

**TOWNSHIP OF EVESHAM**  
**ORDINANCE NO. 12-7-2024**

**ORDINANCE OF THE TOWNSHIP OF EVESHAM**  
**SUPPLEMENTING CHAPTER 160-5 ZONING DEFINITIONS; AND**  
**ADDING NEW SUBSECTION C WATER MANAGEMENT TO**  
**160-50 WATER QUALITY IN THE PINELANDS**

**WHEREAS**, the Pinelands Commission notified the Township by letter dated March 28, 2024 that the Township must adopt amendments to the Township stormwater control ordinance 62-31. The Pinelands Protection Act requires the Township to act within one year of the effective date of the CMP amendment. Those amendments pertaining to stormwater management triggered by the NJDEP rulemaking are required to be adopted by July 17, 2024. The amendments related to water management are required to be adopted by December 4, 2024; However, starting July 17, 2024, the Pinelands Commission will require all applications for development in the Pinelands Area to meet these revised stormwater standards, regardless of whether the municipality has adopted them into their land development regulations.

**WHEREAS**, the ordinance requires updating to incorporate regulations as required by the Pinelands Protection Act (N.J.S.A. 13:18A-1), which requires that the municipal master plan and local land use ordinances of the Township of Evesham implement the objectives of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) and conform with the minimum standards contained therein; and

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED** by the Township Council of the Township of Evesham, County of Burlington, State of New Jersey that the following sections of the Township Code should be supplemented to reflect the Pinelands Commission amended stormwater management rules as set forth in "Attachment A".

**SECTION I. EFFECTIVE DATE**

This ordinance shall take effect 20 days after its proper publication after final passage as required by law.

**SECTION II. REPEALER**

All Ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION III. INVALIDITY**

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall take effect 20 days after its proper publication after final passage as required by law.

ROLL CALL VOTE - <i>6/12/2024 Upon Introduction</i>						
COUNCIL MEMBER	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
COOPER	✓		✓			
ESPINOZA						✓
FREEMAN		✓	✓			
HANSEN			✓			
MAYOR VEASY			✓			

ROLL CALL VOTE - <i>Upon Adoption 7/10/24</i>						
COUNCIL MEMBER	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
COOPER	✓		✓			
ESPINOZA		✓	✓			
FREEMAN			✓			
HANSEN						✓
MAYOR VEASY			✓			

Adopted on second and final reading on *July 10, 2024*

*Jack Veasy*  
Mayor Veasy

ATTEST  
*Rebecca Andrews*  
Rebecca Andrews, Acting Township Clerk

## ATTACHMENT A

### **1. Supplement Section 160-5 by adding the following new definitions;**

**DIVERT or DIVERSION** – Means the taking of water from a river, stream, lake, pond, aquifer, well, other underground source, or other waterbody, whether or not the water is returned thereto, consumed, made to flow into another stream or basin, or discharged elsewhere.

**HYDROLOGIC UNIT CODE-11 or HUC-11** – Means an area within which water drains to a particular receiving surface water body, also known as a sub watershed, which is identified by an 11-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey

**NONCONSUMPTIVE USE** – Means the use of water diverted from surface or ground in such a manner that at least 90 percent of the diverted water is returned to the source surface or ground water at or near the point from which it was taken.

### **2. Supplement Section 160-50 by adding new subsection C Water Management.**

#### **C. Water management**

- (1) Water shall not be exported from the Pinelands except as otherwise provided at N.J.S.A. 58:1A-7.1.
- (2) A diversion within the Pinelands Area portion of Evesham Township that involves the interbasin transfer of water from sources within the Pinelands Area between the Atlantic Basin and the Delaware Basin, as defined at (a) and (b) below, or outside of either basin, shall be prohibited.
  - (a) The Atlantic Basin is comprised of Watershed Management Areas 13, 14, 15, and 16, as identified by the New Jersey Department of Environmental Protection.
  - (b) The Delaware Basin is comprised of Watershed Management Areas 17, 18, 19, and 20 as identified by the New Jersey Department of Environmental Protection.
- (3) A diversion within the Pinelands Area portion of Evesham Township involving the intrabasin transfer of water between HUC-11 watersheds in the same basin, Atlantic Basin or Delaware Basin as defined at (2)(a) and (b) above, shall be permitted. If such an intrabasin transfer involves water sourced from the Kirkwood-Cohansey aquifer, the diversion shall meet the criteria and standards set forth at (4) below.
- (4) Within the Pinelands Area portion of Evesham Township a new diversion or an increase in allocation from either a single existing diversion source or from combined existing and new diversion sources in the same HUC-11 watershed and in the Kirkwood-Cohansey aquifer, that results in a total diversion of 50,000 gallons of water per day or

more (hereafter referred to as "proposed diversion") shall meet the criteria and standards set forth at **(4)(c)** through **(f)** below and the water management standards of the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(d). "Allocation" shall mean a diversion permitted pursuant to a Water Allocation Permit or Water Use Registration Number issued by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:19.

