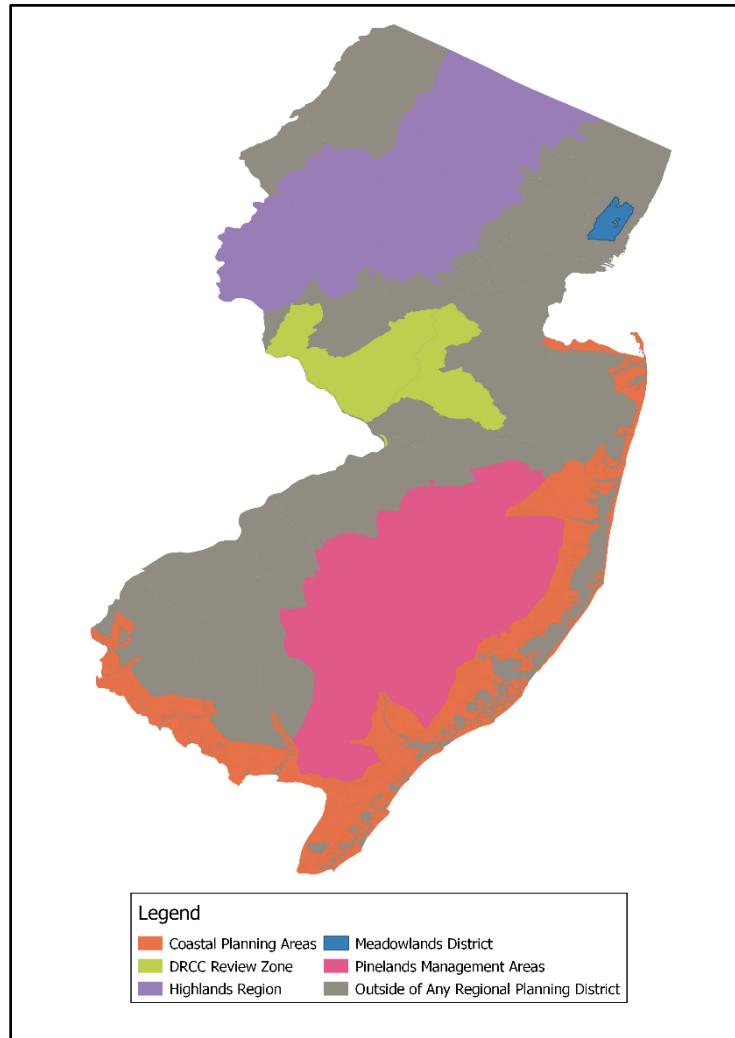




Regional Environmental Regulation Guide

NJDMAVA & NJARNG Facilities

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New Jersey's Regional Regulatory Areas

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1.0 Executive Summary

The purpose of this document is to provide project managers with a quick-reference guide summarizing regional environmental restrictions which may impact a project beyond the typical environmental laws such as restrictions mandated by the Freshwater Wetlands Protection Act, No Net Loss Compensatory Reforestation Act, Endangered Species Act, National Historic Preservation Act, Site Remediation Reform Act, and the National Environmental Policy Act. Summarized regional regulations include the Coastal Area Facility Review Act, the Delaware and Raritan Canal State Park Law, the Highlands Water Protection and Planning Act, the Hackensack Meadowlands Reclamation and Development Act, the Hackensack Meadowlands Agency Consolidation Act, and the Pinelands Comprehensive Management Plan. Section 7 of this document includes site-specific summaries and relevant regional considerations for NJDMAVA & NJARNG facilities. This document is intended to be a quick-reference guide, and therefore may not include all exemptions and rules pertaining to specific development projects. In some instances, excerpts were copied directly from New Jersey state government web pages.

Project managers should ensure site development designs comply with all federal and state regional regulations by working with the CFMO-EMB prior to contracting architectural and engineering services. All projects must have appropriate NEPA documentation completed and a site-specific environmental scope of work completed prior to contracting design services. Although efforts have been made in the development of this reference document, it does not address all regulatory requirements such as executive orders; Army, Air Force, and NGB policy requirements; energy; resiliency; cultural; historic; soil erosion; and many other regulatory/policy requirements defined by the development site location. The information contained in this reference document is current as of the date on the cover. Updates to this reference document are recurring and planned for 5-year reviews.

2. Coastal Area Rules

Overview

The NJDEP Division of Land Use Regulation regulates the use and development of coastal resources through the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq., the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., the Waterfront Development Law, N.J.S.A. 12:5-1 et seq., and the Coastal Zone Management Rules at N.J.A.C. 7:7. The Division of Land Use Regulation determines whether an activity is regulated based on the activity itself and its location within the coastal zone. When unsure if a proposed activity falls under these regulations, the Division of Land Use Regulation recommends submitting a Jurisdictional Determination request by following instructions at www.nj.gov/dep/landuse/forms.html (NJDEP Division of Land Use Regulation, 2019). Regulations govern impervious surface areas, tree cover, and development under several management categories, detailed below (Coastal Zone Management Rules, 2020) (Coastal Area Facility Review Act, 2016).

The relevant coastal management areas for NJDMAVA and NJARNG facilities include “Coastal Metropolitan Planning Area”, “Coastal Suburban Planning Area”, “Coastal Environmentally Sensitive Planning Area”, and “Coastal Fringe Planning Area”. These management areas are comprised of varying geographic areas, and a facility’s management area is determined by its location. NJDEP also has an additional category called “Military Facility”, which allows some less stringent regulations to supersede those of a facility’s management area. There are some uncertainties and inconsistencies with how NJDEP classifies NJDMAVA and NJARNG properties. However, a combination of past rulings and our interpretation of the regulations leads us to believe that NJDEP will consider the Sea Girt National Guard Training Center and any armories located in the aforementioned management areas to be classified as a “Military Installation”, for the purposes of impervious surface regulations only. NJDEP will likely apply the more stringent regulations for other types of proposed development (e.g. tree clearing) per normal management area rules. It should also be noted that some NJDMAVA and NJARNG facilities may be located in more than one management area. In these cases, the proper regulations should be followed as described above in the appropriate sections of the site. It is recommended that NJDMAVA and NJARNG attend a pre-application conference (NJAC 7:7-22.2) with the NJDEP Division of Land Use Regulation Program during the early planning stages of a proposed development in the coastal zone to discuss developmental restrictions.

