



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JOHN C. STOKES
Executive Director

REPORT ON THE APRIL 2010 MASTER PLAN OF THE RICHARD STOCKTON COLLEGE OF NEW JERSEY

August 30, 2010

The Richard Stockton College of New Jersey
Jimmie Leeds Road
P.O. Box 195
Pomona, New Jersey 08240

FINDINGS OF FACT

I. Background

N.J.A.C. 7:50-4.52 of the Pinelands Comprehensive Management Plan provides that any state agency with jurisdiction over land located within the Pinelands Area may submit to the Commission for review and approval a comprehensive plan of its existing and planned land use, resource management and development activities. This section also sets forth the elements that should be included in such plans and provides, upon Commission approval of these plans, that the Commission shall review proposed developments in accordance with the Pinelands Comprehensive Management Plan as modified by specific provisions of the approved state agency plans.

1990 Stockton College Facilities Master Plan and Galloway Township Zoning

The Richard Stockton College of New Jersey (College) is located in central Galloway Township on the eastern fringe of Atlantic County. The main campus of the College is a single large parcel with a land area of 1,566 acres¹. It is bounded on the southwest, northeast and northwest along Pomona Road by a Rural Development Area and on the South by a Regional Growth Area. To the east, the site is bounded by the Garden State Parkway.

In April 1990, the Commission approved a Galloway Township zoning ordinance that designated approximately 503 acres of the College's campus within the GI (Government Institution) District in the Regional Growth Area (RGA). Permitted uses within the GI district are limited to

¹ All acreage estimates in this report are based upon PC analyses including delineated wetlands in 2009 and may vary from estimates in the 1990 and 2010 Master Plans and related documents. Almost all of the acreage estimates can be found in Exhibit E. Where estimates are derived from a calculation, the calculation will be explained in a footnote.



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institutional uses for the College, the Atlantic City Medical Center and the Betty Bacharach Rehabilitation Center only. Privately owned hospitals and medical office facilities are specifically prohibited. A small portion of the College site (approximately 26 acres) is located within the RGA's PO (Planned Office) District, which permits planned office and planned commercial development.

In 1990, the balance of the main campus (approximately 1,037 acres) is within the Township's R-5 (Rural Residential) District in a Rural Development Area (RDA). The Township's zoning ordinance permits residential development on five-acre lots, forestry, agriculture, recreational uses, airports and a variety of institutional uses.

The Township zoning was certified by the Commission in recognition of the College's pending 1990 Facilities Master Plan, with the general understanding that future use of the College site within the Rural Development Area would be lower intensity or conservation oriented.

The College's 1990 Facilities Master Plan was approved by the Commission three months later, in July 1990. It described existing and planned land uses in much more detail than the zoning ordinance. As Exhibits B, D and E illustrate, the so-called development areas of the College included the Regional Growth Area of 529² acres plus two other sites approximating 654³ acres within the Rural Development Area designated for active recreation (including intercollegiate athletic fields) and an observatory. In addition, approximately 30 acres of a so-called passive area also included intramural athletic fields. The Facilities Master Plan also identified a 69-acre area within the Rural Development Area for a storage and soil borrowing area. The balance of the site (approximately 810 acres) was contemplated to be used for environmental study, experimentation and passive recreation

Concurrent with its approval of the College's 1990 Facilities Master Plan, the Commission approved an agreement with the College, the express purpose of which was to "implement the facilities master plan." That agreement was not dictated by or required pursuant to Pinelands regulations; rather it was an attempt by the College and the Commission to establish an approach to work together to implement and update the Master Plan. The agreement called on the College to, among other things, prepare any future amendments to the Plan in recognition of the purposes and intent of this Master Plan and to pursue additional options in cooperation with the Commission to permanently restrict lands outside the Regional Growth Area to the uses prescribed in the Plan.

2010 Stockton College Master Plan and Galloway Township Zoning

Since 1990, the College has grown faster than anticipated and has shifted emphasis from being a commuter school to a residence facility. As such, its campus needs are now different. The College approached the Commission six and a half years ago to discuss how it could meet these

² The 529-acre portion of campus within the Regional Growth Area consists of 503 acres of College- and Health Care-related facilities as well as a 26-acre Planned Office Zone.

³ The 654 acres includes the 503 acres of College- and Health Care-related facilities, the 26-acre Planned Office Zone, 111 acres of athletic fields, and the 14-acre observatory facility. Please note that it does not include the 30 acres of intramural athletic fields.

needs. Commission staff indicated that it would be best to maximize use of the College site and not expand across Pomona Road into the RDA. It was agreed that "infill" development in the existing RGA core campus areas would first be explored before looking at the RDA portions of the site. The College accomplished this in 2005 by proposing to eliminate surface parking and develop the core more intensely. Since this did not meet all of Stockton's new needs, the College approached the Commission's Policy and Implementation Committee with a variety of possible development area changes from RDA to RGA. The Policy and Implementation Committee directed the College to pursue its planning in two steps: first, complete rare species surveys and plan accordingly to protect any critical or important habitat; and, second, provide a 1:1 "offset" for any new uplands to be zoned for development by deed-restricting uplands either on-site or off-site.

After additional consultation with the Commission, the Board of Trustees of the Richard Stockton College of New Jersey approved a new master plan for the College on December 9, 2009. The Pinelands Commission received an adopted copy of the April 2010 Master Plan of The Richard Stockton College of New Jersey on April 29, 2010.

The 2010 Master Plan increases the size of the College's sewer development area by approximately 453 acres and proposes the permanent protection of more than 1,257⁴ other acres, both on the College campus and off-site. As Exhibit E illustrates, the development areas, including a 51-acre off-site parcel to the south of the main campus and across Duerer Street, are coincident with the boundaries of the Regional Growth Area. As was the case in the 1990 plan, auxiliary areas remain in the Rural Development Area; however, the area's size has been reduced by 50%. The Master Plan also calls for significant natural resource protection, including the protection of two other off-site parcels totaling 227 acres to the northwest of the main campus.

To accommodate the increased development areas, Galloway Township adopted a 2010 Master Plan Reexamination Report and a revised zoning map which redesignates 453 acres from the Rural Development Area to the GI (Government Institution) District in the Regional Growth Area (see Exhibit A). The Galloway Township documents have been submitted to the Commission for certification and will be the subject of a separate Commission action.

II. Land Use Documents

The following document has been submitted to the Pinelands Commission for certification:

- The April 2010 Master Plan of the Richard Stockton College of New Jersey, approved by the Board of Trustees in December, 2009.⁵

This document has been reviewed to determine whether it conforms with the standards for approval of state agency comprehensive plans as set forth in N.J.A.C. 7:50-4.52 of the Pinelands Comprehensive Management Plan. The findings from this review are presented

⁴The 1,257-acres of permanently protected land include 1,066 acres of wetlands and wetlands buffers as well as 191 acres of developable land.

⁵ This plan incorporates and supersedes previous College master plans.

below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-4.52.

i. Natural Resources Inventory

The original College master plan, the June 1990 Facilities Master Plan, was based upon an analysis of wetlands, land use, and the availability of sewer infrastructure. The 2010 Master Plan was designed to update the 1990 Plan and to meet the Commission's charge to avoid sensitive lands. The College conducted numerous rare species' surveys (see Exhibits 12 and 13 in the 2010 Master Plan). These illustrate the areas initially determined to be critical habitat for threatened and endangered species along with associated wetlands, as had been researched and documented by Marathon Engineering Consultants. With the assistance of the Pinelands Commission, additional sensitive lands were identified and incorporated into the plan to protect the rare species by, among other things, establishing forested corridors of high ecological integrity.

