



MEMORANDUM

To: Jim Klein
Sarah Couchman
Project: 1015.01 – Bayshore Heritage Byway

From: Kristen Ahlfeld
Date: December 23, 2011/REV January 12,
2012/REV February 14, 2012

Subject: Bayshore Heritage Byway Institutional Survey

For the last several weeks I have been compiling planning documents and other polices and ordinances from the communities that are touched by or intersected by the Bayshore Heritage Byway for the Institutional Survey portion of the CMP. Tables 1 through 3 (attached) summarize my progress to date.

Most of the information was compiled from planning documents and ordinances that are available on the county and municipal web sites. In those cases additional information was needed, I placed a phone call to the County Planning Director, or at the municipal level, to either the Planning Board Chairman or the Mayor. To guide the discussion, I adapted the questionnaire used for the Millstone Valley project to better fit the Bayshore Byway, and in most cases, the Planning Board Chairman could not answer my questions so I was directed to follow-up with the Mayor and the Town Historian (if the city/township has one), as well as the Planning Board Secretary to obtain copies of the documents that I was looking for. Lastly, I followed-up with an email, when possible, containing the questionnaire with those individuals whom I left a voicemail.

A brief presentation about the institutional survey was made at the January 19, 2012, Corridor Management Committee (CMC) meeting. I asked attendees for contact information for municipalities with missing information, or for hard copies or electronic copies of relevant planning materials.

To date, I have contacted 11 byway communities, of which six (6) have completed questionnaires. My focus to date has been on those communities where there was no information available online. Of the 11 contacted, many have emailed or posted electronic versions of their planning documents and ordinances to the FHI FTP site; the remainder of the byway communities have not been contacted as all of the relevant planning documents and ordinances are available online. In general, I have received a very limited response from communities in Salem County; after repeated attempts, I have only received information from

Mannington Township. I will try to contact Pennsville, Elsinboro and Lower Alloways Creek again later this week; I am currently coordinating with the City Clerk in Salem to obtain copies of their land development and zoning ordinances (which are not available online).

The following paragraphs summarize some of the key planning themes of the communities along the byway:

1. New Jersey Coastal Area Facility Review Act (N.J.S.A. 13:19) – The State of New Jersey recognizes that uncoordinated development along the New Jersey shore has already had an impact on fragile ecosystems and that regulation is necessary to prevent pollution, destruction of vital wildlife habitat, increases in rainwater runoff, and destruction of the natural beauty that attracts visitors. Regulation of coastal activities is also necessary in some cases to prevent loss of life and property from coastal storms, erosion, and flooding. CAFRA applies to projects near coastal waters in the southern part of the State. The CAFRA area begins where the Cheesequake Creek enters Raritan Bay in Old Bridge, Middlesex County. It extends south along the coast around Cape May, and then north along the Delaware Bay ending at the Kilcohook National Wildlife Refuge in Salem County. The law divides the CAFRA area into pieces or zones, and regulates different types of development in each zone. Generally, the closer you are to the water, the more likely it is that development will be regulated. *Every community along the byway is located within the CAFRA boundary, therefore development within wetlands, floodplains, etc. is regulated by the state. As such, many of the communities do not have separate floodplain or wetlands regulations or other environmental restrictions within their zoning ordinances.*
2. New Jersey Right to Farm Act – was passed by the New Jersey Legislature in 1983 and amended in 1998. The Act protects responsible commercial farmers from public and private nuisance actions and unduly restrictive municipal regulations. In the event of a dispute, an individual or municipality aggrieved by the operation of a commercial farm is required to file a formal complaint with the appropriate County Agriculture Development Board (CADB), or the State Agriculture Development Committee (SADC) in counties where no CADBs exist, prior to filing action in court. The Right to Farm Program has also established a formal conflict resolution process to help farmers, neighbors, and municipalities resolve such disputes. Because many of the lands along the byway are actively farmed, and because farming is a significant source of employment for the byway communities, *currently 14 byway communities have Right to Farm ordinances within their existing zoning and/or land development regulations.*
3. Pinelands Comprehensive Management Plan – Several of the byway communities fall within the Pinelands National Reserve. The Pinelands CMP was developed to regulate all development activities within the Reserve. Municipalities falling wholly or partially within the Pinelands, such as Maurice River Township and Dennis Township, need to incorporate or comply with Pinelands policies within their Master Plan and land development ordinances. It should be noted that since such a large portion of Maurice

River Township is located within the Pinelands National Reserve, the Pinelands Commission, through the Pinelands Comprehensive Management Plan, regulates much of the Township.

