

#26-31

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 245-33 ENTITLED “PINELANDS AREA DEVELOPMENT” SO AS TO AMEND SUBSECTION C, ENTITLED “PINELANDS DEVELOPMENT CREDITS”

BE IT ORDAINED by the Township Council of the Township of Manchester, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 245 of the Township Code of the Township of Manchester, entitled “Land Use and Development” is hereby amended and supplemented so as to amend Section 245-33, entitled “Pinelands Area Development,” to revise subsection C, entitled “Pinelands Development Credits,” which shall read as follows:

§ 245-32 Pinelands Area Development

C. Pinelands development credits. In accordance with N.J.A.C. 7:50-5.41 to 7:50-5.47, Pinelands development credits Program shall be applicable in the Pinelands Area of the Township as follows:

(1) Application of Pinelands development credits. Except for land which was owned by a public agency on January 14, 1981, land which is thereafter purchased by the State of New Jersey for conservation purposes, land which is subject to an easement limiting the use of land to nonresidential uses, or land otherwise excluded from entitlement in Subsection C(2) below, every parcel of land in the Pinelands Preservation Area District shall have a use right known as "Pinelands development credits" that can be used to secure a density bonus for land located in the BVR-40, ~~PAF-1~~ **PAF-2**, PR-40, PR-A, **and** PED-1, ~~PRC~~ **and** ~~PRC-1~~ Zones, where required, and in certain other Pinelands municipalities approved by the Pinelands Commission. Pinelands development credits may also be allocated to certain properties in the Township by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.

(2) Pinelands credits in the PPA Zone. Pinelands development credits are hereby established in the (PPA) Pinelands Preservation Area District at the following ratios:

(a) Uplands which are undisturbed but currently or previously approved for resource extraction pursuant to this chapter: two Pinelands development credits per 39 acres.

(b) Uplands which are mined as a result of a resource extraction permit approved pursuant to this chapter: zero Pinelands development credits per 39 acres.

(c) Other uplands: one Pinelands development credit per 39 acres; and

(d) Wetlands: 0.2 Pinelands development credit per 39 acres.

(3) Reductions of Pinelands credit allocations. The allocations established in Subsection C(2) above shall be reduced as follows:

(a) Any parcel of 10 acres or less which is developed for a commercial, industrial, resource extraction, intensive recreation, institutional, campground or landfill use shall not receive Pinelands development credit entitlement. For such an improved parcel of more than 10 acres, the area actively used for such use or 10 acres, whichever is greater, shall not receive Pinelands development credit entitlement.

(b) The Pinelands development credit entitlement of a parcel of land shall be reduced by 0.25 Pinelands development credit for each existing dwelling unit on the parcel.

(c) The Pinelands development credit entitlement for a parcel of land shall be reduced by 0.25 Pinelands development credit for each reserved right to build a dwelling unit on the parcel retained by the owner of the parcel pursuant to Subsection C(8)(b) below.

(4) Fractional Pinelands credits. The owners of parcels of land which are smaller than 39 acres shall have a fractional Pinelands development credit at the same ratio established in Subsection C(2) above.

(5) Pinelands credit entitlement. If the allocations established in Subsection C(2) above are less 0.25 of a Pinelands development credit, the allocation shall be increased to 0.25 of a Pinelands development credit if the owner of record of 0.1 or greater acres of land in the Pinelands Preservation Area District (PPA), as of February 7, 1979, owns a vacant parcel of land that was not in common ownership with any contiguous land on or after February 7, 1979, and the parcel has not been sold or transferred except to a member of the owner's immediate family.

(6) Owners of parcels less than one-tenth of an acre. The provisions of Subsection C(5) above shall also apply to owners of record of less 0.1 acre of land in the Pinelands Preservation District (PPA), as of February 7, 1979, provided that said owners acquire vacant, contiguous lands to which Pinelands development credits are allocated pursuant to Subsection C(2) above which lands, when combined with the acreage of the parcel, total at least one-tenth of an acre.

(7) Owners of parcels smaller than 39 acres. The owners of parcels of land which are smaller 39 acres shall have fractional Pinelands development credits at the same ratio established in Subsection C(2) above for the management area in which the parcel is located.

(8) Required use of Pinelands credits. Pinelands development credits shall be used in the following manner only within the Pinelands Area Regional Growth Area of Manchester Township located in the Ridgeway area of the Township northwest of the Southern Branch CONRAIL railroad and northeast of Naval Air Engineering Center - Lakehurst (currently known as Joint Base-McGuire-Dix-Lakehurst) and the Borough of Lakehurst:

(a) To permit development of parcels of land in the PR-40, PR-A, ~~PRC, PRC-1~~, PR-15, PB-1, ~~PAF-1~~ **PAF-2** and PED-1 Zones according to the density and lot area requirements set forth in § 245-33E, F, G, I, V, and W, as well as §§ 245-68 and 245-74 of this chapter;

(b) When a variance of density or minimum lot area requirements for the PR-A, PR-40, ~~PRC, PRC-1, PMP~~, PR-15, PB-1, ~~PAF-1~~ **PAF-2** and PED-1 Zones within the Pinelands Regional Growth Area is granted by the Township, Pinelands development credits shall be used for all housing units or lots in excess of that otherwise permitted without the variance;

(c) When a variance or other approval for a nonresidential use not otherwise permitted in the ~~PAF-1~~, ~~PAF-2~~, PR-A, PR-40, PR-15, ~~PRC~~, ~~PRC-1~~, ~~PMP~~ and PED-1 zones is granted by the Township, Pinelands development credits shall be used at 50% of the maximum rate permitted for Pinelands development credit use in the zone in which the nonresidential use will be located for parcels under 10 acres in size; at 75% of the maximum rate for parcels between 10 and 20 acres in size; and at 100% of the maximum rate for parcels over 20 acres in size. This requirement shall not apply to a variance or other approval which authorizes the expansion of or changes to existing nonresidential uses in accordance with N.J.A.C. 7:50-5.2;

