



TOWNSHIP OF GALLOWAY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING BOARD      ZONING BOARD OF ADJUSTMENT

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300 E. JIMMIE LEEDS ROAD, GALLOWAY, NJ 08205  
(609) 652-3700 EXT. 246    FAX: (609) 652-5259

Tiffany A. CuvIELLO, PP, AICP  
PLANNER

**ORDINANCE #1941-2016**

**MEETING DATE:** April 12, 2016 (Introduction); April 26, 2016 (Public Hearing)

**AGENDA ITEM COMMENTARY**

**TITLE:** AN ORDINANCE AMENDING CHAPTER 233, LAND MANAGEMENT, OF THE CODE OF THE TOWNSHIP OF GALLOWAY RELATED TO INCORPORATE CHANGES MADE TO THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN

**STAFF SOURCE:** Tiffany A. CuvIELLO, PP, AICP, Township Planner

**DISCUSSION:** The purpose of this Ordinance is to amend Chapter 233, Land Management, of the Code of the Township of Galloway to update definitions, standards for on-site waste water treatment systems, administrative approvals, site plan waivers, pinelands development exemptions, and pinelands development credits. These changes are being made pursuant to amendments adopted to the Pinelands Comprehensive Management Plan through 2014.

After Introduction of the Ordinance, a copy should be referred to the Planning Board for recommendation in accordance with the requirements of N.J.S.A. 40:55D-64.

**EXHIBITS:** A copy of the ordinance.

**RECOMMENDATIONS:** Adopt the Ordinance.

## ORDINANCE # 1941-2016

### AN ORDINANCE AMENDING CHAPTER 233, LAND MANAGEMENT, OF THE CODE OF THE TOWNSHIP OF GALLOWAY RELATED TO INCORPORATE CHANGES MADE TO THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN

**WHEREAS**, the purpose of this Ordinance is to amend Chapter 233, Land Management, of the Code of the Township of Galloway to incorporate amendments made to the Pinelands Comprehensive Management Plan effective January 3, 2012 and September 2, 2014; and

**WHEREAS**, the Township Council referred this ordinance for recommendation to the Planning Board in accordance with the requirements of N.J.S.A. 40:55D-64. The Planning Board found that the proposed ordinance is consistent with the adopted Master Plan and made a favorable recommendation supporting the ordinance amendments at their April 7, 2016 meeting.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body for the Township of Galloway, County of Atlantic and State of New Jersey, that Chapter 233, Land Management is hereby amended as follows (underline signifies additions and strikethrough signifies deletion):

**SECTION I. AMEND** Section 233-36.2 “Site Plan Waiver” as follows:

#### **233-36.2 Site Plan Waiver**

- A. A Site plan waiver may be granted by the Planning Board for a permitted nonresidential development based on a recommendation of the Development Review Committee to the Planning Board for any addition to an existing permitted principal or accessory structure or for the construction of a permitted accessory structure in accordance with the following:
- (1) The development will not result in the creation of more than five ~~three~~ new parking spaces. Any subsequent applications for a site plan waiver on the same property shall take into account any parking spaces constructed as part of a prior waiver request so that a total of no more than five ~~three~~ new parking spaces are constructed without receiving site plan approval from the Planning or Zoning Board.
  - (2) The development will result in not more than 7,000 ~~5,000~~ square feet of disturbance.
  - (3) The development will not require any variances or design waivers from any provision of Chapter 233.
  - (4) Additional standards for areas located within the Pinelands:
    - (a) ~~The development will occur on a lot that is less than three acres.~~
    - (b) ~~The development will not result in any grading, clearing or disturbance of more than 5,000 square feet.~~

- (e) The development has received a certificate of filing from the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34.

