

ORDINANCE NO. 2012 -12

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, REZONING A CERTAIN OVERLAY ZONE FROM
THE RC ZONE TO THE RH ZONE**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") has previously entered into a three-party agreement with the New Jersey Pinelands Commission ("Pinelands") and Mark Madison, LLC ("Mark Madison"); and

WHEREAS, the three-party agreement (hereinafter referred to as the "Agreement") is dated on or about September 13, 2004; and

WHEREAS, the Agreement provides, in part, that a substantial portion of property located in the Ocean Acres section of the Township will be forever protected from development by placing said properties in the Residential Conservation Zone ("RC Zone") as set forth in Section 55-48 of the Township Land Use Ordinance; and

WHEREAS, the Agreement also provides in part that certain portions of Ocean Acres shall be designated for reasonable residential development purposes, and other delineated purposes, as set forth in the "RH – High Zone" as set forth in Section 55-47 of the Township Land Use Ordinance ("RH Zone"); and

WHEREAS, the Agreement provided that a portion of the property designated for the RC Zone would be the subject of continued environmental studies in order to determine whether or not that approximate 135 lot area should be in fact protected because of the presence of threatened or endangered plant and animal species in and around that area (hereinafter designated as the buffer ("overlay area")); and

WHEREAS, the Agreement provided in part that Mark Madison would be given an opportunity to provide to Pinelands additional threatened and endangered (both plan

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

and animal) species survey work in order to demonstrate that the overlay area did not constitute habitat critical for the survival of the local population of the Northern Pine Snake; and

WHEREAS, the Agreement provided, in part, at paragraph 30:

Should the Pinelands Commission determine, based upon the submission of new information generated by the additional survey work discussed in paragraph 28 above, that the area described in paragraph 17 above or a designated portion thereof does not constitute habitat critical for the survival of the local population of Northern Pine Snakes found in Ocean Acres, Barnegat agrees to properly amend its zoning ordinances to remove this area or the designated portion thereof from the RC Zone and place it within the RH Zone and to submit such ordinance to the Pinelands Commission for certification pursuant to N.J.A.C. 7:50-3.4 (emphasis underscored).

WHEREAS, the Township has received numerous letters from representatives of the Pinelands, including a letter dated December 11, 2009 from John Stokes, Executive Director of the Pinelands, which provides, after reviewing the survey work prepared by Mark Madison in conformance with the Agreement, that the Pinelands' "staff concluded that the overlay area did not constitute critical habitat for Northern Pine Snakes"; and

WHEREAS, in addition Mr. Stokes indicated in a letter dated December 11th that:

The Commission staff reviewed the survey results, which were negative, i.e., no Northern Pine Snakes were found. In a written determination dated October 2, 2009, developed based upon staffs' analysis of the survey results, comments regarding such results submitted by six individuals knowledgeable about snake surveys and comments submitted by the public, staff concluded that the overlay area did not constitute critical habitat for Northern Pine Snakes.

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WHEREAS, the Township has considered suggestions and arguments raised by various interested parties as to whether the Township should comply with its contractual and zoning obligation and re-zone the overlay area from the RC Zone to the RH Zone; and

WHEREAS, despite said Agreement the Township failed to rezone the subject property resulting in the Township being named as a defendant in certain litigation filed in the Superior Court of New Jersey entitled Mark Madison, LLC, *et als.*, vs. Township of Barnegat, *et als.*, bearing Docket No. OCN-L-1962-10; and

WHEREAS, the Township has determined that even if it prevails with respect to said litigation, the Township would be obligated to return the sum of \$200,000.00, which it previously received in accordance with said Agreement; and

WHEREAS, in addition to refunding said monies, if the Township prevails in this litigation, there is no rational basis for the rezoning which occurred in 2004, based upon the findings and opinion of the New Jersey Pinelands Commission that the subject property does not constitute critical habitat for Northern Pine Snakes, and as a result, the zoning of same would revert to its prior classification permitting the same development in any event; and

WHEREAS, if that occurs, the Township would lose the benefits of the 2004 ordinance which provides small, individual property owners, the benefits of Pinelands Transfer Credits'; and