(d) When a variance or other approval for a residential use in the PB-1 Zone is granted by the Township, with the exception of those approvals in accordance with §§ 245-68 and 245-74 of this chapter, Pinelands development credits shall be used for 50% of the authorized units for parcels under 10 acres in size; for 75% of the authorized units for parcels between 10 and 20 acres in size; and for 100% of the authorized units for parcels over 20 acres in size;

(e) When a variance for cultural housing is granted by the Township in accordance with Subsection A(6) of this section;

(f) When a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.;

(g) When a variance of density or lot area requirements for a residential or principal nonresidential use in the BVR-40, WTRA, WTR-40, WTRC, WTB-1, WTO-P or WTHD zone is granted by the Township, Pinelands development credits shall be used for all dwelling units or lots in excess of that permitted without the variance.

(9) Limitations on use of Pinelands development credits. Pursuant to N.J.A.C. 7:50-5.44:

(a) No Pinelands development credit may be conveyed, sold, encumbered or transferred unless the owner of the land from which the credit has been obtained has received a Pinelands development credit certificate from the New Jersey Pinelands Development Credit Bank pursuant to N.J.A.C. 3:42-3, and has deed restricted the use of land in perpetuity to those uses set forth in Subsection C(9)(b) below by recorded deed restriction which is in favor of a public agency or not for profit incorporated organization and specifically and expressly enforceable by the Pinelands Commission.

(b) Notwithstanding the provisions of Subsection C(9)(a) above, an owner of a parcel from which Pinelands development credits are sold may retain a right for residential development on that parcel, provided that the recorded deed restriction expressly provides for same and that the total allocation of Pinelands development credits for that parcel is by 0.25 Pinelands development credit for each reserved right to build a dwelling unit. Subdivision of the parcel shall not be required until such time as the residential development right is exercised.

(c) The bonus density of a parcel of land on which Pinelands development credits are used shall not exceed the upper limits of the density range of the municipal zone or district in which the parcel is located.

(10) Pinelands development credit bonus multipliers. Pursuant to N.J.A.C. 7:50-5.45, Pinelands development credits which are used for securing a density bonus for parcels of land located in a regional growth area shall yield a bonus of four dwelling units per credit.

(11) Aggregation of Pinelands development credits. Pursuant to N.J.A.C. 7:50-5.46, Pinelands development credits may be aggregated from different parcels for use in securing a bonus for a single parcel of land in a regional growth area, provided that the density does not exceed the limits of the density range specified in the municipal zone or district in which the parcel is located.

(12) Recordation of deed restriction. Pursuant to N.J.A.C. 7:50-5.47:

(a) No conveyance, sale or transfer of Pinelands development credits shall occur until the municipality with jurisdiction over the parcel of land from which the Pinelands development credits were obtained, the agency or organization to which the restriction is in favor, and the Pinelands Commission have been provided with evidence of recordation of a restriction on the deed to the land from which the development credits were obtained.

(b) Such deed restriction shall specify the number of Pinelands development credits sold and that the parcel may only be used in perpetuity for the following uses:

[1] In the Pinelands Preservation Area District: berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; agricultural employee housing as an accessory use; low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed 5% of the parcel, and no more than 1% of the parcel will be covered with impervious surfaces; and accessory uses.

[2] In all of the Pinelands zoning districts: agriculture; forestry; and low-intensity recreational uses.

(c) Evidence of ownership of Pinelands development credits.

[1] No development involving the use of Pinelands development credits shall be approved until the developer has provided the Pinelands Commission and the Township approving authority with evidence of his ownership and redemption of the requisite Pinelands development credits; provided, however, that the Township approving authority may grant general development plan, preliminary subdivision or preliminary site plan approval conditioned upon such evidence being presented as a prerequisite to final subdivision or site plan approval. For such a final subdivision or site plan, the developer shall provide evidence of Pinelands development credit ownership and redemption to secure the same proportion of lots or residential units as was approved for Pinelands development credit use in the preliminary approval or, as appropriate, the general development plan. Notification of any such development approval shall be made to the Pinelands Commission pursuant to N.J.A.C. 7:50-4 and Subsection B(3) of this section and to the New Jersey Pinelands Development Credit Bank in accordance with N.J.A.C. 3:42-3. Redemption of the requisite Pinelands development credits shall occur in accordance with N.J.A.C. 3:42-

3.6, prior to the memorialization of the resolution granting final subdivision or site plan approval, or if no such approval is required, prior to the issuance of any construction permit.

[2] In no case shall a building or a construction permit be issued for any development involving the use of Pinelands development credits until the developer has provided the Pinelands Commission and the Township with evidence of his/her ownership of the requisite Pinelands development credits and those Pinelands development credits have been redeemed with the Township.

SECTION 2. After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township Clerk shall also send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 3. SEVERABILITY. Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect after final approval and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Council of the Township of Manchester on first reading at a meeting held on the 27th day of April 2026 at 6:00 p.m. The Ordinance will be considered for second and final reading at a meeting of the Township Council which is scheduled for the 11th day of May 2026 at 6:00 p.m. or as soon thereafter as the matter may be reached, at the Municipal Building located at 1 Colonial Drive, Manchester, New Jersey 08759, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

TERI GIERCYK, RMC/CMC
Municipal Clerk