These corridors and associated lands will be permanently protected. The primary tools to accomplish this are: substantial deed restrictions on sensitive lands on the main campus, including wetlands, full 300-foot-wetlands buffers (even though the buffer delineation model might suggest smaller buffers) and off-site lands purchased by the College for this specific purpose; and an agreement to re-examine development areas for rare species in 10 years.

As illustrated in Exhibit D, the deed restrictions called for in the 2010 Master Plan will protect all of the wetlands and buffers within the development areas (approximately 404 acres), all of the lands designated for environmental study and education, all of the lands designated for passive recreation (approximately 624⁶ acres) and all of the off-site open space lands (approximately 229 acres). Thus, 1,257⁷ acres of land will be permanently protected. The amount of land to be conserved now (approximately 1,257 acres) exceeds that which was to be effectively conserved (approximately 1,087⁸ acres) in 1990. Moreover, these additions add ecologically important lands not proposed for protection in 1990.

Since significant natural resources have been inventoried and will be protected, including habitats important to the survival of rare species, this standard for approval is met.

ii. Character, Location and Magnitude of Development

⁶ The 624 acres of passive recreation lands includes 604 acres of lands devoted exclusively to passive recreation and 20 acres reserved for the College's arboretum.

⁷ The 1,257-acres of permanently protected land include 191 acres of developable land as well as 1,066 acres of wetlands and wetlands buffers.

⁸ In 1990, 1,087 acres were to be permanently protected, including 898 acres of wetlands and wetlands buffers and 189 acres of developable land.

The development proposed by the 2010 Plan is depicted on Exhibit 1 of the College's 2010 Master Plan. The changes made to the 1990 Plan by the 2010 Master Plan are highlighted on Exhibit D to this report and are tabulated on Exhibit E.

Of the new areas being redesignated from RDA to RGA (453 acres), roughly 168 acres are wetlands and buffers and will be deed restricted., leaving roughly 285 acres of developable land.

Of this 285 upland acres, 111⁹ acres will be or is already disturbed. This includes 11 upland acres in an arboretum area that will be deed restricted and 100 acres already devoted to interscholastic and intramural athletic fields in "active" or so-called "passive" categories.

In the remaining areas of undeveloped upland, one off-site and three on-site development areas are proposed. They total roughly 172 acres, all of which are developable lands. Developable lands represent uplands that are located outside of the wetlands buffer, which the Master Plan generally sets at 300 feet. It should be noted that two of the offset properties discussed above include 42 acres of developable RGA lands to be deed restricted, thereby reducing the net gain of developable land overall to 130 acres. Conversely, a rezoning certified on October 12, 2001 added 22 acres of uplands to the RGA, thus, the total net change in RGA developable lands from 1990 to 2010 is 151 acres

Thus, the total amount of upland in areas planned for new and existing development is approximately 586¹⁰ acres. As was noted above, this is roughly 151 acres more than that contemplated in the 1990 plan. 1,257¹¹ acres are planned for conservation, including wetlands in both the new and old development areas. This is 170¹² acres more than that contemplated in the 1990 plan.

To balance the changes made by the 2010 Plan, the College was charged by the Commission to match, on a 1:1 ratio, "up-zonings" of developable uplands that would permit new development with deed-restricting other uplands not designated for protection in 1990. The 151 new acres proposed for development are to be balanced by the College's 2010 Master Plan through deed restricting 170 acres of additional developable lands on- and off-site not designated for protection in the 1990 plan (see Exhibit E (cont.)). Because of inclusion of new off-site developable lands to be deed restricted, the conversion of the observatory land and a portion of the storage areas to conservation, and the re-designation of a prime development site to conservation, the 1:1 "offset" goal will

⁹ These 111 acres include 100 acres of athletic fields and the 11-acre arboretum.

¹⁰ The 586 acres planned of developed and developable land includes 411 acres for College- and Health Care-related facilities, 100 acres for active recreation, the 26-acre Planned Office Zone, 20 acres of off-campus development, a 20-acre storage area, and 9-acres for a proposed GSP exit ramp.

¹¹ The 1,257 acres planned for conservation include 191 acres of developable land as well as 1,066 acres of wetlands and wetlands buffers.

¹² In 1990, a total of 1,087 acres were to be permanently preserved (898 acres of wetlands and wetlands buffers and 189 acres of developable land). In 2010, 1,257 acres will be permanently preserved (191 acres of developable land and 1,066 acres of wetlands and wetlands buffers). The difference between the two figures is 170 acres.

be achieved. Thus, this relatively small proposed change in landscape disturbance is offset by deed-restricting three areas formally targeted for disturbance and by off-site lands.

All such land area designations are consistent with the certified management areas of Galloway Township in terms of use, location, and magnitude. They are also consistent with the natural resources mapping noted above. Therefore, this standard for approval is met.

iii. Ensure Conformance with N.J.A.C. 7:50-5 and 6.

Relative to N.J.A.C. 7:50-5, the land uses and intensities described in the College's April 2010 Master Plan will be consistent with those contained in the Master Plan and land use ordinances of Galloway Township if the Commission decides to certify the pending request.

The 2010 Master Plan provides for compliance with the development standards of N.J.A.C. 7:50-6. Several more notable standards are discussed in the Master Plan and summarized below:

- The 1990 Plan anticipated 175 feet wetlands buffers in the central core development area. Unlike the 1990 Plan where other buffers were not yet set, Stockton has agreed to use a 300-foot buffer in all areas outside of the core. These extended buffers will apply to approximately 16,000 linear feet of wetlands and represent a significant protection measure. They will also be implemented through deed restrictions.
- Comprehensive stormwater management plans, while not part of this certification, are underway. They will either be applied to individual development applications as they are submitted for Commission approval or incorporated into a public development procedural agreement to be discussed with the Public and Government Programs Committee schedule in the Fall.
- As was noted earlier, the land use plan and the recommended deed restrictions protect rare species identified through extensive surveys. In addition, Stockton College has agreed to re-examine the development areas relative to the status of rare species in 10 years. In the unlikely event that rare species are found within the development areas at that time, steps will be taken to ensure their protection.

All other Subchapter 6 development standards will be met when individual development applications are prepared for the Commission's approval or addressed through a public development procedural agreement. Therefore, this standard for approval is met.

iv. Standards for Capital Facilities Siting

Two growth scenarios were presented in the 1990 Plan: one for 4,100 full-time equivalent (FTEs) students and one for 5,000 FTEs. The 2010 Master Plan updates these scenarios by presenting a single 20-year growth scenario: 5,000 FTEs in 2008-10 (the upper limit that was projected in 1990); 6,500 FTEs in 2019-22; and, 7,500 FTEs in 2027-30. The development areas proposed in the 2010 Master Plan are adequate to accommodate these projections. Six currently planned capital facilities are also described by the 2010 Master Plan. Four of these have previously obtained Pinelands Commission approvals (the Campus Center, the synthetic athletic field, the traffic signal, the Lane Roadway modifications, and the Louisville Avenue roadway paving). Two others are under design (the Science Center and College Walk renovation). All are consistent with the 2010 Master Plan's land use designations.

Moreover the College has agreed to use low impact design and construction principles by minimizing disturbance of forested areas, clustering development away from wetlands and deed restricted areas, and minimizing turf. Where there is sufficient design flexibility, proposed development areas along Pomona Road and Duerer Street will maintain or expand the setbacks from wetlands and buffer corridors as shown in the 2010 Master Plan. This will help to ensure better protection of an area utilized by threatened and endangered bird species as a pathway between a forested area to the west of Pomona Road (outside of the College's campus) through the College's campus to the forested area to be preserved on-campus between Vera King Farris Drive and the Garden State Parkway.

These additional protections beyond the requirements of the CMP enhance the land use plan in terms of siting and developing new structures.