WHEREAS, the Township believes that the adoption of an amended zoning ordinance reclassifying the area in the overlay zone to the RH Zone is necessary and appropriate, not only to meet its contractual obligations with Pinelands and Mark Madison, but also to ensure that the Township ordinances remain in compliance with the certification

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required from the Pinelands Commission, so as to not risk decertification by Pinelands of the Township zoning ordinances:

NOW THEREFORE, BE IT ORDAINED this 19th day of March, 2012, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

SECTION I. In accordance with the aforementioned Agreement and recommendation and direction from the Pinelands Commission the Township re-zones the overlay area, a specific detailed list of the lot and blocks within the overlay area is attached hereto and made a part hereof and labeled "Schedule A", from the RC Zone (Section 55-48) to the RH Zone (Section 55-47) of the Township Land Use Ordinance.

SECTION II. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION III. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV. Effective Date. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

NOTICE

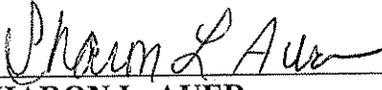
NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of Barnegat on first reading at meeting held on the

DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

19th day of March, 2012 at 6:30 p.m. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the **7th day of May, 2012, at 6:30 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, 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.



SHARON L. AUER,
Acting Municipal Clerk

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS
Forked River, New Jersey 08731

DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

Ocean Acres Phase 3		
#	Block	Lot
1	92.60	1
2	92.60	2
3	92.60	3
4	92.60	4
5	92.61	2
6	92.61	3
7	92.61	4
8	92.61	5
9	92.61	6
10	92.61	7
11	92.61	8
12	92.61	9
13	92.61	10
14	92.61	11
15	92.61	12
16	92.61	13
17	92.61	14
18	92.61	15
19	92.61	16
20	92.61	17
21	92.62	1
22	92.62	2
23	92.62	3
24	92.62	4
25	92.62	5
26	92.62	9
27	92.62	10
28	92.62	11
29	92.62	12
30	92.63	1
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32	92.63	3
33	92.63	4
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35	92.63	6
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39	92.63	15
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126	92.66	30
127	92.67	7
128	92.67	8
129	92.67	9
130	92.67	10
131	92.67	11
132	92.67	12
133	92.67	13
134	92.67	14
135*	92.67	15
136**	92.64	46
137**	92.65	31
138**	92.66	31
*	pump station (i.e. non -building lot)	
**	walkway lots (10' x 250')	

Township of Barnegat

COUNTY OF OCEAN



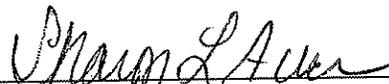
900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

May 8, 2012

CERTIFICATION

I, Sharon L. Auer, Acting Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance namely, Ordinance #2012-12 entitled An Ordinance rezoning a certain Overlay Zone from the TC Zone to the RH Zone, this Ordinance changes the designation of certain lots in the Ocean Acres, Section 3 area of the Township of Barnegat was introduced and passed on the 19th day of March, 2012 and finally adopted after Public Hearing at their regular meeting held on the 7th day of May, 2012 in the Municipal Court Room, 900 West Bay Avenue, Barnegat, NJ and will take effect 20 days after publication in the Township newspaper.



Sharon L. Auer, Acting Municipal Clerk

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

MEMORANDUM

MEMO TO: Barnegat Township Planning Board
Ocean County Planning Board
NJ Pinelands Commission
Stafford Township
Ocean Township

Lacey Township
Woodland Township
Borough of Harvey Cedars
Long Beach Township

FROM: Sharon L. Auer
Acting Municipal Clerk

DATE: May 8, 2012

SUBJECT: Development Regulation Adoption Notice(s)

Pursuant to NJSA 40:55D-15 **NOTICE** is hereby given that the Township Committee of the Township of Barnegat has finally adopted the following ordinances, after public hearing, namely Ordinance No. 2012-05, 06, 07, 08, 09, 10, 11 & 12 at a regular meeting of said Committee on May 7, 2012 at the hour of 6:30 PM at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey 08005

A copy of each adopted development regulation is enclosed herewith.