4. River Conservation Districts/Overlay Zones – Several of the byway communities have included river conservation or river overlay zones within their zoning ordinances. The purpose of these districts or zones is to ensure the protection and enhancement of the natural resources associated with the Maurice River and its tributaries. The boundaries of these zones/districts vary by community, however, the regulations within each community stipulate the following:

- Permit reasonable and compatible uses of land, including the continuation of existing land and water uses;
- Preserve and protect existing wetlands, floodplains, fish and wildlife habitat areas, historic resources, natural recreation values and other environmentally sensitive areas within the river corridor;
- Delineate specific development and site design standards regulating land use within the river corridor;
- To conserve the water quality of the river and prevent degradation of its quality, purity, clarity and free-flowing condition;
- To ensure that any development which may occur shall be done in an orderly manner consistent with the natural environment and aesthetic qualities of the river and its tributaries;
- To encourage the identification, preservation and interpretation of historical and archaeological sites along Maurice River and its tributaries;
- To prohibit the siting of landfills, dumps, waste storage and incineration facilities, sludge farming, radioactive waste facilities and/or any other uses that pose a direct threat to the outstandingly remarkable resources and attributes of the Maurice River and its tributaries.

All permitted uses located within the river overlay zones or districts must comply with stringent river conservation standards which outline protocols for pollution control (from septic tanks), removal of trees and natural vegetation and grading and filling. *Currently Maurice River Township, Millville City, and Commercial Township have river corridor conservation districts or overlay zones within their zoning and land development ordinances.*

5. Farmland Preservation – Most of the communities located along the byway are steeped in agricultural history. Farming continues to play a major/active role in resident’s daily lives and the economic health of the byway communities. While only a handful of

byway communities have their own plans (separate from the county plan), farmland preservation is very important to the counties and communities along the byway. Currently, communities work very closely with their CADB and the SADC to obtain funding for outright property purchase or the purchase of conservation easements. To aid in this effort and to also stress the importance of farmland preservation, Salem, Cumberland, and Cape May counties have all enacted direct taxes (\$0.02 in Salem County and \$0.01 per every \$100 of assessed property value in Cumberland and Cape May counties) for farmland and open space preservation; all monies collected are placed in Farmland and Open Space Preservation Trust Funds and are used towards the purchase of farmland or open space properties and/or easements, although the purchase of conservation easements is currently the most popular method of preservation. In addition, Mannington Township will contribute one (1) percent of the easement purchase price to landowners wishing to preserve their farmland. Other trends/techniques being used or planned for farmland preservation include:

- Cluster Zoning or Transfer of Development Rights (TDR): communities along the byway are moving towards using different types of zoning techniques to aid in the preservation of farmland and open space. A good number of communities in Cumberland County are currently using cluster zoning to preserve farmland and open space (e.g., new residential developments are required to cluster housing to reserve space for neighborhood parks); Mannington Township has enacted mandatory cluster and buffer ordinances to protect agricultural lands. Additionally, Hopewell Township incorporated a TDR Element into its 2011 Master Plan update.
 - Agricultural Districts/Zones – These zones are primarily used for active farming and restrict uses to only those associated with farming and residences of farm employees.
 - Alternate funding sources – Although the counties have dedicated trust funds for farmland and open space preservation, it is becoming more apparent that additional funding is needed, especially when municipalities are obligated to provide a local match for grant funding. Since farmland and open space preservation is a priority for all of the byway communities, all of the plans reviewed to date have listed several sources of possible future monies and have recognized the need for creativity when it comes to continuing farmland and open space preservation programs
6. Open Space and Open Space Preservation/Planning – Most of the municipalities currently have existing preserved open space or open space plans as elements of their master plans or as separate planning documents. All of the plans recognize the need for inter- and intra-municipal linkages via trails as well as additional active and passive recreational opportunities within their respective communities, including taking