This standard for approval is met.

v. Resource Management Practices Consistent with the CMP, Pinelands Protection Act, and Federal Act

The 2010 Master Plan continues the general purposes and development philosophy of the 1990 Plan: to protect important natural areas, landscape with native plant materials and use natural buffers wherever possible. A Forest Stewardship Plan is also underway and will be presented to the Commission in the future.

Therefore, this standard for approval is met.

vi. Consistency with Municipal and County Plans

The 2010 Master Plan is consistent with Galloway Township's 2010 Master Plan Reexamination Report and Ordinance 1817-2010. Atlantic County's certified Master Plan acknowledges and incorporates Stockton College. In addition, the College is working with Atlantic County on numerous transportation improvements.

Therefore, this standard for approval is met.

vii. Otherwise Consistent with the CMP

The 2010 Master Plan complies with all of the relevant standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for approval is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Stockton College's application for approval of its April 2010 Master Plan was duly advertised, noticed and held on July 7, 2010 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. The hearing was conducted simultaneously with a public hearing to receive testimony on Galloway Township's 2010 Master Plan Reexamination Report and Ordinances 1810-2010 and 1817-2010, due to the fact that a number of the changes in the Reexamination Report and Ordinance 1817-2010 relate to the College's 2010 Master Plan. No attempt has been made to separate those comments received on the College's 2010 Master Plan from those received on the Township's Reexamination Report or ordinances. Rather, all comments received at the hearing are summarized below.

Mr. Liggett conducted the hearing, at which the following testimony was offered:

- Mr. Donald E. Moore, Associate Vice President for Operations for The Richard Stockton College of New Jersey, introduced his associate, Mr. Jay Sciuillo, with Marathon Engineering, the entity charged with performing the threatened and endangered species surveys and wetlands delineations for Stockton. Mr. Moore said that Stockton believed its 2010 Master Plan met Pinelands standards and respected the environment and should be approved. Moreover, the stormwater management plan and deed restrictions associated with the 2010 Master Plan were being prepared and will be submitted shortly after the Commission's anticipated approval. Furthermore, the College was developing a Forest Stewardship Plan.
- Ms. Tiffany CuvIELLO, Planner for Galloway Township, said that Stockton College was established in 1969 and pre-dates the Pinelands. She said that the continuing student enrollment and expansion of programs has made it necessary to enlarge the campus and make changes to the 1990 MOA with the Pinelands Commission. She noted that the 2010 Master Plan provides for the permanent protection of more than 1,000 acres, some of which is on-campus and the remainder off-site near two Garden State Parkway interchanges. This Plan will lead to more land being preserved than under the 1990 MOA. The areas to be preserved are of high ecological integrity as identified through the Pinelands Commission's Environmental Integrity Assessment (EIA) project. She noted that the rezoning from RDA to RGA along Jimmie Leeds Road recognizes existing development on small lots across the road from a major retail area. The Township feels this is appropriate and will help maintain continuity between Pinehurst and the development anticipated by the College in this area. She said that the Township supports the 2010 Master Plan as it preserves a significant

amount of high integrity lands consistent with the goals of the CMP, promotes appropriate development in the RGA and supports the College, an institution that is part of Galloway's history and is the only State College to serve the southern Pinelands region.

- Ms. Theresa Lettman, with the Pinelands Preservation Alliance (PPA), said that PPA had not yet seen the 2010 Master Plan but would be submitting written comments in the future. She noted that PPA did not support the 2010 Master Plan because it would change the conditions of the 1990 MOA thereby breaking the College's commitment that any future uses of the College's campus would be conservation-oriented. She noted that Galloway Township's Reexamination Report, also subject of the public hearing, discusses an offset for the development that is to occur on-campus, but she could find no reference to such an offset or identification of the blocks/lots.

Ms. Lettman said that there had previously been a 35-percent impervious surface limitation for lands to be developed but that has now been increased to 60 percent. Along with allowing roadways through wetlands and reduced wetlands buffers, this is reducing the preserved area. She said that Galloway had objected to the EIA recommended changes and that she thought more protection was needed in the GI Zone. Ms. Lettman said that there is vague language regarding vegetative standards. The PPA has been talking for months about vegetation standards and this should be addressed.

- Ms. Cuvillo said that the 2010 Master Plan is talking about setbacks from the road, not from wetlands, and it is applicable only within the RGA's GI Zone.
- Ms. Lettman questioned whether the Commission was choosing to ignore the 1990 MOA.

Mr. Liggett announced that written comments would be accepted through July 14, 2010.

The hearing was concluded at 9:52 a.m.

Written comments on the 2010 Master Plan Reexamination Report and Ordinances 1818-2010 and 1817-2010 were accepted through July 14, 2010 and were submitted by the following parties:

July 14, 2010 letter from Theresa Lettman, Director for Monitoring Programs, Pinelands Preservation Alliance (see Exhibit F)

July 14, 2010 letter from Fred Akers, River Administrator, Great Egg Harbor Watershed Association (see Exhibit G)

July 14, 2010 email from William J. Cromartie, PhD (see Exhibit H)

EXECUTIVE DIRECTOR'S RESPONSE

Much of the public comment received at the hearing and subsequently in writing is focused on the 2010 Master Plan, the College's past and future development activities, the College's conservation obligations under the prior 1990 Plan and the Commission's 1990 MOA with the College. Other comments relating exclusively to Galloway Township's 2010 Master Plan Reexamination Report and Ordinance 1817-2010 were also received and are addressed in the Executive Director's August 20, 2010 report on those documents. Responses to comments relevant to the 2010 Stockton College Facilities Master Plan are addressed below.

Comment:

One commenter (Exhibit G) suggests that the related rezonings adopted by Galloway Township are inconsistent with the Comprehensive Management Plan because they do not meet the tests for an amendment to the Comprehensive Management Plan, a petition for amendment or a waiver of strict compliance based on compelling public need.

Reponses:

No amendment to the Comprehensive Management Plan, petition to amend the Comprehensive Management Plan or waiver of strict compliance has been proposed or is required. Likewise, no memorandum of agreement between the Commission and the Township or the Commission and Stockton College is required because there are no variations from CMP land use of environmental standards or application requirements being proposed.

Comment:

Two commenters (see Exhibits F and G) raise concerns about the suitability of the rezoned lands for their new Regional Growth Area designation and the lack of offsetting management area changes. In addition, one of the commenters (Exhibit F) points to the guidelines set forth at N.J.A.C. 7:50-5.11(b) which are used to determine whether a proposed management area change should be considered through the local conformance process or the formal Comprehensive Management Plan amendment process. A specific concern is raised relative to N.J.A.C. 7:50-5.11(b)4 which suggests that management area changes that substantially alter the character of a municipality's overall zoning plan should be handled through a formal Comprehensive Management Plan amendment. The commenter submits that this section calls for offsetting management area changes, none of which have been included in the related Galloway Township rezoning. Finally, one commenter (Exhibit F) states that the Commission's Ecological Integrity Assessment (EIA) has been misused and misinterpreted in the Township's 2010 Master Plan Reexamination Report, leading to the rezoning of inappropriate areas.

Response:

The lands subject to the management area change were carefully evaluated over an extended period of time to ensure that only those areas suitable for Regional Growth Area development were redesignated. The Commission's Ecological Integrity Assessment (EIA) provided a starting point for this evaluation and led to a general classification of lands that should be protected and lands that were more appropriate for development. The bulk of the land being added to the Regional Growth Area has a composite EIA score of less than 70 while the bulk of the lands which will be deed restricted have composite scores which would qualify them as high integrity.

Intensive on-site survey work was then completed in order to ensure that critical habitat for rare plants and animals would not be adversely affected by the Master Plan's recommendations. The results of these surveys were used to refine the boundaries of the areas to be rezoned. The Executive Director believes that the approval standards of N.J.A.C. 7:50-4.52(e) have been met.