**SECTION II. AMEND Section 233-36.3 “Administrative Approval” as follows:**

**233-36.3. Administrative Approval**

An administrative approval may be granted for any nonresidential development by the Planning Board Engineer and Planning Board Planner for any change of use, addition to an existing permitted principal or accessory structure of no more than 10% of the existing building area or for the construction of an accessory structure which is no more than 10% of the existing building area on-site. ~~If the administrative approval is for an amendment to an application originally approved by the Zoning Board of Adjustment, it shall be reviewed and approved by the Zoning Board Engineer and Zoning Board Planner.~~ All administrative approvals must meet the following conditions:

- A. The change in use or development will not require any additional parking or drainage improvements.
- B. The change in use or development will not require a variance or design waiver from any provision of Chapter 233.
- C. The change in use or development will not result in any changes to site circulation patterns.
- D. Technical changes in engineering design, location of facilities and improvements, or composition of the same may be granted by the Township Engineer and Planner if said changes have no effect on the purpose and intent of the initial approval and said changes do not diminish setbacks or location of improvements less than stipulated or required by ordinance or increase the dimension of any building or facility beyond 10% of the original approval (if not the subject of a "d" variance before the Zoning Board of Adjustment), provided that all other requirements or stipulations of approval have been met.
- E. In addition to the above, the following additional standards shall apply for areas located within the Pinelands:
  - (1) ~~The development will be located on an existing impermeable surface.~~
  - (2) ~~The existing use is serviced by public sewers.~~
  - (3) ~~The development will cover an area of no more than 1,000 square feet on an existing impervious surface.~~
  - (4) ~~The development conforms to the exceptions provided in § 233-85A(2) of this chapter.~~

- (1) An addition or structure which covers no more than 4,999 square feet in accordance with the following:
  - (a) The addition or structure will be located on or below an impervious surface;
  - (b) The existing use is serviced by public sewer, or the addition or structure will generate no wastewater flows.
  - (c) The addition complies with A through D above and is not more than 10% of the original building area.
- (2) The addition or structure of 1,000 square feet or less in accordance with the following:
  - (a) The addition or structure will not generate wastewater flows.
  - (b) The addition complies with A through D above.
- (3) The development conforms to the exceptions provided in § 233-85A(2) of this chapter.
- (4) The development will not result in any grading, clearing or disturbance of more than 1,500 square feet.

**SECTION III. AMEND** Section 233-68 “Definitions” by replacing or adding the following under Subsection B:

**ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM** - An individual or community on site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater and that has been approved by the Pinelands Commission for participation in the alternate design wastewater treatment systems pilot program pursuant to N.J.A.C. 7:50-10.23(b). Detailed plans and specifications for each authorized technology are available at the principal office of the Pinelands Commission.

**IMMEDIATE FAMILY** - those persons related by blood or legal relationship in the following manner: spouses, domestic partners, great-grandparents, grandparents, great-grandchildren, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

**SOLAR ENERGY FACILITY** - a solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.

**SECTION IV.** AMEND Section 233-83 “Development Regulations” under Subsection F(2)(g) as follows:

(g) Alternate design pilot program treatment systems, provided that:

[1]-[11] (No change.)

[12] No alternate design pilot program treatment system shall be installed after August 5, 2018.

**SECTION V.** AMEND Section 233-84 “Pinelands development credits,” by replacing subsection D in its entirety with the following:

D. Recordation of deed restriction. 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. Such deed restriction shall specify the number of Pinelands development credits sold and that the property may only be used in perpetuity for the following uses:

- (1) In the 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 the Agricultural Production District: agriculture; forestry; 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; fish and wildlife management; wetlands management; agricultural commercial establishments, excluding supermarkets and restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed 5,000 square feet; agricultural products processing facilities; airports and heliports

accessory to agricultural uses and which are used exclusively for the storage, fueling, loading and operation of aircraft as part of an ongoing agricultural operation; agricultural employee housing as an accessory use; and accessory uses.

(3) (No change.)