Important Definitions

The Coastal Zone Management Rules define development as:

Any activity for which a coastal wetlands permit, waterfront development permit, or Federal consistency determination is required, including site preparation and clearing. Development for an application under CAFRA means the construction, relocation, or enlargement of the footprint of development of any building or structure and all site preparation therefore, the grading, excavation, or filling on beaches and dunes, and shall include residential development, commercial development, industrial development, and public development. Development under CAFRA and the Waterfront Development Law does not include repairs or maintenance such as replacing siding, windows, or roofs, unless such repairs or maintenance are associated with enlargements which are not exempt under CAFRA pursuant to N.J.A.C. 7:7-2.2(c)4 or

the Waterfront Development Law pursuant to N.J.A.C. 7:7-2.4(d). Development under CAFRA does not include debris removal or cleanup provided such activities do not involve excavation, grading, or filling on beaches and dunes (Coastal Zone Management Rules, 2020).

General Development Rules Under CAFRA (N.J.S.A. 13:19-5)

A permit issued pursuant to P.L.1973, c.185 (C.13:19-1 et seq.) shall be required for:

- a. A development located in the coastal area on any beach or dune;
- b. A development located in the coastal area between the mean high water line of any tidal waters, or the landward limit of a beach or dune, whichever is most landward, and a point 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward, that would result, either solely or in conjunction with a previous development, in:
 - (1) A development if there is no intervening development with an above ground structure, excluding any shore protection structure or sand fencing, that is either completed or under active construction between the proposed site of the development and the mean high water line of any tidal waters;
 - ...
 - (4) A public development or industrial development;
- c. A development located in the coastal area between a point greater than 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward, and a point 500 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward, which is located within the boundaries of a municipality which meets the criteria of a "qualifying municipality" pursuant to section 1 of P.L.1978, c.14 (C.52:27D-178), or which is located within the boundaries of a city of the fourth class with a population of over 30,000 persons according to the latest federal decennial census, that would result, either solely or in conjunction with a previous development, in:
 - ...
 - (3) A public development or industrial development;
- d. A development located in the coastal area at a point beyond 500 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward, and which is located within the boundaries of a municipality which meets the criteria of a "qualifying municipality" pursuant to section 1 of P.L.1978, c.14 (C.52:27D-178), or which is located within the boundaries of a city of the fourth class with a population of over 30,000 persons according to the latest federal decennial census, that would result, either solely or in conjunction with a previous development, in:
 - ...

(3) A public development or industrial development; or

e. Except as otherwise provided in subsection c. and subsection d. of this section, a development in the coastal area at a point beyond 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward, that would result, either solely or in conjunction with a previous development, in:

...

(3) A public development or industrial development. (Coastal Area Facility Review Act, 2016)

Military Installation Rules

If a site is considered by the Division of Land Use Regulation to be a military installation, its impervious cover limit is one of the two below, whichever is higher. See N.J.A.C. 7:7-13.17 for more information.

1. 70% of the site's net land area (see N.J.A.C. 7:7-13.3(e)); or
2. The amount of legal, existing impervious cover located on the site, as determined under N.J.A.C. 7:7-13.17(g) (Coastal Zone Management Rules, 2020).

If a site is considered by the Division of Land Use Regulation to be a military installation, it must adhere to the tree preservation and planting percentages below. If the site is in a management area with more stringent restrictions, those percentages should be used instead. See N.J.A.C. 7:7-13.18 for more information.

1. Tree preservation percentage for forested portion of site: 10%
2. Tree preservation and/or planting percentage for unforested portion of site: 0% (Coastal Zone Management Rules, 2020)

Coastal Metropolitan Planning Area

The Coastal Metropolitan Planning Area includes a variety of communities on the New Jersey coast. This Coastal Planning Area generally has a high population density and existing public water and sewer systems. The policy objectives for the Coastal Metropolitan Planning Area are as follows:

1. Guide development and redevelopment to ensure efficient use of scarce land while capitalizing on the inherent public facility and service efficiencies of concentrated development patterns;
2. Accommodate a variety of housing choices through development and redevelopment;
3. Promote economic development by encouraging redevelopment efforts such as infill, consolidation of property, and infrastructure improvements, and by supporting tourism and related activities;
4. Promote high-density development patterns in coastal urbanized areas to encourage the design and use of public transit and alternative modes of transportation to improve air quality, to improve travel among population and employment centers and transportation terminals, and

to promote transportation systems that address the special seasonal demands of travel and tourism along the coast;

5. Encourage the reclamation of environmentally damaged sites and mitigate future negative impacts, particularly to waterfronts, beaches, scenic vistas, and habitats;
6. Promote public recreation opportunities in development and redevelopment projects, and ensure meaningful public access to coastal waterfront areas; and
7. Encourage the repair or replacement of existing infrastructure systems where necessary to ensure that existing and future development will cause minimal negative environmental impacts (Coastal Zone Management Rules, 2020).

If a site is located in the Coastal Metropolitan Planning Area or in a coastal center, its impervious cover limit is one of the two below, whichever is higher. See N.J.A.C. 7:7-13.17 for more information.

1. 80% of the site's net land area (see N.J.A.C. 7:7-13.3(e)); or
2. The amount of legal, existing impervious cover located on the site, as determined under N.J.A.C. 7:7-13.17(g) (Coastal Zone Management Rules, 2020).

If a site is located in the Coastal Metropolitan Planning Area, it must adhere to the tree preservation and planting percentages below. See N.J.A.C. 7:7-13.18 for more information.

1. Tree preservation percentage for forested portion of site: 10%
2. Tree preservation and/or planting percentage for unforested portion of site: 0% (Coastal Zone Management Rules, 2020)

Coastal Suburban Planning Area

The Coastal Suburban Planning Area is generally located adjacent to the more densely developed Coastal Metropolitan Planning Area but can be distinguished by a lack of high intensity centers and a more dispersed and fragmented pattern of development. The existing inventory of undeveloped and underdeveloped land in this Coastal Planning Area should be sufficient to accommodate much of the market demand for future growth and development in the CAFRA area. Internally oriented, mixed-use centers should be encouraged in the Coastal Suburban Planning Area. While development patterns are well established here, development intensities should be highest within CAFRA centers to concentrate development and take advantage of infrastructure efficiencies. Development in the Coastal Suburban Planning Area outside of centers should be less intense than in centers, and less intense than in the Coastal Metropolitan Planning Area. Development in areas not in centers and not in or adjacent to an existing sewer service area should be less intense than in other parts of the Coastal Suburban Planning Area. The policy objectives for the Coastal Suburban Planning Area are as follows:

1. Encourage mixed-use development and redevelopment in compact centers;
2. Guide opportunities for economic development and employment in centers, and promote seasonal and year-round travel and tourism activities in the coastal resort areas;

3. Encourage links from coastal suburban areas to employment centers with public transit, and promote transportation systems that address the special seasonal demands of travel and tourism along the coast; and
4. Ensure adequate wastewater treatment capacity, and minimize off-site stormwater runoff by encouraging the use of best management practices which protect the character of natural drainage systems (Coastal Zone Management Rules, 2020).

