



State of New Jersey  
 THE PINELANDS COMMISSION  
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Chris Christie  
 Governor  
 Kim Guadagno  
 Lt. Governor

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Sean W. Earlen  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**MEMORANDUM**

To: Members of the Commission  
 From: Nancy Wittenberg   
 Executive Director  
 Date: January 3, 2018  
 Subject: Summary of the January 12, 2018 Meeting Packet

**Minutes**

The December 12, 2017 Commission Meeting minutes are included in your packet.

**Public Development Applications**

The following public development applications are being recommended for approval with conditions:

1. **Application Number 2006-0039.003/Medford Township**, Medford Township, Regional Growth Area, Installation of 544 linear feet of sanitary sewer main.
2. **Application Number 1991-1108.011/Pemberton Township Board of Education**, Pemberton Township, Regional Growth Area, Construction of a 43 space parking lot at the Isaiah Haines School.
3. **Application Number 1991-1108.012/Pemberton Township Board of Education**, Pemberton Township, Regional Growth Area, Placement of two temporary classroom buildings at the Isaiah Haines School.
4. **Application Number 2017-0204.001/Pemberton Township**, Pemberton Township, Regional Growth Area, Demolition of a single family dwelling, 50 years old or older.

**Waiver of Strict Compliance**

There are no Waiver of Strict Compliance applications on this month's agenda.

**Letter of Interpretation**

Four Pinelands Development Credit Letters of Interpretations (attached) were issued since the last Commission meeting, allocating 3.08 PDCs to 131.1 acres.

**Off-Road Vehicle Event Route Map Approval**

One Off-Road Vehicle Event Route Map Approval (attached) was issued since the last Commission meeting.

**Master Plans and Ordinances Not Requiring Commission Action**

We have included a memorandum on two ordinance amendments that we reviewed and found to raise no substantial issues with respect to CMP standards. These amendments were submitted by Manchester Township and Winslow Township.

**Other Resolutions**

Included in your packet is a resolution to accept the FY 16 Audit Report.

**Other Items**

A list of pending Public Development Applications for which public comment will be accepted at the January 12, 2018 Commission meeting.

Also included in your packet is a progress report on the New Jersey Pinelands Electric-Transmission Right-of-Way Vegetation Management Plan. In October of 2009, the Pinelands Commission approved the New Jersey Pinelands Electric Transmission ROW Vegetation Management Plan. The Commission staff will provide an update on the ROW Plan.

**Closed Session**

The Commission may need to convene into closed session.

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Please note that future meetings and office closure dates, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.

/ PC1



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Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

### NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, January 12, 2018

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

**9:30 a.m.**

1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag

2. Adoption of Minutes

- December 12, 2017

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration *Where the Record is Closed*

A. Permitting Matters

- Office of Administrative Law
  - None
- Review of Local Approval
  - None
- Public Development Projects and Waivers of Strict Compliance
  - Approving With Conditions Applications for Public Development (Application Numbers 1991-1108.011, Construction of a 43 space parking lot at the Isaiah Haines School in Pemberton Township; 1991-1108.012 Placement of two temporary classroom buildings at the Isaiah Haines School in Pemberton Township; and 2017-0204.001, Demolition of a single family dwelling, 50 years old or older in Pemberton Township)

- Approving With Conditions an Application for Public Development (Application Number 2006-0039.003, Installation of 544 linear feet of sanitary sewer main in Medford Township)

B. Planning Matters

- Municipal Master Plans and Ordinances
    - None
  - Other Resolutions
    - None
  - CMP Amendments
    - None
5. Public Comment on Public Development Applications and Waivers of Strict Compliance (see attached list) and Resolutions ***Where the Record is Not Closed*** (to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)
  6. Master Plans and Ordinances Not Requiring Commission Action
    - Manchester Township Ordinance 17-024
    - Winslow Township Ordinance O-2017-020
  7. Other Resolutions
    - To Accept the Fiscal Year 2016 Audit Report
  8. Presentation: Progress Report on the Pinelands Electric Transmission ROW Vegetation Management Plan Pilot Program
  9. General Public Comment (to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)
  10. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters (The Commission reserves the right to reconvene into public session to take action on closed session items.)
  11. Adjournment

**Upcoming Meetings**

Unless otherwise noted, all meetings/events are conducted at the offices of the Pinelands Commission in New Lisbon

Fri., January 26, 2018	Policy and Implementation Meeting (9:30 a.m.)
Fri., February 9, 2018	Pinelands Commission Meeting (9:30 a.m.)

**Upcoming Office Closures**

Monday, January 15, 2018 Martin Luther King Jr. Day



*Pinelands Commission and Committee meeting agendas are posted on the Commission's Web site and can be viewed at [www.nj.gov/pinelands/](http://www.nj.gov/pinelands/). The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@njpines.state.nj.us) at [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us) or call (609) 894-7300*

PINELANDS COMMISSION MEETING  
Richard J. Sullivan Center  
Terrence D. Moore Conference Room  
15 Springfield Road  
New Lisbon, New Jersey

MINUTES

**December 12, 2017**

Commissioners Present

Alan W. Avery Jr., Bob Barr, Giuseppe Chila, Paul E. Galletta, Ed Lloyd, Mark Lohbauer, Richard Prickett and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Candace Ashmun.

Commissioners Absent

Jane Jannarone, Ed McGlinchey, Gary Quinn and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:34 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were nine Commissioners who participated in the meeting.)

The Commission and public in attendance pledged allegiance to the Flag.

Minutes

Chairman Earlen presented both the minutes from the November 3, 2017 Commission meeting and the November 17, 2017 (open and closed session) Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Barr seconded the motion.

The November 3, 2017 and the November 17, 2017 Commission meeting minutes were adopted by a vote of 9 to 0.

Honoring Commissioner William Brown

Chairman Earlen read a resolution into the record outlining Commissioner Brown's long history of work on the Commission. The resolution also noted Bill's career in local government and as an engineer at the Woodbine Developmental Center.

Commissioner Lloyd moved the adoption of a resolution Expressing the Commission's appreciation to William J. Brown for his service as a member of the Commission between March 1982 and October 2017 (See Resolution # PC4-17-44). Commissioner Lohbauer seconded the motion.

Commissioners voiced their appreciation for Commissioner Brown's public service on the Commission.

The Commission adopted the resolution by a vote of 9 to 0.

Committee Chairs' Reports

Chairman Earlen provided an update on the November 17, 2017 Policy and Implementation Committee meeting:

The Committee adopted the minutes of its October 24, 2017 meeting.

The Committee recommended Commission certification of Galloway Township Ordinance 1971-2017, adopting revised sign standards.