The Executive Director does not believe the concerns about the guidelines set forth at N.J.A.C. 7:50-5.11(b) regarding management area changes are persuasive. Much has been made of the fact that the Galloway master plan and ordinances only increase the size of the Regional Growth Area; they do not include offsetting management area changes. Such offsetting changes are not strictly required by the Comprehensive Management Plan. They are but one of many factors to be considered when determining whether a proposed management change would more appropriately be considered through the local conformance process or a formal amendment to the Comprehensive Management Plan. In instances where a proposed management area change would substantially alter the character of a municipality's overall zoning plan for the Pinelands Area, offsetting management area changes become an important consideration. Even if one accepts the argument that this change will significantly alter the character of Galloway Township's overall zoning plan, an offset is being provided in the form of deed restrictions on well over 1,200¹³ acres of land on and off the college campus in Galloway Township. The Executive Director believes that the permanent protection of lands serves as an even better offset than any rezoning could, given that zoning standards can change over time. To ensure that the deed restrictions are implemented in a timely manner, the Executive Director recommends a condition of approval that development undertaken pursuant to the 2010 Master Plan shall not be approved by the Commission until it receives evidence of the recordation of the deed restrictions.

It should also be noted that the approval standards for state agency plans (N.J.A.C. 7:50-4.52(e)) expressly authorize "alternative or additional techniques" to meeting the standards of the CMP. The measures incorporated into the Master Plan, including but not limited to the deed restrictions, maximum wetland buffers and the protection of off-site resources, demonstrates adherence to CMP standards.

The main objection appears to be opposition to any changes which increase development potential on the College's campus. The Executive Director believes it would be unreasonable to preclude the College from modifying a plan that is 20 years old. Just as the Comprehensive Management Plan is a dynamic document, so too are State agency plans and municipal master plans and ordinances. The CMP expressly recognizes this and provides a process by which state agencies and municipalities may amend their plans. In this case, Stockton State College has responded to changing conditions by preparing a Master Plan with important development and conservation components and Galloway Township has agreed to reflect that approach in its master plan and ordinances.

Comment:

There were concerns that specific facilities to be built in the new development areas are uncertain (Exhibit H).

¹³ The 1,257-acres of permanently protected land include 1,066 acres of wetlands and wetlands buffers as well as 191 acres of developable land.

Response:

Long range master plans, such as this, typically do not attempt to lay out detailed development plans as would be done when engineered site plans are prepared. Rather, they identify use areas and are followed by detailed facility and site plans are engineered. More to the point, the goal of this specific plan is to define appropriate development “envelopes” and to conserve ecologically sensitive lands.

Comment:

Concerns were voiced that there is no meaningful protection of the environment and that development will occur on environmentally sensitive lands (Exhibit H).

Response:

The Executive Director respectfully disagrees. The Commission’s own Ecological Integrity Assessment, extensive surveys of rare species, wetlands mapping and other natural resource information were used to identify lands which would be appropriate for development and those which should be protected for their natural values. For example, a 42-acre major development area approved in the 1990 Master Plan will no longer be considered for development. In total, 1,000¹⁴ acres will be deed restricted on-site and an additional 257¹⁵ acres off-site. Within these 1,257 acres, forested corridors are identified and lands to protect them are included.

Comment:

There was a concern that the 1990 MOA is being “violated” (Exhibit F) because the 1990 Plan was seen by some as an end-point plan.

Response:

An end point plan is one which is presumed to reflect all final outcomes and will not change over time. The 1990 Facilities Master Plan was not an end point plan. In fact, the 1990 Master Plan recognizes that it is a “long range” (not end-point) plan and the Commission’s resolution approving the Plan, as well as the 1990 MOA, recognize that future amendments to the Master Plan will be considered.

Comment:

There were concerns that the 1990 MOA is also being violated because the permanent protections “proposed” in 1990 have never been accomplished (Exhibit F).

Response:

The Executive Director understands that some people may interpret this to be the case. However, the Commission must consider the following facts:

- When the Commission certified Galloway Township’s zoning in 1990, it did so knowing that the zoning provisions were general in nature and, because of this, the Commission

¹⁴ This 1,000 acres includes 898 acres of wetlands and wetlands buffers, 91 acres of passive recreation and 11 acres for the College’s arboretum.

¹⁵ These 257 acres include 89 acres of developable land off-campus and 168 acres of off-campus wetlands and wetlands buffers that will be deed restricted.

expressed its general understanding that areas outside the Regional Growth Area (approximately 810 acres) would be used for “low intensity and conservation uses.” This was not a standard or condition; rather, it served as a goal which the Commission considered when it reviewed the much more detailed College Master Plan several months later.

- The 1990 Facilities Master Plan identified different geographic areas on the College’s property and identified specific uses within each such area. Within the Rural Development Area, for example, environmental study and experimentation was identified within an approximate 168-acre area and passive recreation (including intramural athletic fields) was identified for a 642-acre area. Other portions of the Rural Development Area were specified for intercollegiate athletic fields and related facilities (approximately 84 acres), an observatory and associated facilities (approximately 14 acres), and an approximately 69-acre area for the storage of clean soil and cut vegetation and a borrow pit.
- The Commission approved these specific uses within the Rural Development Area and it was these uses that the College was bound to abide by.
- The 1990 MOA does not impose an obligation on the College to permanently preserve those lands. The MOA specifically provides that the College will “pursue additional options” to permanently restrict those lands to the uses specified in the Master Plan.

The College has, in fact, restricted uses in the Rural Development Area to those specified in the Master Plan for the past 20 years. It has done so through administrative action rather than through other options, such as easements. Since the 2010 Plan focuses its protection efforts on lands to be managed for their natural resource values (rather than for a variety of other uses as was the case in 1990), deed restrictions (i.e., easements) are the appropriate means to achieve permanent protection of important natural resource lands on and proximate to the College’s campus.

Comment:

There were concerns that less land will be protected than was called for in 1990 when approximately 1,060 acres were proposed for protection (Exhibit F).

Response:

As stated above, in 1990 the Rural Development Area land was slated for a variety of uses, many of which would not typically be associated with protected natural areas. As Exhibit E illustrates, the 1990 Plan actually contemplated that about 810 acres in the Rural Development Area would be conserved in a relatively natural state. In addition, approximately 277¹⁶ acres of wetlands and wetland buffers in the development areas of the Regional Growth Area and Rural Development Area would also be conserved.

¹⁶ The 277 acres of wetlands and wetlands buffers included 267 acres within the College and Health Care areas, 33 acres within the active recreation area, and 10 acres within the storage area.

Exhibit E also shows the outcomes to be achieved through the 2010 Plan. Approximately 404 acres of wetlands and buffers in the designated development areas on- and off-site, 624¹⁷ acres elsewhere on the main campus and 229 acres off-site will be preserved (two entire parcels and 31 acres of the 51-acre parcel). Compared to the 1990 outcome, this is 170¹⁸ acres more than in 1990. The table below compares the amount of preserved land under the 1990 Facilities Master Plan with 2010 Master Plan.

Comment:

There were concerns that, since the College site is not being maintained properly and problems that pre-date the Pinelands program have not been corrected, the Master Plan should not be approved until they have been addressed (Exhibit H).

Response:

Although the Commission is not aware of any outstanding violations, we are checking to ensure that post-CMP development activities have conformed to CMP requirements. With respect to the future, development will meet the terms of the Master Plan and all relevant CMP standards.