If a site is located in the Coastal Suburban Planning Area, its impervious cover limit is determined based on the presence/absence of a sewer connection. The impervious cover limit is one of the three below, whichever is higher. See N.J.A.C. 7:7-13.17 for more information.

1. 30% of the site's net land area (see N.J.A.C. 7:7-13.3(e)) for a sewered site;
2. 5% of the site's net land area (see N.J.A.C. 7:7-13.3(e)) for a non-sewered site; or
3. The amount of legal, existing impervious cover located on the site, as determined under N.J.A.C. 7:7-13.17(g) (Coastal Zone Management Rules, 2020).

If a site is located in the Coastal Suburban Planning Area, its tree preservation restrictions are determined based on the presence/absence of a sewer connection. The site must adhere to the tree preservation and planting percentages below. See N.J.A.C. 7:7-13.18 for more information.

1. Tree preservation percentage for forested portion of sewered site: 35%
2. Tree preservation and/or planting percentage for unforested portion of sewered site: 5%
3. Tree preservation percentage for forested portion of non-sewered site: 70%
4. Tree preservation and/or planting percentage for unforested portion of non-sewered site: 5% (Coastal Zone Management Rules, 2020)

Coastal Environmentally Sensitive Planning Area

The Coastal Environmentally Sensitive Planning Area generally has large contiguous land and water areas with critical coastal ecosystems, wildlife habitats, geological features, and other valuable coastal resources. Some of these lands have remained rural and relatively undeveloped, while others have been dominated by development for many years, such as the coastal barrier islands and spits. The barrier islands represent a major public investment in infrastructure systems that should be maintained while protecting the economic and ecological value of adjacent coastal resources. Centers on the barrier islands are almost all served by public wastewater facilities whereas centers in other environmentally sensitive areas are not often. Centers are usually linked by rural roads and separated by open spaces or linked to the mainland by State highways crossing coastal wetlands and waterways. Areas outside of centers in the Coastal Environmentally Sensitive Planning Area are by definition more vulnerable to disturbance from new development. Damage may include fragmentation of landscapes, degradation of aquifers and potable water supplies, habitat destruction, extinction of plant and animal species, and destruction of other irreplaceable resources that are vital to the preservation of the ecological integrity of the coastal area. The Coastal Environmentally Sensitive Planning Area also supports recreation and

tourism industries, and resource-based industries such as mining and forestry. The policy objectives for the Coastal Environmentally Sensitive Planning Area are as follows:

1. Protect environmentally sensitive features by guiding development into centers and maintaining low intensity development patterns elsewhere, carefully link the location, character and magnitude of development to the capacity of natural and built environments to support new growth, accommodate development at higher intensities in the Coastal Environmentally Sensitive Planning Area barrier island centers, compatible with development patterns in existing centers, and discourage the development of public infrastructure facilities outside of centers;
2. Encourage transportation systems that link centers and support the travel and tourism industry, recreational and natural resource-based activities, and address the special seasonal demands of travel and tourism to barrier islands;
3. Locate economic development opportunities in centers that serve the surrounding region and the travel and tourism industry and accommodate in other areas appropriate seasonal, recreational, and natural resource-based activities that have a minimal impact on environmental resources; and
4. Protect sensitive natural resources critical to the maintenance of coastal ecosystems by maintaining large contiguous areas of undisturbed habitat, open space and undeveloped land, maintain the balance of ecological systems and growth, and protect the areas outside of centers from the effects of development by maintaining it as open space (Coastal Zone Management Rules, 2020).

If a site is located in the Coastal Environmentally Sensitive Planning Area, its impervious cover limit is one of the two below, whichever is higher. See N.J.A.C. 7:7-13.17 for more information.

1. 3% of the site's net land area (see N.J.A.C. 7:7-13.3(e)); or
2. The acreage covered by buildings and/or asphalt or concrete pavement legally existing on the site at the time the application is submitted to the NJDEP, (Coastal Zone Management Rules, 2020).

If a site is located in the Coastal Environmentally Sensitive Planning Area, it must adhere to the tree preservation and planting percentages below. See N.J.A.C. 7:7-13.18 for more information.

1. Tree preservation percentage for forested portion of site: 70%
2. Tree preservation and/or planting percentage for unforested portion of site: 5% (Coastal Zone Management Rules, 2020)

Coastal Fringe Planning Area

The Coastal Fringe Planning Area is generally located adjacent to the Coastal Metropolitan Planning Area or the Coastal Suburban Planning Area. It is a predominantly rural area that is neither prime agricultural nor environmentally sensitive land, but which supports agriculture and other resource-based activities. The Coastal Fringe Planning Area is served primarily by a rural, two-lane road network and on-site well water and wastewater systems. It generally lacks public wastewater systems

except in existing centers. This Coastal Planning Area is characterized by scattered small settlements and free-standing residential and commercial developments. The policy objectives for the Coastal Fringe Planning Area are as follows:

1. Encourage development in more compact, deliberately designed community patterns to minimize land conflicts and to accommodate growth that would otherwise occur elsewhere, encourage development that does not exceed the carrying capacity of natural or built systems and that maintains or enhances the character of existing communities, and maintain existing low-density and low-intensity development patterns that do not exceed the carrying capacity of natural systems and are consistent with the existing landscape;
2. Encourage rural economic activities, such as agriculture and recreation, and guide higher intensity activities to the centers;
3. Encourage transportation systems that link centers in the Coastal Fringe Planning Area to each other and to the Coastal Metropolitan and Coastal Suburban Planning Areas; and
4. Encourage infrastructure that supports development in centers (Coastal Zone Management Rules, 2020).

If a site is located in the Coastal Fringe Planning Area, its impervious cover limit is one of the two below, whichever is higher. See N.J.A.C. 7:7-13.17 for more information.

1. 5% of the site's net land area (see N.J.A.C. 7:7-13.3(e)); or
2. The acreage covered by buildings and/or asphalt or concrete pavement legally existing on the site at the time the application is submitted to the NJDEP, (Coastal Zone Management Rules, 2020).

If a site is located in the Coastal Fringe Planning Area, it must adhere to the tree preservation and planting percentages below. See N.J.A.C. 7:7-13.18 for more information.

1. Tree preservation percentage for forested portion of site: 70%
2. Tree preservation and/or planting percentage for unforested portion of site: 5% (Coastal Zone Management Rules, 2020)

3.0 Delaware and Raritan Canal Commission Rules

Overview

Facilities located in a Delaware and Raritan Canal Commission Review Zone are subject to all rules and permitting requirements described in the Delaware and Raritan Canal Commission's (DRCC) "Regulations for the Review Zone of the Delaware and Raritan Canal State Park" and N.J.A.C. 7:45-1 et seq. The purpose of these regulations is to ensure that all development in areas that can affect the Delaware and Raritan Canal State Park conform to the DRCC Master Plan. In general, the regulations govern four types of impacts: stormwater runoff and water quality impact; stream corridor impact; visual, historic and natural quality impact; and traffic impact (Delaware and Raritan Canal Commission, 2009).