The Committee recommended the Commission approve an amended Memorandum of Understanding among Winslow Township, the Camden County Municipal Utilities Authority and the Pinelands Commission regarding water use in the Great Egg Harbor River watershed.

The Committee reviewed the public comment received to date on the proposed Comprehensive Management Plan (CMP) amendments.

The Committee received updates on the four current Pinelands Conservation Fund projects and granted extensions until May 1, 2018 for two that have completed appraisals but are unable to meet the December 1, 2017 deadline for other obligations. Of the two remaining

projects, one anticipates closing by the end of November and the other is seeking additional funding and has until September 5, 2018 to complete the transaction.

Commissioner Avery said the Fiscal Year 2016 Audit report will be issued any day. He said the report identified two findings, one of which noted that the Commission needs to improve the monthly reconciliation process and the other finding dealt with testing the Commission's disaster recovery plan. He said the findings are the same as those identified in the FY 2015 Audit report. He said because of the back-to-back audits staff could not resolve the findings in time for the fiscal year 2016 audit.

Executive Director Wittenberg added that a server has been purchased to host the new accounting software that will assist staff in producing financial and other business services reports more efficiently. She said staff is working on procuring software necessary to test the disaster recovery plan.

#### Executive Director's Reports

ED Wittenberg said that she had a conference call with Mark Texel, who is the Director of the New Jersey Division of Parks and Forestry. She said Director Texel told her the New Jersey Department of Environmental Protection (NJDEP) plans to host a new round of stakeholder meetings in early 2018. She said the next steps regarding the use of the map approved by the Commission will be discussed with NJDEP soon. She said that at a future Commission meeting staff from the Commission science office will present data from a joint effort with the NJDEP and the Pinelands Preservation Alliance regarding a survey of ponds to identify the extent of off-road vehicle damage.

Commissioner Lohbauer and Commissioner Lloyd both expressed their interest in discussing maps for other state parks in the Pinelands.

Director Larry Liggett said the Long-Term Economic Monitoring report will be delayed. Staff has met with a users group and an experts group to discuss improvements that would enhance the report. He said the next LTEM report will include two years of data when it is complete.

Director Charles Horner updated the Commission on the following three items:

- Staff is reviewing an application to place a solar facility on top of a capped landfill. He said the application raises an issue with a threatened plant. He said staff is working with the applicant to determine the best approach.
- A progress report for the Right-of-Way Vegetation Management Plan will be distributed in January. He said the rights-of-way are managed by Atlantic City Electric, Public Service Electric & Gas and Jersey Central Power & Light.
- He reminded Commissioners that staff continually works with Pinelands towns on municipal court issues, related to applicants who have violations on their property or have established structures without application.



Paul Leakan updated the Commission on the following items:

- The 2018 Pinelands National Reserve calendars have been distributed to Batsto, Brendan Byrne State Forest and Bass River State Forest. He said the calendars were also sent to all Pineland National Reserve municipalities and to state and federal legislators.
- The 2018 Pinelands Short Course has a total of 42 presentations lined up, 30 of them being new. John Bunnell and Marilyn Sobel both of the Science office will be presenters at the Short Course.
- He said the Commission's contractor and the state continue to work out the permitting requirements for the Visitor Center. He said the fabricator has been working on the actual exhibit. An image of the Jersey Devil that has been produced by the fabricator was displayed on the SmartBoard.

#### Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the construction of a 194.5 foot high wireless communication tower and associated equipment in Jackson Township.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1989-1126.007) (See Resolution # PC4-17-45). Commissioner Lohbauer seconded the motion.

Director Liggett said this is the first application that has been reviewed under Ocean County's amended safety tower plan.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Earlen presented a resolution recommending the approval for the demolition of a single family dwelling in Winslow Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2017-0167.001) (See Resolution # PC4-17-46). Commissioner Barr seconded the motion.

Commissioner Prickett thanked staff for the picture of the structure to be demolished.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Earlen presented a resolution recommending approval for the replacement of 110 existing lattice towers with 110 monopoles in multiple southern Pinelands towns.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions Pinelands Development Application Number 1981-0479.011 (See Resolution # PC4-17-47). Commissioner Chila seconded the motion.

Commissioner Lohbauer said the removal of the large steel lattice structure to be replaced with a single monopole, although taller than a lattice pole, is an improvement to the right-of-way.

Commissioner Lloyd said he hopes the replacement is a trend for other electric companies.

ED Wittenberg said the project is an upgrade for Atlantic City Electric and she did not know if other utilities would be proposing the same type of system upgrade.

Commissioner Lloyd suggested that maybe as part of the vegetation maintenance review process we can raise the issue.

The Commission adopted the resolution by a vote of 9 to 0.

### Planning Matters

Chairman Earlen presented a resolution recommending approval of Galloway Township's ordinance 1971-2017.

Commissioner Galletta moved the adoption of a resolution Issuing an Order to Certify Ordinance 1971-2017, Amending Chapter 233 (Land Management) of the Code of Galloway Township (See Resolution # PC4-17-48). Commissioner Barr seconded the motion.

Chief Planner Susan R.Grogan said this ordinance will permit digital signs in the following management areas in Galloway: Regional Growth Area, Pinelands Town and Pinelands Village.

She said next the resolution on the agenda, the adoption of CMP Amendments, will authorize municipalities to allow digital technology in all management areas.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Earlen presented a resolution to revise and adopt a number of amendments to the Comprehensive Management Plan (CMP).

Commissioner Avery moved the adoption of a resolution To Revise and Adopt Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Application Fees; Escrows; Application Procedures; Landfills; Water Quality; Signs; Alternate Design Wastewater Treatment Systems Pilot Program) (See Resolution #PC4-17-49). Commissioner Galletta seconded the motion.

ED Wittenberg stated that the Commission has been discussing the amendments now under consideration for adoption for many years. A detailed review of the public comments received on the amendments was provided at the November P&I Committee meeting. Three significant issues were raised. First, a number of commenters, including NJDEP, the

NJ Farm Bureau, several Pinelands farmers and homeowners associations, raised concerns with the revised exemption for maintenance and creation of fire breaks. The original intent of the amendment was to clarify a terminology issue that was raised in working with NJDEP. The staff learned from the public comments that a great deal of clearing for fire management purposes is occurring in the Pinelands, on both public and private lands. Staff is recommending that adoption of this amendment be postponed until the Commission has had an opportunity to meet with all stakeholders and consider appropriate revisions. ED Wittenberg stated that the second issue raised by many commenters involves the change in definition from “interested person” to “interested party.” She said the Commission has needed to make this change for many years in light of the 1993 amendments to the Administrative Procedure Act. She said that the amendment does not change who has the right to appeal the Commission’s decisions; rather, it just aligns the CMP with current law. She stated that this had been confirmed with the Attorney General’s office.