**SECTION VI. AMEND** Section 233-85 “Development Procedures” as follows:

**233-85. Development procedures.**

Delete items a through r under subsection A(2) and replace as follows:

- (a) The improvement, expansion, or reconstruction within five years of destruction or demolition, of any single family dwelling unit or appurtenance thereto;
- (b) The improvement, expansion, construction or reconstruction of any structure accessory to a single family dwelling;
- (c) The improvement, expansion, construction or reconstruction of any structure used exclusively for agricultural or horticultural purposes;
- (d) The construction, repair or removal of any sign, except for the construction or replacement of any off-site commercial advertising sign;
- (e) The repair of existing utility distribution lines;
- (f) The installation of utility distribution lines, except for sewage lines, to serve areas which are effectively developed or development which has received all necessary approvals and permits;
- (g) The clearing of less than 1,500 square feet of land;
- (h) The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:
  - [1] If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and
  - [2] If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.
- (i) The demolition of any structure less than 50 years old;

- (j) The repair or replacement of any existing on-site waste water disposal system;
- (k) The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur;
- (l) The clearing of land solely for agricultural or horticultural purposes;
- (m) Fences, provided no more than 1,500 square feet of land is to be cleared;
- (n) Above-ground telephone equipment cabinets;
- (o) Tree pruning;
- (p) The following forestry activities:
  - [1] Normal and customary forestry practices on residentially improved parcels of land that are five acres or less in size;
  - [2] Tree harvesting, provided that no more than one cord of wood per five acres of land is harvested in any one year and that no more than five cords of wood are harvested from the entire parcel in any one year;
  - [3] Tree planting, provided that the area to be planted does not exceed five acres in any one year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C.7:50-6.25 are to be planted; and
  - [4] Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five acres in any one year;
- (q) Prescribed burning and the clearing and maintaining of fire breaks;
- (r) Normal and customary landscape plantings, unless a landscaping plan is required pursuant to N.J.A.C. 7:50-6.24;
- (s) Agricultural resource extraction, provided that:
  - [1] All of the removed soil remains in agricultural or horticultural use within the Pinelands Area;
  - [2] No more than 2,000 cubic yards of soil per calendar year are removed from any parcel; or
  - [3] No more than 20,000 cubic yards of soil per calendar year are removed from any parcel and a Farm Conservation Plan, designed in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, section 4, dated May 2001, incorporated herein by reference, as amended and supplemented, is approved by the Soil Conservation

District and submitted to the Pinelands Commission by the owner of the parcel, demonstrating that the proposed resource extraction is for one of the following agricultural purposes:

- [a] Agricultural irrigation ponds;
  - [b] Blueberry/cranberry agriculture site preparation and horticulture of other wetland species, provided the activity is located on wetland soils or soil types that are somewhat poorly drained or moderately well drained with a seasonal high water table within 24 inches of the natural surface of the ground, as defined in the applicable county soil survey, published by the United States Department of Agriculture, Natural Resources Conservation Service, as amended and or supplemented; or
  - [c] The offsite removal of overlying soils to access underlying sand for cranberry management practices, provided the quantity of overlying soil removed offsite does not exceed the quantity of underlying sand to be used for the management practices listed in N.J.A.C. 7:50-6.55(a)4 and the quantity of overlying soil removed offsite does not exceed that reasonably necessary to provide access to underlying sand to be utilized within a three year period.
- (t) The installation of an accessory solar energy facility on any existing structure or impervious surface;
  - (u) The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Commission pursuant to N.J.A.C. 7:50-5.4(c)6;
  - (v) The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed; and
  - (w) The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

**SECTION VII. AMEND** Section 233-85 “Development Procedures” by deleting subsection E(3)(g) in its entirety and replacing it with the following:

- (g) A copy of the resolution, permit or other documentation of approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.

**NOW THEREFORE, BE IT FURTHER ORDAINED** by the Governing Body for the Township of Galloway, County of Atlantic and State of New Jersey, that a certified copy of this ordinance is forwarded to the Pinelands Commission for certification.

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed the first reading at a meeting of the Township Council of the Township of Galloway, County of Atlantic and State of New Jersey, held on April 12, 2016 and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at 300 East Jim Leeds Road, Galloway, New Jersey 08205, April 26, 2016, at 6:30 p.m. or as soon thereafter as the matter may be reached.

**BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF GALLOWAY**

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Kelli Danieli  
Acting Township Clerk

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Clute					
Coppola					
DiPietro					
Gargione					
Maldonado					
Meadows					
Purdy					