A "Review Zone" was created to facilitate the implementation of these regulations. The Review Zone consists of regions designated by the DRCC (including and surrounding the Delaware and Raritan Canal State Park) in which proposed projects may cause an adverse drainage, aesthetic or other ecological impact on the park. The Review Zone includes two subzones: Zone A and Zone B. These subzones are discussed in more detail below. It should be noted that if any part of a project site is within Zone A, then the entire project is considered to be in Zone A. In addition, NJDMAVA and/or NJARNG must apply for a jurisdictional determination from the DRCC (see N.J.A.C. 7:45-2.1) before proposing a project within the Review Zone. Afterwards, a complete application (see N.J.A.C. 7:45-3.1 and N.J.A.C. 7:45-3.5) must be submitted for the project. See subchapters 8 through 11 of N.J.A.C. 7:45 for all information regarding project-specific regulatory requirements (Delaware and Raritan Canal Commission, 2009).

Important Definitions

The DRCC defines a major project as:

A project that results in one or more of the following:

- 1. In Zone A and Zone B, the cumulative coverage since January 11, 1980, of one quarter acre of land with impervious surface; or*
- 2. In Zone A and Zone B, the disturbance of one acre or more of land; or*
- 3. In Zone A and Zone B, the disturbance of one-half acre or more of existing impervious surface or significantly disturbed areas, for the purposes of construction, if the project site either:*
 - i. Drains into the Canal; or*
 - ii. is located within a drainage area of a water course that discharges into the Canal from the point where the water course enters into the Canal up to the point at which the water course drains less than 50 acres, including drainage areas of any tributary to those water courses up to the point at which the tributary drains less than 50 acres; or*
- 4. In Zone A, any structure with a height greater than 40 feet above existing grade (Delaware and Raritan Canal Commission, 2009).*

The DRCC defines a minor project as:

Regarding Zone A, a project that is not a major project. Regarding Zone B, only major projects are reviewed (Delaware and Raritan Canal Commission, 2009).

The DRCC defines a governmental project as:

The undertaking of a public improvement, disturbance, development, construction or land-use change by a State department or agency, county, municipality or any other governmental entity except interior alterations to an existing structure that involves no change of use (Delaware and Raritan Canal Commission, 2009).

Zone A

Zone A is a subzone of the DRCC Review Zone. It generally consists of the area within 1,000 feet on either side of the center line of the canal, except in Princeton Township and where the Raritan River is within 1,000 feet, in which case the west bank of Carnegie Lake and the furthest Raritan riverbank are the boundaries, respectively (Delaware and Raritan Canal Commission, 2009). See N.J.A.C. 7:45 subchapters 8 through 12 for all specific rules and waivers (exceptions) for projects in Zone A. Applications must be sent to the DRCC as described below.

Excerpt from N.J.A.C. 7:45-2.3(c)1 (Delaware and Raritan Canal Commission, 2009):

1. In Zone A:
 - i. Each major project is reviewed for visual, historic and natural quality impact, for stormwater runoff and water quality impact, for stream corridor impact, and for traffic impact;
 - ii. Each minor project is reviewed for visual, historic and natural quality impact, and for stream corridor impact; and
 - iii. Any minor project that will result in 800 square feet or more of impervious surface, cumulatively since January 11, 1980, is reviewed for stormwater runoff and water quality.

Zone B

Zone B is another subzone of the DRCC Review Zone. It consists of all parts of the Review Zone not contained in Zone A (Delaware and Raritan Canal Commission, 2009). See N.J.A.C. 7:45 subchapters 8 through 12 for all specific rules and waivers (exceptions) for projects in Zone B. Applications must be sent to the DRCC as described below.

Excerpt from N.J.A.C. 7:45-2.3(c)2 (Delaware and Raritan Canal Commission, 2009):

2. In Zone B:
 - i. Each major project is reviewed for stormwater runoff and water quality impact, and for stream corridor impact; and
 - ii. Any major project within one mile of any portion of the Park and having direct access to a road that enters Zone A is reviewed for traffic impact.

4.0 Highlands Rules

Overview

Facilities located in the Highlands Region are subject to all rules and permitting requirements described in the Highlands Water Protection and Planning Act, N.J.A.C. 7:38, and N.J.S.A. 13:20-1 et seq. These include land use, water, wetlands, impervious surface, and other development regulations. The Highlands Region is divided into two areas—the Preservation Area and Planning Area—with and without regulations, respectively (Highlands Water Protection and Planning Act, 2016) (Highlands Water Protection and Planning Act Rules, 2009) (NJDEP, 2020). The regulations are unclear about the jurisdiction of property located in both the Preservation and Planning Areas. An application must be sent to the NJDEP before any development activity occurs at a Highlands site in the Preservation Area. The NJDEP will confirm whether the proposed activity meets the definition of “major Highlands development” (described below), whether the proposed activity is exempt from the requirements of the Highlands Act, and whether the proposed activity is consistent with the applicable areawide Water Quality Management Plan. A Highlands Preservation Area Approval (HPAA) must also be obtained from the NJDEP in accordance with N.J.A.C. 7:38-6 before a major Highlands development occurs (Highlands Water Protection and Planning Act Rules, 2009).

Important Definitions

The Highlands Water Protection and Planning Act Rules defines “major Highlands development” as:

Except as otherwise provided pursuant to N.J.S.A. 13:20-28a:

- 1. Any non-residential development in the preservation area;*
- 2. Any residential development in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more;*
- 3. Any activity undertaken or engaged in the preservation area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or*
- 4. development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or*
- 5. Any capital or other project of a State entity or local government unit in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands Development shall not mean an agricultural or horticultural development or agricultural or horticultural use in the preservation area (Highlands Water Protection and Planning Act Rules, 2009).*

The Highlands Water Protection and Planning Act Rules defines “Highlands open waters” as:

All springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools (Highlands Water Protection and Planning Act Rules, 2009).

Notable Exceptions

There are two notable exceptions to what is considered a “major Highlands development”. The remediation of any contaminated site (N.J.S.A. 58:10B-1 et seq.) and any activity on lands of a federal military installation existing on August 10, 2004 that lie within the Highlands Region are not considered major Highlands development. A complete list of exceptions to this definition can be found in N.J.A.C. 7:38-2.3 (Highlands Water Protection and Planning Act Rules, 2009).