DAG Velzy confirmed ED Wittenberg’s interpretation of the amendment. Commissioner Lloyd stated that he has a serious problem with the amendment because he believes it represents a significant change. He stated that at this point in time, he was not convinced the Commission needs to amend the CMP in response to the 1993 Administrative Procedure Act amendments. He indicated his preference was not to adopt this amendment because the Commission should not limit public participation. Commissioner Lloyd also stated that the Federal statute may affect what the Commission can do.

DAG Velzy stated that the courts have construed the 1993/1994 amendments to the Administrative Procedure Act very narrowly. Third-party hearing rights are very limited. He stated that the proposed amendment merely implements case law.

Ms. Roth reiterated that the amendment does not represent a substantive change. She stated that the amendment affects only adjudicatory hearings, not public hearings. A 2004 Appellate Court decision says that agencies do not have the right to grant appeals to people who don’t qualify as “interested parties,” no matter what the agency’s regulations may say. The amendment merely renders the CMP consistent with existing law.

Commissioner Lloyd acknowledged that the amendment would only affect adjudicatory hearings. He questioned whether the amendment was necessary if it would not result in any substantive changes. He stated that he would like the Attorney General’s office to investigate the Federal statute to determine what it might require. If the Federal statute supersedes state law, the Commission needs to know.

Ms. Roth stated that it is always best if regulations are consistent with existing law so as not to confuse the regulated community. She stated that concerns have been raised on several occasions recently about what the current language in the CMP means. Commissioner Lloyd stated that while he understands State law, he believes the Federal statute also governs. He said he prefers to keep opportunities for public participation as broad as possible.

ED Wittenberg stated that staff has been advised that the amendment does not limit public participation.

Commissioner Lloyd stated that the Commission's federal mandate needs to be examined. The Commission should be promoting public participation and allowing challenges to its decisions.

Commissioner Avery stated that the rules need to be clear and straightforward. He questioned what process the Commission should follow moving forward with the amendments.

ED Wittenberg said that amendments can be removed upon adoption. Doing so should not represent a substantive change to the proposal. She suggested that the amendment could be adopted today, with an analysis of the Federal statute to follow.

Ms. Roth stated that the Commission was established by the State Pinelands Protection Act and is therefore a state entity governed by state law.

Commissioner Lohbauer stated that if the amendment flies in the face of the Federal statute, that is of significant concern.

Ms. Roth stated that the Federal statute does discuss public participation but does not speak to third-party appeals or adjudicatory hearing rights.

Commissioner Lloyd suggested that Ms. Roth's interpretation of the Federal statute was too narrow.

Commissioner Avery said that removing the amendment does not convey any additional rights to interested parties. He asked how a determination would be made about the applicability of the Federal statute.

Ms. Roth stated that the Commission would need to direct the Executive Director to consult with the Attorney General's office and obtain an opinion.

Commissioner Galletta stated that given Commissioner Lloyd's strong feelings on the matter, it might be best to remove the amendment for now.

ED Wittenberg reminded the Commission that we are currently in court on this very issue. The Federal statute has not been raised as part of those matters. It is a new issue that the Attorney General's office would need to investigate.

DAG Velzy stated that the court has determined that as long as people have the ability to participate at some point in the process, usually at the local level, that is sufficient. On matters such as the CMP amendments, people have the ability to submit written comments.

Commissioner Lloyd stated that the Federal statute was raised in the public comments and should be analyzed.

Commissioner Barr stated that this was a new issue he had not been aware of before.

Chairman Earlen asked whether the resolution could be amended. ED Wittenberg said yes, but she did not think it should. The amendment merely renders the CMP consistent with state law. If it turns out that there's an issue with the Federal statute, the Attorney General's office will identify it and then the Commission would be required to adhere to those requirements.

Ms. Roth stated that upon adoption, the amendments will be forwarded to the Department of Interior. If there are federal issues, the Secretary of the Interior can decline to sign off on the amendments. She stated that the amendment deals only with quasi-judicial matters. She noted the currently pending appeals involving denial of third-party appeal rights.

Commissioner Lohbauer suggested that the Commission should not act on the amendment while those appeals are pending.

Commissioner Chila stated the CMP should be amended to reflect the standards established by the courts and used since 2003.

Commissioner Lloyd moved to strike the change in definition from "interested person" to "interested party" from the amendments. Commissioner Prickett seconded the motion.

Commissioner Avery asked for clarification on the most efficient process moving forward with the amendments.

Ms. Grogan stated that the Commission should not sacrifice the substance of the amendments. If the "interested party" amendment needs to be removed in order for the remainder of the amendments to move forward, that's what the Commission should consider doing.

Chairman Earlen agreed. Commissioner Lloyd also indicated agreement, stating that the other important amendments in the proposal should go forward.

The Commission approved the motion to strike the definition of "interested party" from the amendments by a vote of 8 to 1.

ED Wittenberg stated that the third issue raised in the public comments involves elimination of the requirement that applicants and municipalities provide the Commission with the names and mailing addresses of individuals who participate at municipal planning board meetings on applications for development in the Pinelands Area. She stated that there are ample opportunities for individuals concerned with development projects to obtain information about applications, register their concerns directly with the Commission and receive copies of the Executive Director's determinations. The Commission's website

includes a status report on all active applications; it is updated weekly. Anyone concerned about an application can call or email the Commission for details or to receive notice of future Commission actions. There is no need to drive to the Commission office, speak at a Commission meeting or convey concerns through testimony at a municipal planning board meeting.

ED Wittenberg stated that staff will make all Pinelands municipalities aware of the change in notice procedures and the alternative measures already in place to ensure that information on applications is readily available directly through the Commission.

Commissioner Lohbauer stated that he originally had questions about this amendment but now understands that the Commission would not be curtailing public notice. He stated the amendment seems reasonable.

Ms. Grogan provided a detailed explanation of the normal private development application process.

Commissioner Lloyd stated that while he was not entirely comfortable with the amendment, he believes it was acceptable to move forward with adoption.

The Commission adopted the resolution, with the “interested party” definition removed from the amendments, by a vote of 9 to 0.

#### Other Resolutions

Chairman Earlen presented a resolution recommending approval of an amendment to an existing Memorandum of Understanding (MOU) with Winslow Township and the Camden County Municipal Utilities Authority.

Commissioner Lohbauer moved the adoption of a resolution Authorizing the Executive Director to Enter into an Amendment to an Existing Memorandum of Understanding Among the Pinelands Commission, Winslow Township, and the Camden County Municipal Utilities Authority Regarding the Winslow Township Wastewater Treatment Plant and Its Infiltration/Percolation Facility (See Resolution # PC4-17-50). Commissioner Galletta seconded the motion.