Kindly return the bottom portion of this memo upon receipt:

MEMO TO:	Barnegat Township Clerk's Office 900 West Bay Avenue Barnegat, NJ 08005
FROM:	<u>Margalite Blaw</u>
TOWN:	<u>Woodland</u>
WE ARE IN RECEIPT OF ORDINANCE NO. 2012-05, 06, 07, 08, 09, 10, 11 & 12	
DATE RECEIVED:	<u>5-9-12</u>

Enclosure

Township of Barnegat

COUNTY OF OCEAN



900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

April 11, 2012

Hon. Alfonso Cirulli, Mayor and Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005-1298

Attn: Sharon L. Auer, Acting Municipal Clerk

Re: **Referral of Ordinance 2012-12 An Ordinance, Rezoning a Certain Overlay Zone from the RC Zone to the RH Zone**

Dear Mayor Cirulli and Township Committee:

In accordance with N.J.S.A. §C.40:55D-26, on April 10, 2012 the Barnegat Township Planning Board reviewed the above referenced ordinance (introduced March 19, 2012) for consistency with the Master Plan.

The Planning Board finds this ordinance consistent with the Master Plan. There was one no vote, with the rest of the members in attendance voting to recommend the ordinance for immediate adoption with no revisions.

Respectfully,

Stacey M. Daniels, Acting Board Secretary
Barnegat Township Planning Board

cc: David Breeden, Township Administrator
Michael J. McKenna, Esq., Planning Board Attorney
John J. Hess, PE, PP, CME Planning Board Engineer
Planning Board Members
Jerry J. Dasti, Esq., Municipal Attorney
Sharon L. Auer, Acting Municipal Clerk

Township of Barnegat

COUNTY OF OCEAN



900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

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FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

MEMORANDUM

MEMO TO:

Ocean County Planning Board
NJ Pinelands Commission
Ocean Township
Lacey Township
Stafford Township

Woodland Township
Long Beach Township
Harvey Cedars Borough
Barnegat Twp Planning Board

FROM: Sharon L. Auer
Acting Municipal Clerk

DATE: March 21, 2012

SUBJECT: Development Regulation Notice

Pursuant to NJSA 40:55D-15 **NOTICE** is hereby given that the Township Committee of the Township of Barnegat will conduct a public hearing of **Ordinance No. 2012-12** at a regular meeting of said Committee on **May 7, 2012 at 6:30pm**, or soon thereafter, at which time and place any person wishing to speak on the subject will be given the opportunity to be so heard.

A copy of the proposed ordinance is enclosed herewith for your perusal.

Enclosure

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Agent	COUNTY OF OCEAN P.O. BOX 2191 TOMS RIVER, NJ 08754-2191
1. Article Addressed to:	B. Received by (Printed Name) _____ Date of Delivery _____ TOMS RIVER, NJ 08754-2191	
Ocean County Planning Bd 129 Hooper Ave, 1st Floor Toms River NJ 08754	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
2. 7009 2820 0003 8342 4677	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
102595-02-M-1540		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Agent	_____ _____
1. Article Addressed to:	B. Received by (Printed Name) _____ C. Date of Delivery _____ DONALD L. CONWAY	
N.J. Pinelands Comm P.O. Box 359 New Lisbon NJ 08064	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
2. 7009 2820 0003 8342 4684	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
102595-02-M-1540		

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

Thursday, March 22, 2012

CALL CLASSIFIED TOLL FREE 1-(877) 735-SELL (7355)

THE BEACON

TOWNSHIP OF BARNEGAT

NOTICE IS HEREBY GIVEN that Ordinance 2012-10: An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. Wellhead Protection Overlay District Ordinance, for the protection of water resources.

NOTICE IS HEREBY GIVEN that Ordinance 2012-11: An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will revise requirements for Political Signs.

NOTICE IS HEREBY GIVEN that Ordinance 2012-12: An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and will be considered for second reading and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will change the designation of certain lots in the Ocean Acres Section 3 (\$29.64)

508506

*original
filed w/2012-10*

Township of Barnegat

COUNTY OF OCEAN



900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

MEMORANDUM

MEMO TO: Barnegat Township Planning Board
Ocean County Planning Board
NJ Pinelands Commission
Stafford Township
Ocean Township
Lacey Township
Woodland Township
Borough of Harvey Cedars
Long Beach Township

FROM: Sharon L. Auer
Acting Municipal Clerk

DATE: May 8, 2012

SUBJECT: Development Regulation Adoption Notice(s)

Pursuant to NJSA 40:55D-15 **NOTICE** is hereby given that the Township Committee of the Township of Barnegat has finally adopted the following ordinances, after public hearing, namely Ordinance No. 2012-05, 06, 07, 08, 09, 10, 11 & 12 at a regular meeting of said Committee on May 7, 2012 at the hour of 6:30 PM at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey 08005

A copy of each adopted development regulation is enclosed herewith.