We have also taken the liberty of forwarding these public comments to President Saatkamp and other college officials for their action. Finally, we would encourage concerned citizens to work with the College to better maintain the site and correct old problems.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director finds that:

1. The 2010 Master Plan continues the purposes and spirit of the 1990 Plan and MOA:
 - The College has revised its 1990 plan on the basis of new conditions and has appropriately located new development areas. The 1990 documents recognize this and call for a collaborative process in evaluating changes.
 - Areas to be developed and areas to be conserved have been identified on the basis of more current and extensive ecological information than existed in 1990.
 - The 2010 plan was developed cooperatively between the College and the Commission. The College has worked with the staff and the Commission's Policy and Implementation Committee on this for over 6 years.
2. The natural resource protections afforded through this Plan exceed those of the 1990 Plan.
 - Roughly 1,087 acres were to be conserved in 1990. Today, 1,257 acres (on-site and off-site) are to be conserved.

¹⁷ The 624 acres includes 604 acres within the passive recreation area and 20 acres within the arboretum area.

¹⁸ In 1990, a total of 1,087 acres were to be permanently preserved (898 acres of wetlands and wetlands buffers and 189 acres of uplands). In 2010, 1,257 acres will be permanently preserved (191 acres of uplands and 1,066 acres of wetlands and wetlands buffers). The difference between the two figures is 170 acres.

- The 1,257 acres will be permanently protected through deed restriction before the plan goes into effect, including a 42-acre area slated for development in the 1990 Plan but now found to be a sensitive environmental resource.
- Special emphasis is placed on maintenance of forested corridors through the deed restrictions and enhanced buffers (mandatory 300').

3. The 151-acre net gain in developable land is balanced by the deed restriction of 170 acres of developable land¹⁹.

Thus, the Executive Director has concluded that the April 2010 Master Plan of The Richard Stockton College of New Jersey complies with Comprehensive Management Plan standards for approval of state agency comprehensive plans as set forth in N.J.A.C. 7:50-4.52. Accordingly, the Executive Director recommends that the Commission issue an order to approve the April 2010 Master Plan of The Richard Stockton College of New Jersey. The Executive Director also recommends that no development, with the exception of that required for public health and safety purposes, be approved by the Pinelands Commission within the new development areas established in the 2010 Master Plan until such time as the College has recorded appropriate deed restrictions on the lands proposed for permanent protection in the Master Plan.

LLL/ /SP17A
Attachments

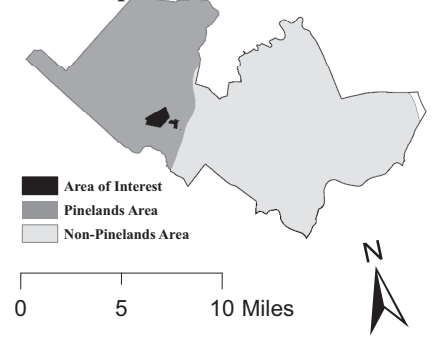
¹⁹ Note: these acres are included in the 1,257-acre total.

Exhibit A: Proposed Management Area Change

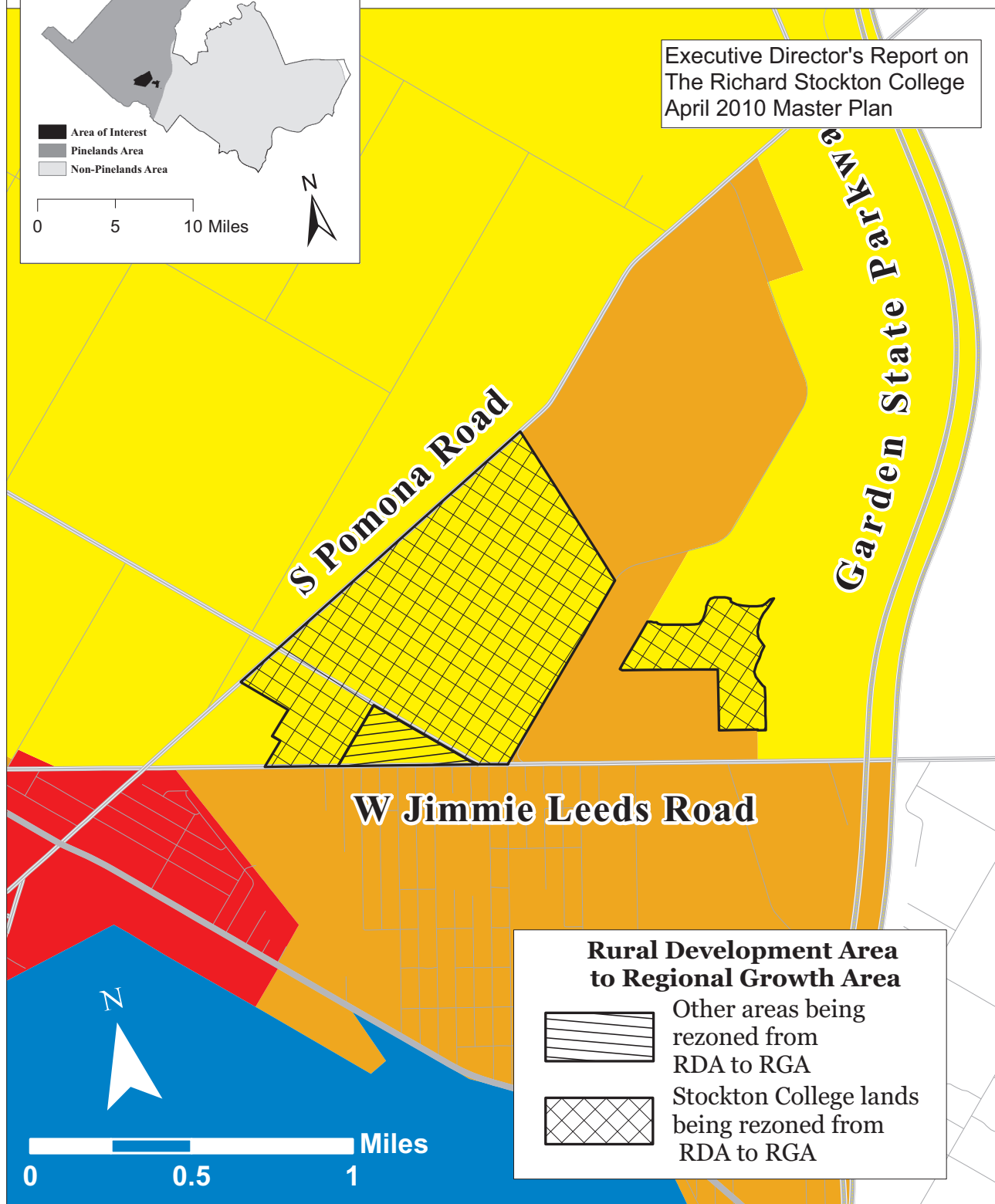
Galloway Township, NJ



Galloway Township



Executive Director's Report on
The Richard Stockton College
April 2010 Master Plan



Pinelands Management Areas

- Preservation Area
- Forest Area
- Agricultural Production Area

- Rural Development Area
- Regional Growth Area
- Pinelands Town
- Federal or Military Facility

- Pinelands Village
- Special AG Production Area

Exhibit B 1990 Planned Development Potential Stockton College Campus Galloway Township, NJ



Galloway
Township



0 5 10 Miles



Executive Director's Report on
The Richard Stockton College
April 2010 Master Plan

S Pomona Road

WETLANDS

Garden State Parkway

W Jimmie Leeds Road

N



0 0.5 1 Miles



**1990 Planned
Development Potential**

The Richard Stockton College
of New Jersey Master Plan, 1990

Exhibit C

Executive Director's Report on
The Richard Stockton College
April 2010 Master Plan

An area for storage, staging,
stockpiling, and similar activities
(not to exceed 20 acres) may be
excluded from the deed-restricted
lands in this approximate location.*