**(a)** When evaluating whether the proposed diversion meets the criteria set forth at **(4)(c)** through **(f)** below, all of the applicant's allocations in an HUC-11 watershed, in addition to the proposed diversion, shall be included in the evaluation.

**(b)** The standards set forth at **(4)(c)** through **(f)** below shall not apply to:

**[1]** A new well that is to replace an existing well, provided the existing well is decommissioned in accordance with N.J.A.C. 7:9D-3 and the new replacement well will:

**[a]** Be approximately the same depth as the existing well;

**[b]** Divert from the same aquifer as the existing well;

**[c]** Have the same or lesser pump capacity as the existing well; and

**[d]** Be located within 100 feet of, and in the same HUC-11 watershed as, the existing well;

**[2]** Any proposed diversion that is exclusively for agricultural or horticultural use; or

**[3]** Any proposed diversion for a resource extraction operation that constitutes a nonconsumptive use, provided the water returned to the source is not discharged to a stream or waterbody or otherwise results in offsite flow, and the diversion and return are located on the same parcel.

**(c)** A proposed diversion shall be permitted only in the following Pinelands Management Areas: Regional Growth Area; and Rural Development Area.

**(d)** A proposed diversion shall only be permitted if the applicant demonstrates that no alternative water supply source is available or viable. Alternative water supply sources include, but are not limited to, groundwater and surface water sources that are not part of the Kirkwood-Cohansey aquifer, and public water purveyors and suppliers, as defined at N.J.A.C. 7:19-1.3. A list of alternative water supply sources is available at the offices of the Pinelands Commission and at <https://www.nj.gov/pinelands/>.

**(e)** A proposed diversion shall not have an adverse ecological impact on the Kirkwood-Cohansey aquifer. Adverse ecological impact means an adverse regional impact and/or an adverse local impact, as described at N.J.A.C. 7:50-6.86(d)6 and 7, respectively. A proposed diversion deemed to have an adverse local impact in the Pinelands Area is prohibited. A proposed diversion deemed to have an adverse regional impact shall only be permitted if an applicant permanently offsets the diversion in accordance with N.J.A.C. 7:50-6.86(d)6i.

**(f)** An applicant for a proposed diversion shall provide written documentation of water conservation measures that have been implemented, or that are planned for

implementation, for all areas to be served by the proposed diversion. Water conservation measures are measurable efforts by public and private water system operators and local agencies to reduce water demand by users and reduce losses in the water distribution system.



State of New Jersey  
 THE PINELANDS COMMISSION  
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 www.nj.gov/pinelands



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 Governor  
 TAHESHA L. WAY  
 Lt. Governor

General Information: Info@pinelands.nj.gov  
 Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Executive Director

August 13, 2024

Rebecca Andrews (via email)  
 Acting Township Clerk  
 Evesham Township  
 984 Tuckerton Road  
 Marlton, NJ 08053

Dear Ms. Andrews,

Thank you for providing the Pinelands Commission with certified copies of Ordinances 12-7-2024, 13-7-2024, and 14-7-2024, all adopted July 10, 2024. Under the regulations that we administer (N.J.A.C. 7:50-3.45), the Executive Director is required to determine whether these ordinances relate to any of the standards of the Pinelands Comprehensive Management Plan (CMP). If so, Commission review of Ordinances 12-7-2024, 13-7-2024, and 14-7-2024 must be completed before they may take effect.

**Ordinance 12-7-2024** amends Chapter 160, Zoning, of the Code of Evesham Township. The ordinance revises water management regulations in response to amendments to the CMP, adopted December 4, 2023.

**Ordinances 13-7-2024 and 14-7-2024** both amend Chapter 62, Subdivision and Site Plan Design Standards, of the Code of Evesham Township. **Ordinance 13-7-2024** revises stormwater management regulations within the Pinelands Area in response to NJDEP amendments to the statewide stormwater management regulations at N.J.A.C. 7:8, adopted July 17, 2023. The CMP incorporates various provisions within N.J.A.C. 7:8 by cross-reference. **Ordinance 14-7-2024** revises stormwater management regulations applicable to areas of the Township outside of the Pinelands Area.

As such, Ordinances 12-7-2024 and 13-7-2024 do relate to certain CMP standards. However, I have determined that the ordinances raise no substantial issues with respect to these CMP standards. Ordinance 14-7-2024 raises no issues with respect to any CMP standards. Therefore, Ordinances 12-7-2024, 13-7-2024, and 14-7-2024 require no further Commission review and may take effect as otherwise provided by law.

If you have any questions or concerns, please contact our office.

Sincerely,

Susan R. Grogan, P.E., AICP  
 Executive Director

DBL/KLE/CEV

c: Jaclyn Veasy, Mayor (via email)  
Kevin Rijs, Dir. Community Development (via email)