Kindly return the bottom portion of this memo upon receipt:

MEMO TO: Barnegat Township Clerk's Office
900 West Bay Avenue
Barnegat, NJ 08005

FROM: _____

TOWN: _____

WE ARE IN RECEIPT OF ORDINANCE NO. 2012-05, 06, 07, 08, 09, 10, 11 & 12

DATE RECEIVED: _____

Enclosure

7009 2620 0003 8342 9436

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here *Adopt.*
2012-05, 06,
07, 08, 09, 10,
11 + 12

Send To
 Str or Ctr **Ocean County Planning Board**
129 Hooper Avenue, 1st Floor
Toms River, NJ 08754-2191

PS Form 3800, August 2006 See Reverse for Instructions

7009 2620 0003 8342 9429

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here *Adoption*
2012-05, 06,
07, 08, 09, 10,
11 + 12

Send To
 Str or Ctr **The Pinelands Commission**
P.O. Box 359
New Lisbon, NJ 08064

PS Form 3800, August 2006 See Reverse for Instructions

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

MEMORANDUM

MEMO TO: Barnegat Township Planning Board
Ocean County Planning Board
NJ Pinelands Commission
Stafford Township
Ocean Township

Lacey Township
Woodland Township
Borough of Harvey Cedars
Long Beach Township

FROM: Sharon L. Auer
Acting Municipal Clerk

DATE: May 8, 2012

SUBJECT: Development Regulation Adoption Notice(s)

Pursuant to NJSA 40:55D-15 **NOTICE** is hereby given that the Township Committee of the Township of Barnegat has finally adopted the following ordinances, after public hearing, namely Ordinance No. 2012-05, 06, 07, 08, 09, 10, 11 & 12 at a regular meeting of said Committee on May 7, 2012 at the hour of 6:30 PM at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey 08005

A copy of each adopted development regulation is enclosed herewith.

Kindly return the bottom portion of this memo upon receipt:

MEMO TO: Barnegat Township Clerk's Office
900 West Bay Avenue
Barnegat, NJ 08005

FROM:

Barnegat Twp Planning Board

TOWN:

Barnegat

RECEIVED

MAY - 8 2012

BARNEGAT TOWNSHIP
PLANNING & ZONING

WE ARE IN RECEIPT OF ORDINANCE NO. 2012-05, 06, 07, 08, 09, 10, 11 & 12

DATE RECEIVED: 5/8/12

Enclosure

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X COUNTY OF OCEAN</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>P.O. Box 2191</p> <p>Toms River, NJ 08754-2191</p>
<p>1. Article Addressed to:</p> <p>Ocean County Planning Board 129 Hooper Avenue, 1st Floor Toms River, NJ 08754-2191</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <hr/> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <hr/> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article # (Transfere)</p> <p>7009 2820 0003 8342 9436</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>Donald Carter</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>The Pinelands Commission P.O. Box 359 New Lisbon, NJ 08064</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <hr/> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article # (Transfere)</p> <p>7009 2820 0003 8342 9429</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

Thursday, May 10, 2012 CALL CLASSIFIED TOLL FREE 1-(877) 735-SELL (73555)

THE BEACON

TOWNSHIP OF BARNEGAT

NOTICE IS HEREBY GIVEN that Ordinance 2012-5 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will create a new Town Center area along Route 9 from the intersection of Route 9 and Barnegat Boulevard North to just before the intersection of Route 9 and Gunning River Road.

NOTICE IS HEREBY GIVEN that Ordinance 2012-6 An Ordinance of the Township of Barnegat County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will create a new Commercial Core Planned Highway Development Commercial (CC-CPHD) Overlay Zone along the Route 9 Corridor.

NOTICE IS HEREBY GIVEN that Ordinance 2012-7 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance amends Section 55-31, Schedule of Area, Yard and Building Requirements and other requirements for the TC-CPHD, TC-CN, TC-CV, and CC-CPHD Overlay Zones.