Director Liggett said that the original Memorandum of Understanding (MOU) came about because of the closure of the Winslow Township Wastewater Treatment Plant in Sicklerville. The Commission was asked to comment on the Water Quality Management Plan amendment that was required for the closure of the treatment plant. He said that staff had concerns that the closure of the treatment plant would have negative impacts on the Great Egg Harbor River. Through the original MOU, measures stipulated that Winslow Township would no longer use Kirkwood-Cohansey water for future development and the Town would purchase 1.5 million gallons of water a day from New Jersey American. He said the Township’s water use declined and the Town wanted credit for its measures to conserve water. After many meetings and discussions between the Commission and the Township of Winslow the MOU was revised and edited. He said the Policy and

Implementation Committee supported the amendment to the MOU. Lastly, he said the Pinelands Preservation Alliance and the Great Egg Harbor Water Association support the First Amendment to the MOU.

Public Comment on MOU

Rich Bizub with the Pinelands Preservation Alliance, said the Alliance supported the original MOU and it supports the amendment to the MOU before the Commission today. He said the amendment will place monthly and annual caps on Kirkwood-Cohansey water usage. He said Winslow Township has done an excellent job conserving water over the last 10 years.

Mayor Barry Wright of Winslow Township thanked Commission staff for its effort on making the amendment to the MOU come to fruition. He said Winslow has spent a lot of money on water conservation and will continue those efforts.

Commissioner Prickett said he was curious if the Commission was able to recognize Communities or individuals or municipal government who have made efforts to significantly reduce water usage.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Earlen left the meeting at 11:06 a.m.

Public Comment on Public Development Applications

No members of the public spoke

Ordinances Not Requiring Commission Action

Vice Chairman Galletta asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Mullica Township Ordinance 9-2017
- South Toms River Borough Ordinance 9-17

No members of the Commission had questions.

Other Resolutions

Vice Chairman Galletta presented a resolution recommending approval of the 2018 Commission meeting dates.

Commissioner Avery moved the adoption of a resolution Setting Pinelands Commission meeting dates for 2018(See Resolution # PC4-17-51). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0.

General Public Comment

Micah Rasmussen of Upper Freehold Township, NJ raised questions regarding Commissioner McGlinchey's residency in Atlantic County and his ability to vote on the New Jersey Natural Gas Southern Reliability Link application. He provided a copy of the Declaration of Covenants signed by Edward McGlinchey required for a grant to elevate his home in Longport, NJ.

Rich Bizub with the Pinelands Preservation Alliance asked the Commission to make a resolution to propose and adopt CMP amendments related to the Kirkwood-Cohansey study. He reminded Commissioners that the discussion about the study began 33 years ago.

Commissioner Lloyd said he left the room because he recused himself from the New Jersey Natural Gas matter. He said that he hopes the Commission can move forward with the rule-making process regarding the Kirkwood-Cohansey study.

Georgina Shanley of Ocean City, N, said that the Commission should include amendments to the CMP related to climate change. She said the World Bank announced that it will no longer fund projects related to oil and gas extraction starting in 2019.

Adjournment

Commissioner Avery moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:24 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: December 20, 2017





**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-17- 44

**TITLE:** Expressing the Commission's appreciation to William J. Brown for his service as a member of the Commission between March 1982 and October 2017

Commissioner Lloyd moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, William J. Brown served as Cape May County's representative on the Pinelands Commission from March 1982 until October 2017; and

WHEREAS, Mr. Brown's tenure on the Commission is the second longest in the agency's history; and

WHEREAS, Mr. Brown logged more than 75,000 miles traveling to and from Commission meetings and while serving on the agency's Personnel and Budget Committee, Public and Governmental Programs Committee, Intergovernmental Committee, By-Laws Committee and Work Plan Committee; and

WHEREAS, during his tenure, the Commission certified the master plans and land use ordinances of all 53 municipalities and seven counties in the Pinelands. It also adopted 43 amendments to the Pinelands Comprehensive Management Plan and completed four in-depth reviews of the Plan; and

WHEREAS, Mr. Brown is a longtime, licensed insurance agent, and he provided important advice regarding the Commission's insurance policies; and

WHEREAS, Mr. Brown served as a Petty Officer in the U.S. Navy during World War II and he retired from 25 years of service as an engineer at the Woodbine Developmental Center; and

WHEREAS, Mr. Brown exemplified the spirit of volunteerism in his community for more than 50 years. He is a former Mayor of Upper Township. He served on the Township's Planning Board, and he is a former member and past President of the Cape May County Board of Taxation; and

WHEREAS, the members of the Commission want to recognize Mr. Brown's significant contributions and express their appreciation for the service that he performed.

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 12th day of December, 2017, do hereby express our appreciation to our colleague and friend, William J. Brown, for his commitment to the Pinelands and for his service as a member of the Commission between March 1982 and October 2017.

**Record of Commission Votes**

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun	X			Jannarone			X	Quinn			X
Avery	X			Lloyd	X			Rohan Green			X
Barr	X			Lohbauer	X			Earlen	X		
Chila	X			McGlinchey			X				
Galletta	X			Prickett	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission  
Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Date: December 12, 2017  
Sean W. Earlen  
Sean W. Earlen  
Chairman



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-17- 45

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1989-1126.007)

Commissioner Galletta moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1989-1126.007

<b>Applicant:</b>	<b>Ocean County Engineering Department</b>
<b>Municipality:</b>	Jackson Township
<b>Management Area:</b>	Pinelands Village
<b>Date of Report:</b>	November 15, 2017
<b>Proposed Development:</b>	Construction of a 194.5 foot high wireless communication tower and associated 3,600 square foot equipment compound.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1989-1126.007 for public development is hereby approved subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

	AYE	NAY	NP	AR*		AYE	NAY	NP	AR*		AYE	NAY	NP	AR*
Ashmun	X				Jannarone			X		Quinn			X	
Avery	X				Lloyd	X				Rohan Green			X	
Barr	X				Lohbauer	X				Earlen	X			
Chila	X				McGlinchey			X						
Galletta	X				Prickett	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Chairman



State of New Jersey  
THE PINELANDS COMMISSION  
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NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

November 15, 2017

John N. Ernst, P.E.  
Ocean County Engineering Department  
P.O. Box 2191  
Toms River, NJ 08754

Re: Application # 1989-1126.007  
Block 16701, Lot 7  
Jackson Township

Dear Mr. Ernst:

The Commission staff has completed its review of this application for construction of a 194.5 foot high wireless communication tower and associated 3,600 square foot equipment compound. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 8, 2017 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.  
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Jackson Township Planning Board (via email)  
Jackson Township Construction Code Official (via email)  
Jackson Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
Robin Kuri (via email)  
Brad Lanute (via email)





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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

November 15, 2017

John N. Ernst, P.E.  
Ocean County Engineering Department  
P.O. Box 2191  
Toms River, NJ 08754

Application No.: 1989-1126.007  
Block 16701, Lot 7  
Jackson Township

This application proposes construction of a 194.5 foot high wireless communication tower and an associated 3,600 square foot equipment compound on the above referenced 2.07 acre parcel in Jackson Township. The proposed tower will be utilized for public safety communications. An Ocean County road maintenance garage is located on the parcel.