Preservation Area

The Preservation Area contains 398,000 acres of exceptional natural resource value. The purpose of its preservation is to protect hydrological resources, which provide drinking water for a large number of New Jersey residents, as well as open space (NJDEP, 2020). A list of all standards applying to the Preservation Area can be found in N.J.A.C. 7:38-3.1. Notable rules include:

- Limited septic system density (N.J.A.C. 7:38-3.4)
- Projects cannot increase impervious surface to be greater than three percent of the land area of a lot (pre-8/10/04 impervious surfaces are grandfathered in), excluding “Highlands open waters” (N.J.A.C. 7:38-3.5)
- With some exceptions, no disturbance is permitted within a 300-foot buffer adjacent to “Highlands open waters” (N.J.A.C. 7:38-3.6)
- Limited development in flood hazard areas (N.J.A.C. 7:38-3.7)
- Limited development on steep slopes (N.J.A.C. 7:38-3.8)
- Limited development in upland forested areas (N.J.A.C. 7:38-3.9)
- Limited development in historic and archaeological areas (N.J.A.C. 7:38-3.10)
- Projects cannot adversely affect rare, threatened, or endangered plant and animal species or their habitat (N.J.A.C. 7:38-3.11)
- Projects must minimally affect unique or irreplaceable land types and existing scenic attributes (N.J.A.C. 7:38-3.12)

5.0 Meadowlands District

Overview

Properties located in the Meadowlands District are subject to all rules and permitting requirements described in the Hackensack Meadowlands Reclamation and Development Act, the Hackensack Meadowlands Agency Consolidation Act, and N.J.A.C. 19:3, 19:4, 19:5 and 19:6 (NJDEP, 2019) (Hackensack Meadowlands Reclamation and Development Act, 2019). Specifically, the Meadowlands District Zoning Regulations (N.J.A.C. 19:4-1.1 et. seq.) govern development of the Hackensack Meadowlands District, in accordance with the New Jersey Meadowlands Sports and Exposition Authority Master Plan (New Jersey Sports and Exposition Authority, 2019). Because NJDMAVA and NJARNG do not currently own property in the Meadowlands District, this section will only contain a brief overview of this region's general regulations. See the laws and regulations listed above for more information about development and specific land use limitations.

Notable Exceptions

There are several notable exceptions to Meadowlands District Zoning Regulations. These include the maintenance, repair, or replacement work within municipal, county, and State rights-of-way (ROWS) or on railroad tracks, signals, bridges, and similar facilities and equipment located in a railroad ROW; the maintenance, repair, or replacement of existing utility structures or the installation of new underground utility structures within utility easements where such work is conducted by the utility company or authorized representative; development and improvement plans proposed or sponsored by the New Jersey Meadowlands Commission (NJMC); and site improvements on property resulting from land acquisition by a public entity for a public project, provided that such site improvements shall consist only of the improvements required to restore functional use of the property, as determined by the NJMC (Hackensack Meadowlands District Regulations, 2019).

General Provisions and Land Use Limitations

There are 19 zones within the Meadowlands District, each with its own specific regulations. See N.J.A.C. 19:4-5.1 et. seq. for more information about each zone (Hackensack Meadowlands District Regulations, 2019). There are also general regulations that apply to the entire District, which include:

- The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-8.
- Minimum lowest floor elevations for structures within the designated 100-year flood zones shall be established one foot above the applicable 100-year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMS), or as required in accordance with N.J.A.C. 19:4-9.20.
- All wastewater standards of N.J.A.C. 19:4-7.9 shall apply.
- Buffers shall be provided in accordance with N.J.A.C. 19:4-8.7, where applicable.
 - 50-foot landscaped buffer around the Hackensack River, tributaries, or streams
- Wetland enhancement, restoration or creation activities and wildlife habitat creation shall be a permitted use in all zones.

- The NJMC may publish detailed design guidelines, which shall be filed at the offices of the NJMC, where they shall be of public record and with which development in the District is encouraged to comply.
- No slaughtering of animals shall be permitted in any zone.
- All operations, activities and storage shall be conducted within completely enclosed buildings, with the exception of the following, when conforming to all other regulations:
 - Properties located in the Intermodal B and Heavy Industrial zones;
 - Off-street parking of empty, registered and operational vehicles, except that vehicles for sale at facilities permitted by these regulations may be unregistered;
 - Off-street loading within designated loading areas;
 - Site service improvements provided in accordance with N.J.A.C. 19:4-8.15;
 - Outdoor seating areas provided in accordance with N.J.A.C. 19:4-5.7;
 - Public utility equipment and operations that cannot be feasibly located in an enclosed structure, including electric generating, transmission, and distribution equipment;
 - Where otherwise permitted.
- Renewable and/or sustainable energy systems, such as photovoltaic, wind energy, hydropower, or geothermal system installations, and other systems determined by the Chief Engineer to be renewable and/or sustainable energy system installations, shall be subject to the following:
 - Such systems shall be permitted as principal uses in non-residential zones only and as accessory uses in all zones;
 - Such systems mounted on or in a building located in a zone allowing residential uses shall be permitted as accessory uses. All other systems in zones allowing residential uses shall require special exception approval;
 - Any structure associated with such system(s) shall comply with all bulk requirements of the zone, except that ground-mounted photovoltaic arrays installed over vehicular use areas may be permitted at a minimum setback of 5 feet from side and rear property lines in non-residential zones;
 - A minimum landscaped buffer of 15 feet from residential uses and residential zones shall be provided;
 - All performance standards of N.J.A.C. 19:4-7.1 et seq. shall apply in accordance with the zone in which the system is located (Hackensack Meadowlands District Regulations, 2019).

6.0 Pinelands Rules

Overview

Facilities located in a Pinelands Management Area are subject to all rules and permitting requirements described in the Pinelands Comprehensive Management Plan (PCMP) and N.J.A.C. 7:50-1 et seq. These include wetlands, tree-clearing, and development regulations. In general, no development, including clearing and land disturbance, is permitted in or within 300 feet of wetlands. In addition, no development, including clearing and land disturbance, may be carried out that will result in an irreversible adverse impact on habitat critical to survival of any local populations of threatened and endangered wildlife or plant species. The clearing of 1,500 square feet or more is only permitted for agricultural purposes or for development projects approved by the Pinelands Commission (Pinelands Commission, 2015). While the PCMP applies to the entire Pinelands National Reserve, the Pinelands Commission only has jurisdiction within the State Pinelands Area. For projects occurring in the Pinelands National Reserve but outside the State Pinelands Area, the NJDEP will consult the Pinelands Commission for their approval.

Important definitions, notable exceptions, and select specific rules for each of the relevant management areas are listed below.