advantage of existing natural resources as a way to promote eco-tourism and other economic development opportunities. It should also be noted that some communities, such as Downe Township and Maurice River Township, do not currently have open space plans. Within these two communities, approximately 72 percent and 45 percent of their land area, respectively, is comprised of preserved open space; since open space preservation is incorporated into all other aspects of planning, a separate open space plan is not needed.

While none of the communities have vast systems of greenways adjacent to the byway, several of the communities already have hiking and biking trails in place within their communities either adjacent to, or in close proximity to the byway. In 2009, Cumberland County completed a “Rails to Trails Plan” which outlines several key trail systems that could link several key destinations within the county to the rest of the Bayshore region. Additionally, the Salem County Open Space Plan calls out the need for greenways, “blueways” and “brownways” as a means of protecting wildlife, surface waters, and agriculture throughout the county. See the discussion above regarding current funding and zoning practices for open space.

7. Historic Preservation – The communities along the byway recognize that they contain a significant amount of historical resources which need to be preserved, however historic preservation is being carried out inconsistently along the corridor. The Cities of Bridgeton, Salem and Cape May as well as Greenwich Township and the Borough of West Cape May all contain designated historic districts with local design review authority. On the other hand, Stow Creek Township has a designated historic district; however the Township is currently updating its zoning ordinance to reflect more stringent design review guidelines for this area. It should be noted, though, that most of the communities along the byway do contain historic sites or districts that are currently listed on the National Register of Historic Places.

8. Environmental Impact Statements – Almost all of the municipalities require an assessment of impacts to the environment as part of general development plans, major subdivisions, and major site plan applications, where significant critical areas exist, or if environmental hazards are suspected on the site. Impacts to the following must be assessed:
 - Flooding and floodplains;
 - Surface and groundwater quality;
 - Existing vegetation and wildlife habitats;
 - Noise;
 - Energy and utilities;
 - Cultural resources; and
 - Neighborhoods.

Environmental impact statements are not required for minor subdivisions or minor site plan applications; however Planning Board members may request an impact assessment if they feel it is necessary.

9. Sustainable Jersey – New Jersey is the first state to have a comprehensive sustainability program for communities that links certification with strong financial incentives. Sustainable New Jersey is a certification program for municipalities in the state that want to “go green”, save money, and take steps to sustain their quality of life over the long term. The program identifies concrete actions that municipalities can implement to become “certified” and be considered leaders on the path to being a sustainable community; action categories include land use and transportation, energy, green house gas reduction, waste reduction and recycling, and green design. Once certified the program provides municipalities with access to grants, and identifies existing and new funding opportunities for municipalities to make progress toward their sustainable actions. *To date, Cape May City, Lower Alloways Creek Township, and Lower Township have all been certified by Sustainable Jersey; nine (9) other byway communities are currently registered with Sustainable Jersey and are working towards certification. See www.sustainablejersey.com for more information.*

10. Tree/Vegetation/Woodland Preservation – Many of the communities along the byway recognize the importance of trees and other vegetation as important wildlife habitats, environmental resources, as well as a way of preserving, enhancing community character. *Currently, nine (9) byway communities have adopted tree preservation or landscape/vegetation ordinances; the Cities of Millville and Cape May also have Shade Tree Commissions which regulate the removal and replacement of trees. In some cases, such as in Dennis and Maurice River Townships, the removal and replacement of trees and other vegetation is regulated by the Pinelands Commission.*

Tables 1 through 3 below summarize the levels of planning and protection currently taking place within the byway communities.