### **STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

#### **Height Limitations (N.J.A.C. 7:50-5.4)**

The CMP height limitation standard requires that no structure in a Pinelands Village, including wireless communication towers, shall exceed a height of 35 feet unless a comprehensive plan for siting such towers in the Pinelands Area has been certified (approved) by the Pinelands Commission. The proposed 194.5 foot high tower will be located in the 3 mile search area associated with Site #42 as identified in the Commission certified "Comprehensive Public Safety Tower Plan for Pinelands." As required by the height limitation standard of the CMP, the applicant has demonstrated that the proposed tower minimizes visual impacts.

#### **Land Use (N.J.A.C. 7:50-5.27)**

The proposed development is located in the Pinelands Village of Vanhiseville. The proposed development is a permitted land use in a Pinelands Village.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within an existing storage yard. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant does not propose any revegetation.

**PUBLIC COMMENT**

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 24, 2017. The Commission’s public comment period closed on November 3, 2017. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 13 sheets, prepared by Advantage Engineers, all sheets dated July 11, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

**PINELANDS COMMISSION**  
**APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on December 4, 2017 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-17- 46

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 2017-0167.001)

Commissioner Avery moves and Commissioner Barr seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

**2017-0167.001**  
**Applicant:** Winslow Township  
**Municipality:** Winslow Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** November 15, 2017  
**Proposed Development:** Demolition of a single family dwelling, 50 years old or older.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that Application Number 2017-0167.001 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Jannarone			X		Quinn			X	
Avery	X				Lloyd	X				Rohan Green			X	
Barr	X				Lohbauer	X				Earlen	X			
Chila	X				McGlinchey			X						
Galletta	X				Prickett	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission  
  
 Nancy Wittenberg  
 Executive Director

Date: December 12, 2017  
  
 Sean W. Earlen  
 Chairman



# State of New Jersey

THE PINELANDS COMMISSION

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General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

November 15, 2017

John Iannaco, Construction Office  
Winslow Township  
125 South Route 73  
Braddock, NJ 08037

Re: Application # 2017-0167.001  
Block 4506, Lot 14  
Winslow Township

Dear Mr. Iannaco:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 8, 2017 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Winslow Township Planning Board (via email)  
Winslow Township Construction Code Official (via email)  
Winslow Township Environmental Commission (via email)  
Secretary, Camden County Planning Board (via email)







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General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

November 15, 2017

John Iannaco, Construction Office  
Winslow Township  
125 South Route 73  
Braddock, NJ 08037

Application No.: 2017-0167.001  
Block 4506, Lot 14  
Winslow Township

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 1.25 acre parcel in Winslow Township. The Township owns the parcel.

### **STANDARDS**

The Commission staff has reviewed the proposed demolition for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application.

#### **Land Use (N.J.A.C. 7:50-5.21)**

The parcel is located in a Pinelands Regional Growth Area. The demolition of a dwelling is permitted in the Pinelands Area.

#### **Cultural Resource Standards (N.J.A.C. 7:50-6.151)**

The evidence of cultural activity on the parcel, including the existing dwelling, lacks any potential for designation as a historic resource. Based upon this determination, a cultural resource survey was not required.

### **PUBLIC COMMENT**

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 18, 2017. The Commission’s public comment period closed on November 3, 2017. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

As the proposed demolition conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed demolition subject to the above conditions.



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Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on December 4, 2017 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-17- 47

**TITLE:** Approving With Conditions Pinelands Development Application Number 1981-0479.011

Commissioner Lohmeyer moves and Commissioner Chila seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Executive Director's recommendation Report, which recommends that the following application to replace 110 existing, 100-foot-tall electric transmission line lattice towers with new steel monopoles 105-to 125-feet in height, depending on the location, be approved with conditions:

1981-0479.011

**Applicant:** Atlantic City Electric Company  
**Municipality:** Buena Vista Township  
Egg Harbor Township  
City of Estell Manor  
Hamilton Township  
Weymouth Township

**Management Area:** Pinelands Agricultural Production Area  
Pinelands Forest Area  
Pinelands Regional Growth Area  
Pinelands Rural Development Area

**Date of Report:** November 17, 2017

**Proposed Development:** Replacement of 110 existing lattice towers with 110 monopoles.

WHEREAS, in accordance with Pinelands Resolution No. PC4-17-34, the Pinelands Commission provided an opportunity for the public to present oral comments at its meeting on November 3, 2017 and accepted written comment until the close of business on that same date; and

WHEREAS, no comments were submitted by the public, either verbally or in writing, concerning this application; and

WHEREAS, the Pinelands Commission has had the opportunity to review the application file and the Executive Director's Recommendation Report, dated November 17, 2017; and

WHEREAS, the Pinelands Commission hereby finds that there is ample evidence in the record demonstrating that the proposed development with the conditions recommended by the Executive Director conforms to the minimum standards of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Pinelands Commission hereby finds that the proposed development with the conditions recommended by the Executive Director is consistent with the intent and objectives of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., and the Pinelands Comprehensive Management Plan, N.J. A.C. 7:50; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that the Pinelands Commission Adopts the recommendation of the Executive Director, including the conditions contained within the Executive Director's Recommendation Report dated November 17, 2017; and

BE IT FURTHER RESOLVED that the Pinelands Commission hereby determines that the development proposed in the Pinelands Development Application No. 1981-0479.011 is consistent with the minimum standards of the Pinelands Comprehensive Management Plan.