Important Definitions

The PCMP defines development as:

The change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

- 1. A change in type of use of a structure or land;*
- 2. A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;*
- 3. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;*
- 4. Commencement of resource extraction or drilling or excavation on a parcel of land;*
- 5. Demolition of a structure or removal of trees;*
- 6. Commencement of forestry activities;*
- 7. Deposit of refuse, solid or liquid waste or fill on a parcel of land;*
- 8. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and*
- 9. Alteration, either physically or chemically, of a shore, bank, or flood plain, seacoast, river, stream, lake, pond, wetlands or artificial body of water (Pinelands Commission, 2015).*

The PCMP defines major development as:

Any division of land into five or more lots; any construction or expansion of any housing development of five or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three acres; or any grading, clearing or disturbance of an area in excess of 5,000 square feet (Pinelands Commission, 1981).

Notable Exceptions

There are several notable exceptions to the definitions above. The clearing of less than 1,500 square feet of land; the demolition of any structure less than 50 years old; the construction, repair, or removal of any on-site sign; the repair of existing utility distribution lines; the installation of utility distribution lines (except sewer lines) to serve properly permitted developed areas; fence installation; tree pruning; the installation of an accessory solar energy facility on any existing structure or impervious surface; and the change from one nonresidential use to another, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed are not considered “development” unless they impact any historic resource. These actions must still meet the general environmental requirements of the PCMP (e.g. no clearing/land disturbance within 300 feet of wetlands, no irreversible adverse impact on T&E habitat). A complete list of development and activities that are exempt from application to the Pinelands Commission can be found in N.J.A.C. 7:50-4.1(a) (Pinelands Commission, 2012).

Federal or Military Facility Management Area

Federal enclaves within the Pinelands. Permitted uses are those associated with the function of the installation or other public purpose uses (Pinelands Commission, 2020).

Excerpt from PCMP (Pinelands Commission, 1981):

- 7:50-5.29 Minimum standards governing the distribution and intensity of development and land use in Military and Federal Installation Areas
- (a) Any use associated with the function of the Federal installation may be permitted in a Military and Federal Installation Area, provided that:
1. Where feasible, development shall be located in that portion of the installation located within the Pinelands Protection Area;
 2. The use shall not require any development, including public service infrastructure, in the Preservation Area District or in a Forest Area;
 3. No hazardous waste facility, landfill or incinerator shall be permitted, except as expressly authorized in N.J.A.C. 7:50-6.75 or 6.78; and
 4. All development undertaken by the Federal government substantially meets the standards of N.J.A.C. 7:50-6 of this Plan or an intergovernmental agreement entered into pursuant to N.J.A.C. 7:50-4, Part IV.

- (b) Any other public purpose use undertaken by or on behalf of another level of government may be permitted in a Military and Federal Installation Area, provided that:
1. The use is sanctioned by the installation;
 2. The use is located within a substantially developed area which is served by a centralized sewer treatment and collection system;
 3. No hazardous waste facility, landfill or incinerator shall be permitted, except as expressly authorized in N.J.A.C. 7:50-6.75, 6.76(e) or 6.78; and
 4. All development meets the standards of N.J.A.C. 7:50-6 or an intergovernmental agreement entered into pursuant to N.J.A.C. 7:50-4, Part IV.

Pinelands Town Management Area

These are seven large, existing spatially discrete settlements, generally with wastewater or water supply systems. Residential development is permitted at a density of two to four homes per acre with sewers. Sewered commercial and industrial uses are also permitted (Pinelands Commission, 2020).

Excerpt from PCMP (Pinelands Commission, 1981):

- 7:50-5.27 Minimum standards governing the distribution and intensity of development and land use in Pinelands Villages and Towns
- (a) Any use not otherwise limited pursuant to N.J.A.C. 7:50-6 may be authorized in a Pinelands Village or Town, provided that:
1. Public service infrastructure necessary to support the use is available, or can be provided without any development in the Preservation Area District, Special Agricultural Production Area, or a Forest Area;
 2. The character and magnitude of the use is compatible with existing structures and uses in the Village or Town;
 - ...
 4. No hazardous waste facility, landfill or incinerator shall be permitted in a Pinelands Town, except as expressly authorized in N.J.A.C. 7:50-6.75 or 6.78.
- (b) No residential dwelling unit or nonresidential use shall be located on a parcel of less than one acre unless served by either:
1. A centralized wastewater treatment plant; or
 - ...
- (c) Any local approval, including variances, which grants relief from density or lot area requirements for a residential or principal nonresidential use shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that

otherwise permitted, unless a Waiver of Strict Compliance for the dwelling unit or lot has been approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-4, Part V. The requirement for use of Pinelands Development Credits shall not apply to use variances which authorize development on lots which conform to the area requirements for principal uses normally permitted in the zone.

Preservation Area

This area is the heart of the Pinelands environment and the most critical ecological region; it is a large, contiguous wilderness-like area of forest that supports diverse plant and animal communities and is home to many threatened and endangered species. No residential development is permitted, except for one-acre lots in designated infill areas and special "cultural housing" exceptions, on minimum 3.2 acre lots for property owned by families prior to 1979. Limited commercial uses are also permitted in designated infill areas, which total approximately 2,100 acres in size (Pinelands Commission, 2020).

Excerpt from PCMP (Pinelands Commission, 1981):

7:50-5.22 Minimum standards governing the distribution and intensity of development and land use in the Preservation Area District

(a) The following uses shall be permitted in the Preservation Area District:

...

5. Fish and wildlife management and wetlands management.

6. Low intensity recreational uses, provided that:

i. The parcel proposed for low intensity recreational use has an area of at least 50 acres;

ii. The recreational use does not involve the use of motorized vehicles except for necessary transportation;

iii. Access to bodies of water is limited to no more than 15 linear feet of frontage per 1,000 feet of water body frontage;

iv. Clearing of vegetation, including ground cover and soil disturbance, does not exceed five percent of the parcel; and

v. No more than one percent of the parcel will be covered with impervious surfaces.

7. Pinelands Development Credits.

(b) In addition to the uses permitted under (a) above, a municipality may, at its option, permit the following uses in the Preservation Area District:

...

4. Public service infrastructure which is necessary to serve only the needs of the Preservation Area District uses. Centralized waste water treatment and collection facilities shall be permitted to service the Preservation Area District only in accordance with N.J.A.C. 7:50-6.84(a)2. Communications cables not primarily intended to serve the needs of the Preservation Area District may be permitted provided that they are installed within existing developed rights of way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

...

7. Infill areas: Residential dwellings and commercial uses on lots existing as of January 14, 1981 of at least one acre in size within an area designated by a municipality in its ordinance in accordance with the following criteria:

- i. The area must have direct access to an existing improved public road;
- ii. The area must exhibit a compact pattern of existing development, generally exhibited by more than 20 principal structures and the boundary shall generally conform to that of the existing developed area so that extensive amounts of adjoining vacant land are not included;
- iii. The area must contain vacant lots of at least one acre in size or smaller lots which could reasonably be assembled into one acre or greater lots; and

...