NOTICE IS HEREBY GIVEN that Ordinance 2012-8 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will amend Chapter 55 in accordance with the Township of Barnegat's Initial Plan Endorsement amending Section 55-7 Zoning Map to reflect changes that have occurred since the adoption of the last Zoning Map, dated May 10, 2005.

NOTICE IS HEREBY GIVEN that Ordinance 2012-9 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 5th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will establish parking standards for the uses permitted within the TC-CPHD, TC-CN, TC-CV, and CC-CPHD

NOTICE IS HEREBY GIVEN that Ordinance 2012-10 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. Wellhead Protection Overlay District Ordinance, for the protection of water resources.

NOTICE IS HEREBY GIVEN that Ordinance 2012-11 An Ordinance of the Township of Barnegat County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will revise requirements for Political Signs.

NOTICE IS HEREBY GIVEN that Ordinance 2012-12 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending Chapter 55, Land Use, of the code of the Township of Barnegat and repealing any and all other ordinances inconsistent herewith was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 19th day of March, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ. This Ordinance will change the designation of certain lots in the Ocean Acres Section 3.

NOTICE IS HEREBY GIVEN that Ordinance 2012-16 An Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey amending and supplementing Chapter 59 entitled Construction Codes, Uniform" was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 23rd day of April, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ.

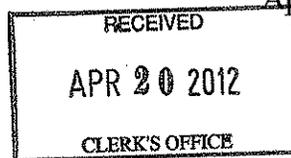
NOTICE IS HEREBY GIVEN that Ordinance 2012-17 An Ordinance of the Township of Barnegat County of Ocean, State of New Jersey to exceed the Municipal Budget Appropriation limits and to establish a Cap Bank in accordance with N.J.S.A. 40A:4-4.5.14 was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 23rd day of April, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ.

NOTICE IS HEREBY GIVEN that Ordinance 2012-18 An Ordinance of the Township of Barnegat County of Ocean, State of New Jersey amending and supplementing the General Code Book Chapter 1B entitled "Americans with Disabilities Act" was introduced and passed on first reading at the regular meeting of the Barnegat Township Committee held on the 23rd day of April, 2012, and final passage at a regular meeting of the Barnegat Township Committee on the 7th day of May, 2012 at 6:30 pm at the Municipal Complex, 900 West Bay Ave, Barnegat, NJ
(§98.28) 551921

*original
filed
w/p012-05*

Mayor Jeff Melchiondo
900 West Bay Avenue
Barnegat, N.J. 08005

April 19, 2012



Dear Mayor:

It has come to my attention that the township is seriously considering moving 135 lots consisting of 38 acres from the Conservation Zone to the Development Zone. It is my understanding that this may be the result of an agreement between the township and a builder, The Walters Group, based upon not finding any evidence of the Northern Pine Snake still living in this area as had been previously determined. I object to the township rezoning these 38 acres on the following grounds.

1. The township, after considerable study, planning and expense, developed a Master Plan for the benefit of the township's citizens and should stick to it.
2. Whether or not the Northern Pine Snake inhabits this area is secondary and not the only criteria for maintaining it as a Conservation Zone. Of even greater importance is the overall protection of the wetlands and wetlands transition areas along Four Mile Branch as well as the creation of a wildlife corridor.
3. For the township to have entered into an agreement with a private party to determine how a particular area is to be zoned is improper and illegal. In short, contract zoning is illegal.
4. If the township goes through with this rezoning on the above basis, the township will have set a precedent and find itself in an untenable predicament. How will the township defend itself from other builders demanding the same treatment for one reason or another?
5. If the 38 acres were part of an originally dedicated area by the builder for a conservation easement as a *condition of approval* of other lots, then it would be illegal to rezone them to building lots without voiding the previous *conditional approval*. The builder has no right to have it both ways.

As a retired land surveyor I was heavily involved in the Green Acres Program and the Farmlands Preservation Act, to say nothing about many housing subdivisions. There is something very wrong with what is taking place here, making the township vulnerable to any number of lawsuits. It is hoped the township will reconsider rezoning these 38 acres and keep them in the Conservation Zone.

Respectfully submitted,



Donald R. Ackermann

26 Aqua View Lane, Barnegat, N.J. 08005