Approximately 9
acres may be
excluded from the
deed-restricted
lands to
accommodate a
proposed Garden
State Parkway exit
ramp and
improvements
ancillary thereto in
this approximate
location.*

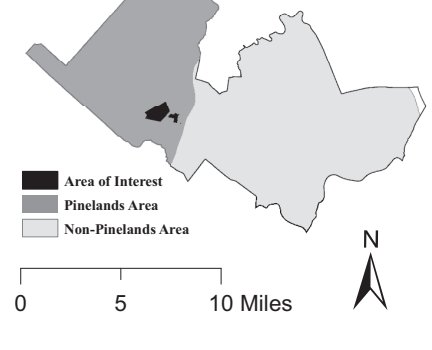
Exhibit C. – Sensitive Lands to be Deed Restricted
(amended from Exhibit 7 of the Richard Stockton College
of New Jersey April 2010 Master Plan)

* Area not drawn to scale

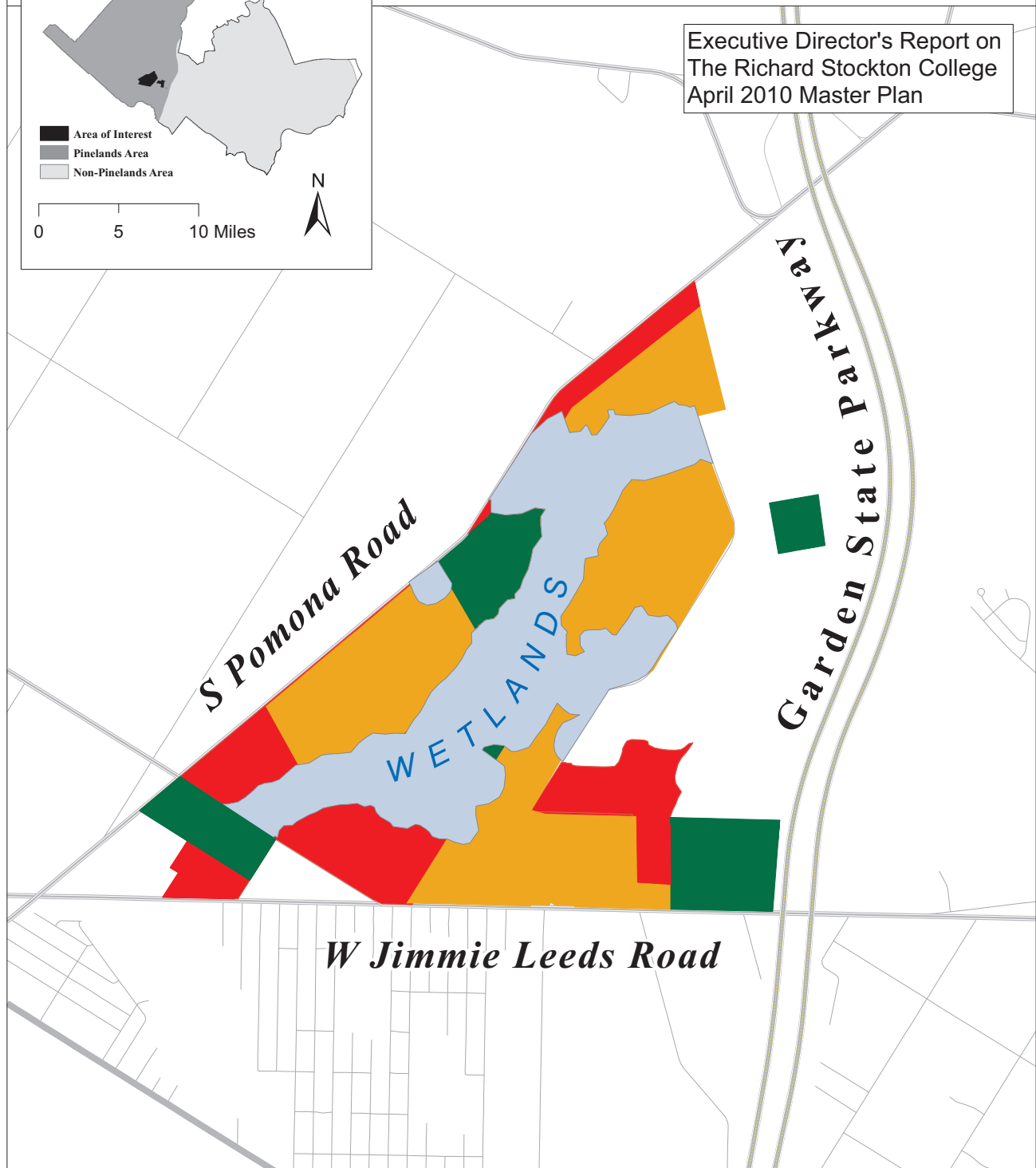
Exhibit D 2010 Planned Development Potential Stockton College Campus Galloway Township, NJ



Galloway
Township



Executive Director's Report on
The Richard Stockton College
April 2010 Master Plan



N



0 0.5 1 Miles



**1990 Planned
Development Potential**
The Richard Stockton College
of New Jersey Master Plan, 1990



**Additional Development Areas
in 2010 Campus Master Plan**
Stockton College Campus Master Plan, 2010



**Development Areas in 1990 Plan
To be Permanently Protected in 2010**
Stockton College Campus Master Plan, 2010

Exhibit E

Executive Director's
Report on The Richard
Stockton College April
2010 Master Plan

The Richard Stockton College of New Jersey June 1990 Facilities Master Plan

Approximate Acreage				
	Developed or Developable Land	Wetlands (including buffers) ¹	Total	RGA
Development Areas				
College/Health Care	269	234	503	503
Active Recreation	111 ²	33	144	
Observatory	14	0	14	
Planned Office	26	0	26	26
Off-Site Development	0	0	0	
	420	267	687	529
Auxiliary Areas				
Storage	59	10	69	
Other	0	0	0	
	59	10	69	0
Open Space				
Enviro. Study & Experimentation	56	112	168	
Passive Recreation	133	509	642	43
Off-Site	0	0	0	
	189	621	810	43
Total Area				
Main Campus	668	898	1,566	572
Off-Site	0	0	0	
	668	898	1,566	572

1 - Wetlands & wetlands buffers as depicted in the College's 2010 Master Plan.

2 - Includes approximately 30 upland acres of athletic fields outside of the active recreation area served by septic.

The Richard Stockton College of New Jersey April 2010 Facilities Master Plan

Approximate Acreage				
	Developed or Developable Land	Wetlands (including buffers) ³	Total	RGA
Development Areas				
College/Health Care	411	352	763	763
Active Recreation	100	24	124	124
Planned Office	26	0	26	26
Off-Site Development	20	28	48	48
	557	404	961	961
Auxiliary Areas				
Storage	20	0	20	
Other (GSP Exit Ramp)	9	0	9	
	29	0	29	0
Open Space				
Passive Recreation	91	513	604	42
Arboretum	11	9	20	20
Off-Site	89	140	229	2
	191	662	853	64
Total Area				
Main Campus	668	898	1,566	1,025
Off-Site	109	168	277	
	777	1,066	1,843	1,025

453

3 - Wetlands & wetlands buffers as depicted in the College's 2010 Master Plan.