12. Solar energy facilities, provided the standards of N.J.A.C. 7:50-5.36 are met.

...

- (d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized waste water treatment or collection facility pursuant to (b)4 above, provided, however, that no such structure shall be located on a parcel of less than one acre.

Rural Development Area

This is a transitional area that balances environmental and development values between conservation and growth areas. Limited, low-density residential development and roadside retail is permitted. Clustered housing on one acre lots is permitted at an average residential density of one home for every five acres. Community commercial, light industrial and active recreational uses served by septic systems are also permitted (Pinelands Commission, 2020).

Excerpt from PCMP (Pinelands Commission, 1981):

7:50-5.26 Minimum standards governing the distribution and intensity of development and land use in Rural Development Areas

...

(b) In addition to the residential uses permitted under (a) above, a municipality may permit any use which is compatible with the essential character of the Pinelands 136 environment and is similar in character, intensity and impact to the following uses:

...

11. Institutional uses;

...

14. Accessory uses; and

...

16. Solar energy facilities, provided the standards of N.J.A.C. 7:50-5.36 are met.

...

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized waste water treatment or collection facility 137 pursuant to (b)10 above, provided, however, that no such structure shall be located on a parcel of less than one acre.

7.0 Regulatory Area(s) by Facility

7.1 Atlantic City Armory

- Coastal Planning Area
 - Coastal Metropolitan
- Relevant Regional Considerations
 - Impervious surface limit (70% net land area)
 - If the NJDEP considers the site a military installation, its impervious cover limit under CAFRA is 70%
 - Tree preservation (keep 10% of forest)

7.2 BG Doyle Veterans Cemetery

- Outside of Any Regional Planning District

7.3 Bordentown Armory

- Outside of Any Regional Planning District

7.4 Cape May Armory

- Coastal Planning Area
 - Coastal Environmentally Sensitive Planning Area
 - Coastal Fringe Planning Area
- Relevant Regional Considerations
 - Environmentally Sensitive Planning Area
 - Impervious surface limit (70% net land area)
 - If the NJDEP considers the site a military installation, its impervious cover limit under CAFRA is 70%
 - Tree preservation (keep/plant 70% of forest and 5% tree cover elsewhere)
 - Fringe Planning Area
 - Impervious surface limit (70% net land area)*
 - Tree preservation (keep/plant 70% of forest and 5% tree cover elsewhere)

7.5 Cherry Hill Armory

- Outside of Any Regional Planning District

7.6 Dover Armory

- Highlands Region
 - Highlands Planning Area
- Relevant Regional Considerations
 - None

7.7 Flemington Armory

- DRCC Review Zone
 - Zone B
- Relevant Regional Considerations
 - Various stormwater runoff, water quality, stream corridor, visual, historic, natural quality, and traffic regulations (see DRCC section above)

7.8 Fort Dix 3600 Area

- Pinelands Management Areas
 - Federal or Military Facility
- Relevant Regional Considerations
 - Expanded protective wetland transition zone (300 ft)
 - Various land development and tree clearing limitations

7.9 Freehold Armory

- Outside of Any Regional Planning District

7.10 Hackettstown Armory

- Highlands Region
 - Highlands Planning Area
 - Highlands Preservation Area
- Stephens State Park
 - Armory is bordered by state park to the east, rail line to the west, and private property to the north and south
 - Armory is not within park
 - No known regulatory impact
- Relevant Regional Considerations
 - Contact NJDEP for military installation exemption to Preservation Area regulation

7.11 Hammonton Armory

- Pinelands Management Areas
 - Pinelands Town
- Relevant Regional Considerations
 - Expanded protective wetland transition zone (300 ft)
 - Various land development and tree clearing limitations

7.12 Jersey City Armory

- Outside of Any Regional Planning District

7.13 Korean War Memorial

- Coastal Planning Area
 - Coastal Metropolitan
- Relevant Regional Considerations
 - Impervious surface limit (80% net land area)
 - Tree preservation (keep 10% of forest)

7.14 Lakehurst AASF

- Pinelands Management Areas
 - Federal or Military Facility
- Relevant Regional Considerations
 - Expanded protective wetland transition zone (300 ft)
 - Various land development and tree clearing limitations

7.15 Lakehurst Buildings 129 & 608

- Pinelands Management Areas
 - Federal or Military Facility
- Relevant Regional Considerations
 - Expanded protective wetland transition zone (300 ft)
 - Various land development and tree clearing limitations

7.16 Lakehurst CLTF

- Pinelands Management Areas
 - Federal or Military Facility
- Relevant Regional Considerations
 - Expanded protective wetland transition zone (300 ft)
 - Various land development and tree clearing limitations

7.17 Lawrenceville Campus

- DRCC Review Zone
 - Zone B
- Relevant Regional Considerations
 - Various stormwater runoff, water quality, stream corridor, visual, historic, natural quality, and traffic regulations (see DRCC section above)

7.18 Lodi Armory

- Outside of Any Regional Planning District

7.19 Menlo Park Veterans Home

- Outside of Any Regional Planning District

7.20 Morristown Armory

- Highlands Region
 - Highlands Planning Area
- Relevant Regional Considerations
 - None

7.21 Mount Holly Armory

- Outside of Any Regional Planning District

7.22 Newark Armory

- Outside of Any Regional Planning District

7.23 Paramus Veterans Home

- Outside of Any Regional Planning District

7.24 Picatinny FMS

- Highlands Region
 - Highlands Planning Area
- Relevant Regional Considerations
 - None

7.25 Princeton Warehouse

- DRCC Review Zone
 - Zone A
 - Zone B
- Relevant Regional Considerations
 - Various stormwater runoff, water quality, stream corridor, visual, historic, natural quality, and traffic regulations (see DRCC section above)
 - If any part of a project takes place in Zone A, the whole project is subject to Zone A regulations

7.26 Riverdale Armory

- Highlands Region
 - Highlands Planning Area
- Relevant Regional Considerations
 - None

7.27 Sea Girt NGTC

- Coastal Planning Area
 - Coastal Metropolitan
- Relevant Regional Considerations
 - Impervious surface limit (70% net land area)
 - If the NJDEP considers the site a military installation, its impervious cover limit under CAFRA is 70%
 - Tree preservation (keep 10% of forest)

7.28 Somerset Armory

- DRCC Review Zone
 - Zone B
- Relevant Regional Considerations
 - Various stormwater runoff, water quality, stream corridor, visual, historic, natural quality, and traffic regulations (see DRCC section above)