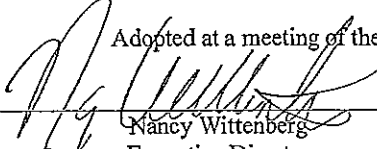
Record of Commission Votes

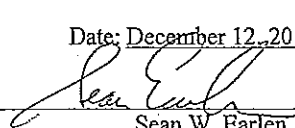
AYE NAY NP AR*				AYE NAY NP AR*				AYE NAY NP AR*					
Ashmun	<input checked="" type="checkbox"/>				Jannarone			<input checked="" type="checkbox"/>		Quinn			<input checked="" type="checkbox"/>
Avery	<input checked="" type="checkbox"/>				Lloyd	<input checked="" type="checkbox"/>				Rohan Green			<input checked="" type="checkbox"/>
Barr	<input checked="" type="checkbox"/>				Lohbauer	<input checked="" type="checkbox"/>				Earlen	<input checked="" type="checkbox"/>		
Chila	<input checked="" type="checkbox"/>				McGlinchey			<input checked="" type="checkbox"/>					
Galletta	<input checked="" type="checkbox"/>				Prickett	<input checked="" type="checkbox"/>							

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

  
 Nancy Wittenberg  
 Executive Director

  
 Sean W. Earlen  
 Chairman



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Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

November 17, 2017

Ms. Christine Melillo  
Atlantic City Electric  
5100 Harding Highway  
Mays Landing, New Jersey 08330

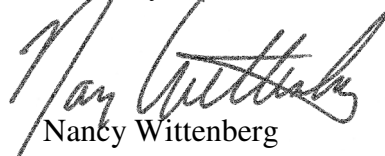
Re: Application # 1981-0479.011  
Upper Pittsgrove to Lewis Transmission Right-Of-Way  
Buena Vista Township  
Egg Harbor Township  
City of Estell Manor  
Hamilton Township  
Weymouth Township

Dear Ms. Melillo:

The Commission staff has completed its review of this application proposing the replacement of 110 existing electric transmission line lattice towers with new steel monopoles within an existing electric transmission right-of-way. Enclosed is a copy of an Executive Director's Recommendation Report. I am recommending that the Pinelands Commission approve the application with conditions at its December 8, 2017 meeting.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

  
Nancy Wittenberg  
Executive Director

Enclosure





# State of New Jersey

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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## EXECUTIVE DIRECTOR'S RECOMMENDATION REPORT

November 17, 2017

Ms. Christine Melillo  
Atlantic City Electric  
5100 Harding Highway  
Mays Landing, New Jersey 08330

Application No.: 1981-0479.011

Location: Upper Pittsgrove to Lewis Transmission Right-Of-Way  
Buena Vista Township  
Egg Harbor Township  
City of Estell Manor  
Hamilton Township  
Weymouth Township

This application proposes the replacement of 110 existing 100 foot tall electric transmission line lattice towers with new steel monopoles 105 to 125 feet in height, depending on the location. Atlantic City Electric (ACE) is also proposing the replacement of a double-circuited 138 kilovolt (kV) transmission line with a 238 kV transmission line (hereinafter the "proposed electric transmission tower replacement project".) The entire project crosses four counties and ten municipalities in southern New Jersey.

Approximately 19 miles of the overall approximately 40 mile proposed electric transmission tower replacement project will occur in the Pinelands Area. All of the work will occur within an existing electric transmission right-of-way. The right-of-way, which is 200 feet wide, is currently cleared to a width of 100 feet. The proposed electric transmission tower replacement project will be located within four Pinelands Management Areas: a Rural Development Area (3.9 miles); a Forest Area (7.1 miles); an Agricultural Production Area (2.3 miles); and a Regional Growth Area (5.7 miles).

### BACKGROUND

ACE is an electric service public utility, regulated by the Board of Public Utilities (BPU) pursuant to N.J.S.A. 48:2-23, that supplies electricity to over 545,000 customers in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem Counties. On February 18, 2016, ACE submitted



a Pinelands Development Application to the Pinelands Commission for the proposed electric transmission tower replacement project.

Because ACE is a private entity, Commission staff review normally would have proceeded in accordance with the regulatory process specified in the Pinelands Comprehensive Management Plan (CMP) for private development. Specifically, once the application was deemed complete in accordance with N.J.A.C. 7:50-4.2(c), staff would have issued a Certificate of Filing (COF) pursuant to N.J.A.C. 7:50-4.34. Although not an approval, the COF authorizes a local permitting agency (municipality or county) to begin its review of the proposed development. In addition, once the local permitting agency issues its approval for the private development, that approval must be submitted to the Commission's Executive Director for a determination as to whether it raises a substantial issue with respect to its conformance with the CMP. Only if the Executive Director finds that the local approval raises a substantial issue, does the application go before the full Commission for a vote, following the development of the record before the Executive Director or the OAL. N.J.A.C. 7:50-4.37 & 4.42.<sup>1</sup>

However, in this instance, ACE petitioned the BPU pursuant to the New Jersey Municipal Land Use Law at N.J.S.A 40:55D-19 to preempt municipal review of its proposed electric transmission tower replacement project. As a result, the application was reviewed by Commission staff under the coordinated state agency permitting provisions of the CMP at N.J.A.C. 7:50-4.81 through 4.85, which required the issuance of a COF to accompany the applicant's submission to the BPU.

On November 22, 2016, the Commission staff issued a COF for the application pursuant to N.J.A.C. 7:50-4.34 and 4.82. Commission staff reviewed the proposed electric transmission tower replacement project for compliance with all applicable CMP standards, specifically permitted land uses, wetlands, threatened or endangered plants and wildlife, and cultural resources. The staff made an initial determination that the proposed electric transmission tower replacement project was consistent with all of these standards

By letter dated June 21, 2017, the Executive Director transmitted a copy of the COF to the BPU. In that letter, the Executive Director requested that BPU provide the Commission with copies of documents issued and filed with BPU as part of its N.J.S.A. 40:55D-19 petition proceedings, including copies of the petition; notice of any hearing, public meetings or other formal proceedings pertaining to that petition; copies of any written reports or comments that the BPU received that raised issues concerning the standards of the CMP and copies of any Orders issued by the BPU concerning the petition. BPU subsequently submitted its record to the Commission staff, including all public comments and documents submitted as part of its public and evidentiary hearings.

On June 30, 2017, the BPU issued an Order Adopting Initial Decision approving, among other things, ACE's petition for preemption of municipal review in accordance with N.J.S.A. 40:55D-19 for the totality of the tower replacement project, including the portion to be constructed within the Pinelands Area. Consequently, and in light of the Appellate Division's decision in an unrelated matter, Matter of Petition of South Jersey Gas Co., 447 N.J. Super. 459, 478 (App. Div. 2016), the Commission at its October 13, 2017 meeting passed Resolution PC4-17-34 which articulates the process by which the

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<sup>1</sup> If the Executive Director determines the local approval does not raise issue of CMP conformance, the approval may go into effect. However, if further review ("call-up") is necessary, an adjudicatory hearing is conducted by either the Executive Director or the Office of Administrative Law, followed by a vote of the Commission. Conversely, with regard to public development applications, which typically do not include a corresponding local permitting approval, the determination of CMP compliance is made by vote of the Commission.



Commission would review the proposed tower replacement project in order to render a final decision as to its compliance with the standards of the CMP.

On October 13, 2017, the Commission posted notice on its website and sent its officially designated newspapers notice of the public's opportunity to provide oral comment regarding the ACE application at the Commission's regularly scheduled meeting on November 3, 2017 and through submission of written comments until the close of business on November 3, 2017.

