelling public need for RSC to have a college on 500 acres of new Regional Growth Area (RGA) through an amendment to the CMP, and balanced that with the protection of the remaining 1,060 acres in the Rural Development Area (RDA). But today, RSC is applying for developments that are inconsistent with the 1990 approved Master Plan, and asking the Pinelands Commission to change 470 of the “permanently protected” 1,060 acres in RDA to RGA.

And on top of that, RSC is now proposing to use the remaining land that they promised to protect in 1990 as a protection offset for the 470 acres of new RGA. Our points here are that the minimum standards to protect the Pinelands on this parcel were met 20 years ago, the Pinelands Commission is proposing to violate the 1990 waiver of strict compliance by reducing the certified protections on the parcel, and the Pinelands Commission is making a mockery out of the MOA process.

## **2. SUBCHAPTER 7. AMENDMENTS TO THE COMPREHENSIVE MANAGEMENT PLAN**

***“7:50-7.1 Purpose - It is not intended to be used as an alternative to the procedures set forth in N.J.A.C. 7:50- 4, Part V which are designed to provide relief of particular hardships and to satisfy compelling public needs, unless doing so would be of benefit to the Pinelands by furthering the intent of the Pinelands Protection Act and the Federal Act. Neither is it intended to be used to confer special privileges or rights as a means of solving the economic, competitive or other interests of particular individuals or as means of providing a specific benefit to a particular use or class of uses, except in cases where such changes would be of benefit to the Pinelands by furthering the intent of the Pinelands Protection Act and the Federal Act.”***

We believe that both the proposed Galloway Mater Plan changes and the Stockton Master Plan changes go way beyond the certified relief provided under the CMP to RSC in 1990, are not a benefit to the protection of the Pinelands, and are therefore being used to “*confer special privileges or rights as a means of solving the economic, competitive or other interests*”, which is contrary to the intent of the CMP.

## **3. 7:50-7.3 Proposed amendments; petitions for amendment**

***“5. If the proposed amendment involves the redesignation of Pinelands management areas for a particular parcel, documentation as to how the affected parcel meets the criteria established in this Plan for the management area to which it is proposed to be redesignated. Unless the Commission determines that it is unnecessary, any such amendment shall include a proposal for an offsetting management area change and documentation as to how all of the lands affected by the offset proposal meet the criteria established in this Plan for the management area to which they are proposed to be redesignated;”***

We believe that the Ecological Integrity Assessment, which was part of the documentation used to lower the natural resource values in the proposed 470 acres to become RGA, was misused and misrepresented in both the April 2010 Stockton Master and the 2010 Galloway Master Plan. Our GIS analysis shows that the EIA values in the majority of the 470 acre new RGA are 70% and above, which would be consistent with the 1990 MOA and consistent with the protection of these lands, and not their development.

Furthermore, we think that given the high EIA values of these 470 acres, the lack of a proposal for an offsetting management area change and documentation as to how all of the lands affected by the offset proposal meet the criteria for redesignation, is especially troubling. And even more troubling, is the proposal to use wetlands and wetlands buffers, already protected by Pinelands regulations and promised to be protected by RSC in 1990, as the offset for this new RGA management area change. We find this part of the proposals to be particularly egregious, making the Pinelands protections in these Master Plans and proposed by the Pinelands Commission a deceitful pretense of real protection.

#### **4. PART II-PINELANDS MANAGEMENT AREAS**

##### **7:50-5.11 Purpose**

***“4. The management area change(s) would substantially alter the character of a municipality’s overall zoning plan for the Pinelands Area as it relates to the standards and objectives of this Plan, considering the size and character of the area(s) proposed for redesignation and the extent to which increases in development potential are balanced by decreases in development potential through offsetting management area changes;”***

This section of the CMP is supposed to instruct the Commission ***“in determining whether a proposed management area change is more appropriate to consider through the Plan amendment procedures of N.J.A.C. 7:50-7 rather than through the certification procedures of N.J.A.C. 7:50-3 and shall be given proper consideration by the Commission when evaluating the need for an amendment to this Plan.”*** And it calls for offsetting management area changes.

It appears to us that the Commission is using the certification process to push through these questionable management area changes, especially given that Galloway did not propose any like other municipalities are required to do.

##### **5. 7:50-3.39 Standards for certification of municipal master plans and land use ordinances**

***“(a) 2 vi. Implement Pinelands management area and zoning district boundaries in a manner which provides consistent treatment of similarly situated lands and considers the suitability of lands for their assigned management area and zoning district designations as they relate to the standards and objectives of this Plan;”***

The Galloway Master Plan changes for RSC and the Pinelands Commission do not specifically address the above standards. In fact, it appears that Galloway is simply complying with the requests of RSC and the Pinelands Commission to go through the motions of supporting more RGA in Galloway. For example, in Part III of the Reexamination Report, Galloway writes, ***“As a result of the Review by the Pinelands Commission what the Township included as potential development and zoning changes in the 2007 Master Plan report has been modified to reflect the concerns of the Commission”***, and simply justifies the change by writing that, ***“The proposed development is not consistent with the purposes of the Rural Management Area,; therefore a change in the management area is required.”***

Instead of real planning to protect the Pinelands, we find Galloways Mater Plan for RSC to be nothing but a rubber stamp to “reflect the concerns of the Commission” to promote more development and less protection on the RSC parcel, and a sort of end run around the existing MOA and the Plan amendment procedures of N.J.A.C. 7:50-7.

**Conclusions:**

We are greatly concerned that the strategy and tactics of the Pinelands Commission and RSC to work around the basic protections of the Pinelands Comprehensive Management Plan in this case will set a precedent to reduce protections in other areas of the Pinelands, including in the Great Egg Harbor Watershed and in and near the federal boundaries of the Great Egg Harbor National Scenic and Recreational River in the Pinelands. We recommend that the Pinelands Commission reject the management area changes proposed in the April 2010 Stockton Master Plan and the 2010 Galloway Master Plan, and embrace the certified 1990 MOA with RSC which gave RSC a viable college campus that worked well for 20 years.

We have read in the newspapers that RSC is considering buying the Sea View Hotel and leasing the closed Ponder Lodge Golf Course buildings in Cape May as an alternative to building more in the Pinelands. So there are other alternatives than renegeing on the 1990 MOA and unnecessarily reducing the protection of the Pinelands.

Sincerely,

A handwritten signature in dark ink that reads "Fred Akers". The signature is written in a cursive, slightly slanted style.

Fred Akers, River Administrator