7.29 Teaneck Armory

- Outside of Any Regional Planning District

7.30 Toms River Armory

- Coastal Planning Area
 - Coastal Suburban Planning Area
 - Coastal Environmentally Sensitive Planning Area
- Relevant Regional Considerations
 - Suburban Planning Area
 - Impervious surface limit (70% net land area)
 - If the NJDEP considers the site a military installation, its impervious cover limit under CAFRA is 70%
 - Tree preservation (keep/plant 35% of forest and 5% tree cover elsewhere)
 - Environmentally Sensitive Planning Area
 - Impervious surface limit (70% net land area)
 - If the NJDEP considers the site a military installation, its impervious cover limit under CAFRA is 70%
 - Tree preservation (keep/plant 70% of forest and 5% tree cover elsewhere)

7.31 Veterans Haven North

- Highlands Region
 - Highlands Preservation Area
- Relevant Regional Considerations
 - Limited septic system density
 - Impervious surface limit (3% land area)
 - Expanded protective wetland buffer (300 feet)
 - Limited development in flood hazard areas, steep slopes, upland forested areas, historic and archaeological areas
 - Various rare, threatened, and endangered species protections
 - Various other land development limitations

7.32 Veterans Haven South

- Pinelands Management Areas
 - Rural Development Area
- Relevant Regional Considerations
 - Expanded protective wetland transition zone (300 ft)
 - Various land development and tree clearing limitations

7.33 Vietnam Veterans Memorial

- Outside of Any Regional Planning District

7.34 Vineland Armory

- Outside of Any Regional Planning District

7.35 Vineland Veterans' Home

- Outside of Any Regional Planning District

7.36 Warren Grove

- Pinelands Management Areas
 - Preservation Area
- Relevant Regional Considerations
 - Expanded protective wetland transition zone (300 ft)
 - Various land development and tree clearing limitations

7.37 Washington Armory

- Highlands Region
 - Highlands Planning Area
- Relevant Regional Considerations
 - None

7.38 West Orange Armory

- Outside of Any Regional Planning District

7.39 Westfield Armory

- Outside of Any Regional Planning District

7.40 West Trenton AASF

- DRCC Review Zone
 - Zone B
- Relevant Regional Considerations
 - Various stormwater runoff, water quality, stream corridor, visual, historic, natural quality, and traffic regulations (see DRCC section above)

7.41 Woodbridge Armory

- Outside of Any Regional Planning District

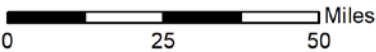
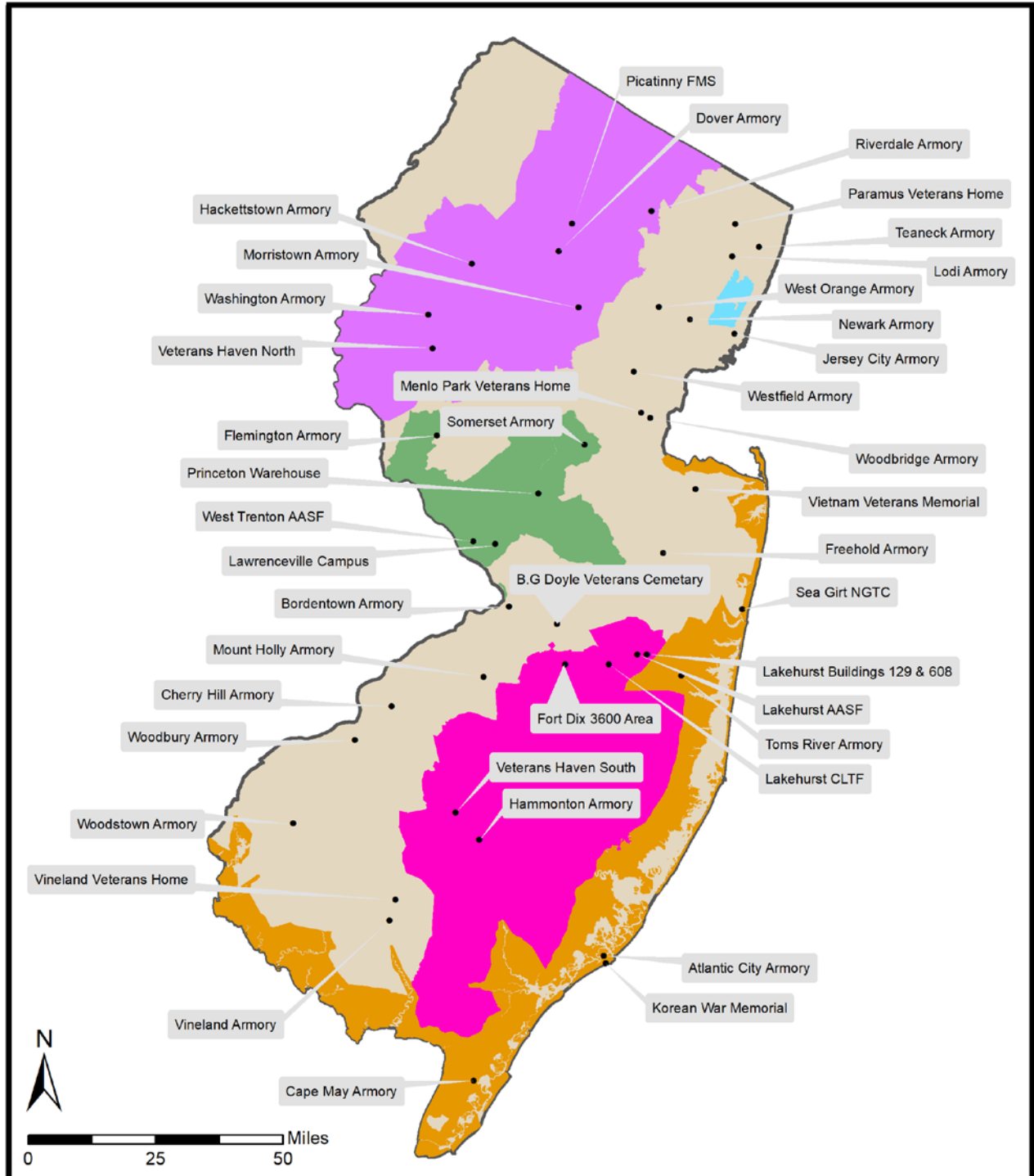
7.42 Woodbury Armory

- Outside of Any Regional Planning District

7.43 Woodstown Armory

- Outside of Any Regional Planning District

8.0 Regional Regulatory Area Facility Map



Legend Meadowlands District Coastal Planning Areas Pinelands Management Areas Highlands Region DRCC Review Zone Outside of Any Regional Planning District	New Jersey Regional Regulatory Areas	1 in = 25 miles	
		File: RegionalRegsMap	
		Date: 6/17/2020	
		Created By: Greg Fischer	

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