Exhibit E (cont.)**The Richard Stockton College of New Jersey April 2010 Master Plan**

Executive Director's
Report on The Richard
Stockton College April
2010 Master Plan

Stockton College April 2010 Master Plan

		Approximate Acreage			
		Developed or Developable Land	New Net Developable Land	New Net Preserved Land	Notes
Development Areas					
College/Health Care	411	131	42	- A 42-acre site formerly proposed for development will now be preserved.	
Active Recreation	100				
Former Observatory	0		14	- A 14-acre site formerly proposed as an observatory will now be preserved.	
Planned Office	26				
Off-Site Development	20	20			
	557				
Auxiliary Areas					
Storage	20		14	- A 69-acre area formerly planned for storage-use will now be split between a smaller 29-acre storage area, a proposed GSP interchange, a new development area, and 14-acre will be preserved.	
Other (GSP Exit Ramp)	9				
	29				
Open Space					
Passive Recreation	91		11	- Virtually all of the arboretum will now be preserved.	
Arboretum	11				
Off-Site	89		89	- An 87-acre upland portion of a parcel to the northwest of campus and a 2-acre upland portion of a parcel to the southwest of campus will be preserved.	
	191				
Total Area					
Main Campus	668				
Off-Site	109				
	777	151 ¹	170 ²		

1 - The 287 acres cited in the 2010 Master Plan Report represent a gross acreage figure that includes a 100-acre active recreation area. It does not reflect the 42-acre portion of campus, which will now be deed-restricted nor does it reflect the additional Regional Growth acreage from the 2001 rezoning. The 151-acre figure appropriately reflects the net change.

2 - The 287 acres cited in the 2010 Master Plan includes other lands that were proposed for protection in the 1990 Master Plan. While it is appropriate to preserve these lands, the acreage associated with those lands is not included in this figure.

Exhibit F

Executive Director's Report on
The Richard Stockton College
April 2010 Master Plan



Printed on recycled paper
with linseed ink.

PINELANDS PRESERVATION ALLIANCE

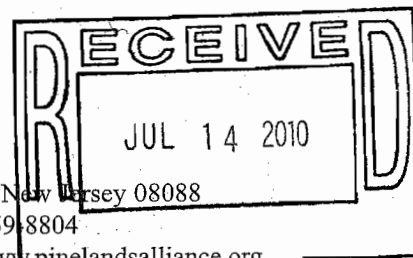
Bishop Farmstead • 17 Pemberton Road • Southampton, New Jersey 08088

Phone: 609-859-8860

E-mail: ppa@pinelandsalliance.org

Fax: 609-859-8804

Website: www.pinelandsalliance.org



July 14, 2010

Mr. Larry Liggett
Pinelands Commission
15 Springfield Road
P.O. Box 359
New Lisbon, New Jersey 08064

**Re: Richard Stockton College – April 2010 Master Plan and
Galloway Ordinance 1817 – 2010**

Dear Mr. Liggett:

The Pinelands Preservation Alliance is submitting the following comments on the conformance of the Richard Stockton College Master Plan and the Galloway Ordinance with the Pinelands Comprehensive Management Plan.

Stockton College Master Plan

In 1990, Richard Stockton College entered into a memorandum of agreement (MOA) with the New Jersey Pinelands Commission for additional development in the Rural Development Area of Galloway Township. The college agreed in this MOA that any future use of the balance of the site, or the 1,050 acres, would be low intensity and/or conservation oriented.

The Pinelands Commission, when it entered into this MOA in 1990, found that the agreement afforded a greater level of protection for the balance of the property than if the general land use standards of Rural Development areas were followed. This MOA was not just about putting aside land for conservation, but also allowed for more development on the portions of the property that would be receiving the growth. This type of cluster development or planning trade off gave the College a higher density than would normally be permitted in a Rural Development area.

The protections that the environment received in 1990, by preserving 1,050 acres, will be taken away if this ordinance is certified. This would violate section 7:50-3.39(a)2.i. of the CMP that directs the Commission to regulate the character, location and magnitude of development within the Pinelands area. Through the 1990 MOA the Commission made a change that was certified and now needs to be carried out. The development has proceeded in the locations and magnitude since the 1990 MOA was signed, and so should the protections put in place for the environment. The environmental values and constraints that existed on this set aside land in 1990 are still valid.

Certification of the Galloway ordinance would make a mockery of the Commissions 1990 MOA and tell the public that the Commissions written comments are not worth the paper they are written on.

Galloway Ordinance 1817 – 2010

PPA believes that certification of the Galloway ordinance, which allows for the expansion of the GI Zone onto lands that were protected under the 1990 MOA between the Pinelands Commission and Richard Stockton College, violates the Comprehensive Management Plan.

The lands which are being re-zoned from Rural Development to Regional Growth have Ecological Integrity Scores of 70%, 80% and 90%, making them suitable as Forest Area, not Regional Growth Area designation. The Comprehensive Management Plan Section 7:50-3.39 2.vi allows the Pinelands Commission only to certify municipal ordinances that include provisions which consider the suitability of lands for their assigned management area. With Ecological Integrity scores above 70%, the proposed land for redesignation cannot meet this standard of the plan and should be changed to a more protective management area designation.

Although the Re-examination Report talks about "an off-set of land elsewhere," there are no lands that are being redesignated from Regional Growth to Rural Development; making it unclear how this ordinance meets Section 7:50-3.39 (a) 2.i. of the CMP in regulating the magnitude of development within the Pinelands area. Without lands being reassigned from Regional Growth to Rural Development, there is no balance of development and the environment.

This Ordinance allows for development of land that was to be permanently protected under the 1990 MOA to be developed at a total impervious cover limit of 60%. This is much greater than the 35% which was allowed under the 1990 Galloway ordinance which implemented the MOA and created the GI Zone. Preserving and maintaining the essential character of the existing Pinelands environment does not happen by changing areas with a high ecological integrity score and allowing them to be developed.

Lastly, Item D Bulk Requirements, #5 of the ordinance states, *"In areas where the setback is reduced the development plan should give consideration to the appropriate landscaping and*

screening." PPA thinks this language is too vague with respect to vegetation. It's not clear that the ordinance will direct the college or any development along Jimmie Leeds Roads to comply with the Vegetation Standards in the CMP.

In summary, the Pinelands Commission must meet its requirement to regulate the magnitude of development within the Pinelands area. Neither the Galloway Ordinance nor the Richard Stockton College Master Plan assure the offset that must be provided as a trade from changing the management area and the Richard Stockton College land that was originally set aside for preservation (1,050 acres).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Theresa Lettman', with a stylized, cursive script.

Theresa Lettman
Director for Monitoring Programs

Exhibit G

Executive Director's Report on
The Richard Stockton College
April 2010 Master Plan



The Great Egg Harbor Watershed Association

P.O. Box 109
Newtonville, NJ 08346

856-697-6114
akers@gowebway.com

OFFICERS

Julie Akers
President

Ed Curry
Vice President

Dick Colby
Treasurer

TRUSTEES

Steve Eisenhauer

Elmer Ripley

Sarah Summerville

Jamie Cromartie

Clark Sprigman

Pat Sprigman

STAFF

Lynn Maun
Secretary &
Coordinator

Fred Akers
Administrator

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 Master 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 reneging on the 1990 MOA and unnecessarily reducing the protection of the Pinelands.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fred Akers". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Fred Akers, River Administrator

These comments address GALLOWAY TOWNSHIP - Resolution 10-2010, adopting the 2010 Master Plan Reexamination Report, and Ordinances 1810-2010 and 1817-2010 and RICHARD STOCKTON COLLEGE OF NEW JERSEY'S April 2010 Master Plan

While I am a member of the faculty of Richard Stockton College's Environmental Studies (ENVL) Program, I write as a private citizen of Galloway Township, New Jersey. The proposed changes embodied in this report and these ordinances represent ill-conceived, speculative plans, which if implemented, would further degrade the environment of the Pinelands.

Although it claims to be an environmental leader and "New Jersey's Green College," Stockton has failed to protect biodiversity and water quality, key values in the Pine Barrens.