The Commission received no public comments on the application either at the November 3, 2017 meeting or in writing.

### **STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all applicable standards of the CMP. The following reviews the CMP standards that are relevant to this application:

#### Land Use (N.J.A.C. 7:50-5.28(a), 7:50-5.26(b)10 and 7:50-5.29(a))

As indicated in the Commission's November 22, 2016 COF, the portion of the project to be constructed within the Pinelands Area consists of the replacement of 110 lattice towers with 110 monopoles within an existing electric transmission line right-of-way located in Buena Vista, Egg Harbor, Hamilton and Weymouth Townships and the City of Estell Manor.

The proposed electric transmission tower replacement project will be located in a Rural Development Area (3.9 miles), a Forest Area (7.1 miles), an Agricultural Production Area (2.3 miles), and a Regional Growth Area (5.7 miles). The CMP defines electric transmission utilities as "public service infrastructure" at N.J.A.C. 7:50-2.11. Public service infrastructure is a permitted use<sup>2</sup> in a Regional Growth Area (N.J.A.C. 7:50- 5.28(a)) and a Rural Development Area (N.J.A.C. 7:50-5.26(b)10).

The continuation and expansion of existing public service infrastructure is also a permitted use in an Agricultural Production Area and Forest Area provided the development meets certain conditions contained in N.J.A.C. 7:50-5.2. These conditions stipulate that the use was not abandoned or terminated subsequent to January 14, 1981, that the expansion or alteration of the use is in accordance with the minimum standards of N.J.A.C. 7:50-6, and that the area of expansion does not exceed 50 percent of the floor area, the area of the use or the capacity of the use, whichever is applicable, in existence on January 14, 1981. Commission staff has determined that the proposed development meets these conditions and therefore is a permitted use in the Agricultural Production Area and Forest Area.

#### Wetlands Protection Standards (N.J.A.C. 7:50-6.7 & 6.13)

The CMP prohibits most development in wetlands and requires a 300 foot buffer to wetlands unless it is demonstrated that a lesser buffer will not result in a significant adverse impact to the wetland. ACE's proposed electric transmission tower replacement project is to be constructed entirely within an existing electric transmission right-of-way.

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<sup>2</sup> A permitted use is a land use authorized by the CMP in a particular Pinelands management area pursuant to Subchapter 5, Minimum Standards for Land Uses and Intensities.

Portions of the existing right-of-way are located in and within 300 feet of wetlands. The proposed development will result in the permanent disturbance of approximately 218 square feet (0.05 acres) of wetlands.

The CMP (N.J.A.C. 7:50-6.13) permits the installation of utility transmission and distribution facilities in wetlands provided the following five conditions are met: 1) there is no feasible alternative route for the linear improvement that does not involve development in a wetland, or, if none, that another feasible route which results in less significant adverse impacts on wetlands does not exist; 2) the need for the proposed linear improvement cannot be met by existing facilities or modification thereof; 3) the use represents a need which overrides the importance of protecting the wetland; 4) development of the linear improvement will include all practical measures to mitigate the adverse impact on the wetland; and 5) the resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances.

The information submitted as part of ACE's Pinelands Development Application, which was verified by the Commission staff, demonstrates compliance with the five conditions of N.J.A.C. 7:50-6.13. Specifically, based upon the staff's review, there is no feasible alternative route for the proposed existing electric transmission line that does not involve development in wetlands or another feasible route which results in an impact to less than 218 square feet of wetlands. The proposed development will increase the reliability and resiliency of the overall electricity distribution system, the need for which cannot be met by existing facilities or modifications thereof. The improved reliability represents a need which overrides the importance of protecting 218 square feet of wetlands. Development of the project will include all practical measures, including matting and the use of silt fence, to avoid earth disturbance in the wetland and minimal cutting of trees, to mitigate any adverse impact on the wetland. The permanent disturbance of the 218 square feet of wetland will not result in the resources of the Pinelands being substantially impaired.

#### Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed electric transmission tower replacement project will be located entirely within an existing electric transmission line right-of-way. A total of nine trees will be removed to accommodate the proposed activity, three of which are in wetlands. In accordance with N.J.A.C. 7:50-6.23(a), the proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP (N.J.A.C. 7:50-6.26) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. N.J.A.C. 7:50-6.26 lists grass species that meet this standard. To stabilize the disturbed areas associated with the transmission line pole replacement, the applicant should utilize a seed mixture which meets that recommendation.

#### Threatened and Endangered Species Protection Standards (N.J.A.C. 7:50-6.27 & 6.33)

The applicant completed a habitat suitability assessment and accompanying surveys for Pinelands designated threatened and endangered (T&E) animal species, and surveys for Pinelands designated T&E plant species. Suitable habitat for the local populations of two T&E animal species, Barred owl and Pine Barrens tree frog, was identified in portions of the wetlands located in the vicinity of the project. To avoid irreversible adverse impacts on habitats that are critical to the survival of known local populations of Barred owls and Pine Barrens tree frogs, the applicant proposes to prohibit development in and within 300 feet of those wetlands where critical habitat for these populations has been identified for the period

between March 1 and August 31. Critical habitat for known populations of Northern pine snakes was identified in the vicinity of, but not within, the existing right-of-way. To avoid impacts to individual Northern pine snakes during construction, the applicant proposes to utilize qualified professionals to monitor the development activities between April 1 and October 31. The proposed development activities therefore have been designed to ensure that there will be no irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 *et seq.*

With regard to T&E plant species, the survey identified local populations of numerous threatened and endangered plant species within the existing right-of-way. The development and all activities necessary to accommodate the development, including access drives and work areas, have been designed so that the proposed project will not result in irreversible adverse impact on the survival of these local populations of these T&E plant species.

#### Cultural Resource Standards (N.J.A.C. 7:50-6.151)

A cultural resource survey was completed for the application. The survey identified significant cultural resources below the ground surface in seven areas within the right-of-way. Construction matting is proposed to be installed in six of those areas to avoid potential impacts to these significant cultural resources. Impacts to the seventh area will be unavoidable and will be disturbed due to the placement of one of the monopoles. In accordance with the provisions of the CMP (N.J.A.C. 7:50-6.156(a)2), the submitted cultural resource survey accomplished the recordation of the significant cultural resource in the seventh area. The proposed development is consistent with the CMP cultural resource standards.

#### **PUBLIC COMMENT**

As noted above, the Commission provided an opportunity for the public to provide comment in person at its regularly scheduled meeting on November 3, 2017, and through the submission of written comments until the end of business the same day. Notice of these public comment opportunities was provided on the Commission's website and sent to the Asbury Park Press, Press of Atlantic City, Burlington County Times and Cherry Hill Courier Post on October 13, 2017, announcing the opening of the public comment period. No member of the public spoke concerning the application at the November 3, 2017 Commission meeting, and no written comments were received.

