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# Pinelands Preservation Alliance

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Celebrating 20 years of  
Pinelands Preservation

## **Barneгат Township Committee meeting**

**May 3, 2010**

***Presented by Theresa Lettman***

### **Public Hearing on Ordinance #2010-05**

*This ordinance says. . . . Whereas, the Township entered into an agreement with the Pinelands Commission and Mark Madison, LLC. . . as I stated to you at the April 22<sup>nd</sup> meeting you have no obligation to approve this new zoning, the contract the prior Committee made is illegal because it constitutes contract zoning.*

*This ordinance says. . . . Whereas, the Township was paid \$200,000 in consideration . . . this I think refers to item #34 of the agreement and says "In connection with the development of single family homes in the RH District" ---this refers to homes in the RH Zone and NOT the conservation zone. I believe this has nothing to do with this 135 lot, 38 acres, which is the subject of this ordinance, but rather your requirement for the developer to place public recreational facilities in the overall Ocean Acres development.*

*This ordinance says. . . . Whereas, the Township has been advised that it must comply with the Agreement, in particular Paragraph 30, so as to not risk decertification of its zoning ordinances by the Pinelands Commission . . . I believe you heard Chuck Horner on April 22<sup>nd</sup>, he did not indicate to you that this was a possibility. He told you the Pinelands Commission's role in this was to make the determination only about critical habitat. If you don't change your zoning – there is no action required by the Pinelands Commission.*

I have for you a copy of page 25 of the Pinelands Comprehensive Management Plan and 7:50-3.1 (d) states "it is a policy of this Plan to allow municipalities the greatest degree of flexibility and discretion in the preparation of local plans and ordinances so long as the plans and ordinances do not conflict with the ultimate objectives and minimum requirements of this Plan."

One purpose of the Pinelands plan is to preserve and protect the significant and unique natural, ecological resources of the pinelands. I think passing this ordinance would violate this important purpose.

*This ordinance says. . . . Whereas, the Township Engineer, has prepared an amended zoning map which provides that the Overlay area is located in the RH Zone. . . BUT the Township Engineer also prepared the July 2005 Master Plan Reexamination Report, which was not discussed on Tuesday night at the Planning Board. (I have copies for you)*

This report clearly states that YOUR master plan goal is to protect the environmental quality of Barnegat Township and your first objective written into this plan is to “encourage the preservation of environmentally sensitive lands within the Pinelands Protection Area.”

This report goes on to say that Barnegat created conservation zone within the Ocean Acres development in order “to protect the wetlands and wetland transition areas along the Four Mile Branch stream corridor as well as to create a wildlife corridor.”

Although the developer would like you to believe that the threatened and endangered species are no longer present and the wildlife corridor is not needed in this 38 acre area - the wetlands and wetland transition areas have not changed.

If on Tuesday night the Planning Board had seen this 2005 report -I believe its recommendation to you would have been different as far as the consistency part with the Master Plan.

I urge you to use your pinelands “flexibility and discretion” and do not pass this Ordinance.