The 1971 Comprehensive Architectural Master Plan emphasized the natural environment. It recommended setting aside areas for research and for aesthetic and recreational value. It stated, "The identification of the most desirable natural areas on the campus and administrative action now, to assure the recognition of their unique values and to insure their perpetual protection, will demonstrate the vision of the College's founders." This has not happened. The College has failed to permanently designate ecological research areas or to insure perpetual protection, except as required by outside agencies. In the early 1990's, the College announced that a memorandum of agreement had been signed with the Pinelands Commission to "deed restrict" a substantial portion of the campus and to confine development to the already utilized areas. Stockton recently requested changes to this agreement, so virtually the entire upland habitat of the campus could be slated for development, and preservation be limited to legally restricted wetlands and parcels of land located away from the campus, inaccessible for research or recreation. It also was announced that no "deed restriction" in fact existed, which casts doubt on the claim that there will be deed restrictions under the new plan. In any case, if the College and Commission can void the earlier agreement, what real meaning does any such agreement have? When the College decides it needs to build close to the Parkway or on the off-campus lots on Moss Mill Road, what is to prevent them asking and getting permission to void this new arrangement?

The 1971 master plan gathered more ecological information than any previous plan for a similar institution. The goal was to continue to develop a management plan that would serve as a model for others. Today, it appears that the only interest on the part of the College administration in such data is to find ways to expand the campus development to the maximum degree allowed by state regulations. Until 2010, Stockton had not contracted for a professional management plan for its forested areas. Despite recommendations from the ENVL Program, no management has been done except controlled burnings. The environmental assessments done by the College's hired consultants did not address numerous aspects of landscape and biological diversity that are of critical significance to the actual ecological and scientific values of the Campus. Neither the College nor the Pinelands Commission has sought the advice of the environmental faculty in determining the appropriate areas for development and protection. Indeed the campus arboretum was only excluded from the development zone after the plans were seen by a few faculty members, who protested.

The 1971 plan recommended innovative use of native plants, even for lawns, but Stockton has replaced natural forest and field cover with turf and ornamental trees, which require irrigation, fertilizing and noisy mowing. Besides soil compaction and air and water pollution, this has led to declines in diversity of plants and animals on the campus. Stockton ignores best management practices for roadside biodiversity, allowing only limited demonstration, so it is a follower, not a leader, in this area. The College has no effective policies to protect or enhance biodiversity or to control invasive plant species. Aggressive programs of growing season mowing of former fields have devastated the biodiversity of much of the campus acreage, and lack of any regenerating disturbance such as fire or cutting has converted much of the forest into "huckleberry barrens." Species such as turkey beard, pine barrens gentian and pixie moss have been nearly eliminated, although they were frequent in the 1970's. Even the new powerline along the Garden State Parkway, which was a possible area for new biodiversity, has been subjected to growing season mowing, contrary to all best management practices. As development squeezes ever tighter around the wetlands, lakes and streams, impacts such as light pollution, have greatly reduced the presence of characteristic Pine Barrens moths and other insects.

In 1971 runoff from buildings, parking lots, roads and sidewalks was channeled directly into Lake Fred and surrounding wetlands. One stream was converted into a drainage ditch. In 1971, these were legal methods, but despite changes in the laws and the science, they remain in place. The 1990 revision of the master plan emphasized that these were "grandfathered," and suggested that they be utilized for the indefinite future. Although new rules, under a reasonable interpretation, require ending direct discharges when new development takes place, Stockton and the Pinelands Commission seem content to let things be. During the building of the student center, the Natural Resources Conservation District issued a citation for allowing sediment to enter Lake Fred via the old stormwater system. Thus, one of the ecological jewels of "New Jersey's Green College" continues to be abused. While there are reports that a stormwater plan is being developed, there have been no opportunities for input by the faculty of the College, despite their considerable interest and expertise in this area. This stormwater plan should be fully vetted before the changes requested by the new Master Plan are approved. It is a shocking dereliction of responsibility by the Commission to allow otherwise.

Currently, developments like Housing One and most of the service roads on campus, along with numerous official and unofficial unpaved parking areas are experiencing soil erosion and contributing significant flows of sediment laden water to the campus's streams, lakes and wetlands. The newer developments, because of poorly maintained landscaping and failure to keep vehicles off unpaved areas, are not much better than the older sites. Nevertheless, the College and the

Township agree on allowing Housing One to become Stockton Towers, despite its being well inside the wetlands buffer of Lake Fred. Not only will the construction pollute the lake further, if the experience with the Student Center is any indication, but the towers will likely ruin what is at present an almost wholly natural skyline of the lake, further degrading the aesthetics that were such a key concern of the 1971 Master Plan.

In considering water quality overall, it is important to recall two key points:

1. Pinelands Waters is a non-degradation designation according to NJDEP
2. The Commission's own scientists have shown that development in excess of 20% in a watershed leads to serious degradation of water quality

The proposed developments in the new Master Plan comprise 36% of the watershed as an approximate estimate, with much of the new development directly adjacent to the wetlands buffers. No exact figure for overall development percentage has been reported by the College or its consultants. In fact, no such considerations appear to have been included in the plan at all. The ordinance allows up to 60% impervious cover on the developed sites. No effort is made to assess the impact of such ancillary structures as detention basins, a particularly bad example of which, having needlessly removed several acres of woodland that could have much more reliably absorbed stormwater from the new athletic fields, can be seen along Route 575. Nor is there any discussion of the likely future reliability of the underground recharge structures that are employed extensively for the various recent College developments.

The Ordinance calls for a buffer of 50 feet to be maintained along Route 575. A look at the new athletic field, now in the finishing stages of construction, will show that no such buffer is being maintained now. More sterile landscaping with non-native turf grass and a few pathetic trees is all that has been provided.

The new Master Plan, which was never available for review by the Stockton community in such a way as to allow meaningful input, is plainly intended to stake out for future development as much territory as possible. Many of these developments are of a quasi-commercial nature, designed to be sources of revenue for the College. The seriousness of the plans is called into question by the fact that eight new "administration" buildings are called for in the plans, for an institution that has already been described as "top heavy" with administrators. The logical conclusion is that these plans are a smoke screen, intended to accomplish the zoning changes, but not seriously intended to be built. Thus, the question arises as to what, if any, are the actual intentions. Since the only specifically prohibited uses are private mental hospitals and medical offices, it would appear that the College, along with private "partners," might propose uses quite at variance with the proffered plans and the functions of a college. Further doubt is cast upon the seriousness of the plans to build a hotel by the news that Stockton is negotiating to purchase another similar facility in the eastern part of the Township. None of this bespeaks a serious, careful planning process, building on existing strengths and honoring past commitments to the environment.

Stockton's environmental faculty and students are not only part of the College's educational mission but also professionally committed to the environment. This has led to collaboration among faculty, students and administration, such as the original sprayfield, the geothermal and related energy systems and the non-structural elements of stormwater management. More often, however, faculty have been left out, given limited information after decisions were made or only asked to fix problems when regulators rejected Stockton's proposals. Too often, faculty and students have been denied the opportunity to help Stockton lead with innovative solutions. Stockton has preferred to work with professional consultants who focus on getting development permissions, while doing the minimum the law or public relations requires for biodiversity and water quality. This has led to plans, such as the present one, that offer no meaningful protection to the environment.

In conclusion, speaking for myself as a citizen and not as a member of Stockton's Environmental Studies Faculty, I believe that this is a thoroughly bad, highly speculative plan and that the Commission should send Stockton and Galloway Township back to the drawing board. But first of all, the College needs to go back to the field and back to its own faculty and students to reassess the various issues. There is no harm in delay; neither the present economic situation nor the College's current projects require the zoning changes contemplated in these proposals. There is plenty of time to get things right.

William J. Cromartie, PhD
221 S. Vienna Ave.
EGG HARBOR CITY NJ 08215
jamiecromartie@comcast.net
609-965-2196 home
609-457-2282 cell