#### **EXECUTIVE DIRECTOR'S RECOMMENDATION**

The Executive Director concludes that the proposed ACE electric transmission tower replacement project, Application No 1981-0479.011, conforms to the standards of the CMP. The Executive Director therefore recommends that the Pinelands Commission **APPROVE** it subject to the following conditions:

#### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the following plans:

Site Plan, consisting of 37 sheets, prepared by Paulus, Sokolowski and Sartor, LLC and dated as follows:

Sheets 1-37, dated 3/4/2016, last revised 10/12/2016

Site Plan, consisting of 13 sheets, prepared by Gannett Fleming Inc. and dated as follows:  
Sheets 1-13, dated 6/30/2016

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP found at N.J.A.C. 7:50-6.21 et. seq. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and said measures shall be maintained in place until all development has been completed and the area has been stabilized.
6. To maintain consistency with the CMP cultural resource standards, the applicant shall install matting and fencing in the six areas identified in the applicant's Executive Summary and Phase III Archaeological Mitigation report, dated October 27, 2016, as containing significant cultural resources. The applicant shall submit to the Commission photo-documentation of pre-construction, in-progress and end of project conditions for the six locations.
7. To avoid irreversible adverse impacts on habitats that are critical to the survival of known local populations of Barred owls and Pine Barrens tree frogs, development in wetlands and the required 300 foot buffer to those wetlands that have been identified as critical habitat for these local populations is prohibited between March 1 and August 31 of any given year.
8. Prior to any development, the applicant shall obtain any other necessary permits and approvals.



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-17- 48

**TITLE:** Issuing an Order to Certify Ordinance 1971-2017, Amending Chapter 233 (Land Management) of the Code of Galloway Township

Commissioner Galletta moves and Commissioner Barr seconds the motion that:

**WHEREAS**, on March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of the Township of Galloway; and

**WHEREAS**, Resolution #PC4-87-19 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-87-19 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on October 10, 2017, Galloway Township adopted Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Township's Code; and

**WHEREAS**, Ordinance 1971-2017 establishes electronic message center signs as permitted uses in the Township's zoning districts within the Pinelands Regional Growth Area, Pinelands Town, and Pinelands Village Management Areas, including standards for controlling illumination levels, message duration, and message transition; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 1971-2017 on October 12, 2017; and

**WHEREAS**, by letter dated October 17, 2017, the Executive Director notified the Township that Ordinance 1971-2017 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Ordinance 1971-2017 was duly advertised, noticed and held on November 1, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

**WHEREAS**, the Executive Director has found that Ordinance 1971-2017 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 1971-2017 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 1971-2017 and has reviewed the Executive Director's report; and

**WHEREAS**, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that the Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Galloway Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

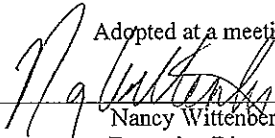
**Record of Commission Votes**

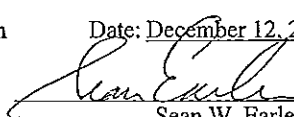
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Ashmun	X				Jannarone			X		Quinn			X	
Avery	X				Lloyd	X				Rohan Green			X	
Barr	X				Lohbauer	X				Earlen	X			
Chila	X				McGlinchey			X						
Galletta	X				Prickett	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

  
 \_\_\_\_\_  
 Nancy Wittenberg  
 Executive Director

  
 \_\_\_\_\_  
 Sean W. Earlen  
 Chairman



State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

**REPORT ON GALLOWAY TOWNSHIP ORDINANCE 1971-2017, AMENDING CHAPTER  
233 (LAND MANAGEMENT) OF THE CODE OF GALLOWAY TOWNSHIP**

November 17, 2017

Galloway Township  
300 E. Jimmie Leeds Road  
Galloway, NJ 08205

**FINDINGS OF FACT**

I. Background

The Township of Galloway is located in the southeastern portion of the Pinelands Area, in Atlantic County. Pinelands municipalities that abut Galloway Township include Port Republic Township and Galloway Township, and the Townships of Hamilton, Egg Harbor, and Mullica in Atlantic County, as well as Washington and Bass River Townships in Burlington County.

On March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Galloway Township.

On October 10, 2017, Galloway Township adopted Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township. Ordinance 1971-2017 adopts regulations controlling electronic message center (EMC) signs. In particular, it establishes such signs as permitted uses in the zoning districts located within the Pinelands Regional Growth Area, Pinelands Town, and Pinelands Village Management Areas of the Township, and provides additional standards for controlling illumination levels, message duration, and message transition. The Pinelands Commission received a certified copy of Ordinance 1971-2017 on October 12, 2017.

By letter dated October 17, 2017, the Executive Director notified the Township that Ordinance 1971-2017 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- \* Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, introduced on September 12, 2017 and adopted on October 10, 2017.

This ordinance has been reviewed to determine whether it conforms to the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

**1. Natural Resource Inventory**

Not applicable.

**2. Required Provisions of Land Use Ordinance Relating to Development Standards**

Ordinance 1971-2017 amends Chapter 233 (Land Management) Section 233-10 (Sign Regulations) of the Code of Galloway Township. In particular, it establishes regulations permitting and controlling for electronic message center (EMC) signs. These types of signs are electronically-activated, changeable-copy signs whose variable message and/or graphic presentation can be electronically programmed by a computer from a remote location and is typically illuminated by LED lights.

Ordinance 1971-2017 permits EMC signs to be used for a limited range of on-site identification sign categories including those for: institutional uses and public facilities; permitted professional offices; businesses; shopping centers; and industrial parks. In the Pinelands Area, Ordinance 1971-2017 permits EMC signs only within zoning districts that are within the Pinelands Regional Growth Area, Pinelands Town, and Pinelands Village Management Areas. Galloway Township includes two discrete Regional Growth Areas, portions of the Pinelands Town of Egg Harbor City and the entirety of the Pinelands Villages of Cologne-Germania and Pomona (see Exhibit 1).

Ordinance 1971-2017 establishes additional standards requiring that all such signs: incorporate automatic dimming controls; retain a minimum message display time of 8 seconds; shall not exceed a maximum luminance level of 750 cd/m<sup>2</sup> between sunset and sunrise; shall not use continuous scrolling and/or traveling, flashing, blinking, twinkling, spinning, rotating, and similar moving effects; and shall turn off or display a blank screen when malfunctioning; and where residential uses are located within 200 feet of the property, the sign shall dimmed and remain steady from 11:00 pm through 6:00 am.

The amendments made by Ordinance 1971-2017 must be evaluated in terms of their consistency with the CMP's scenic management program (N.J.A.C. 7:50-6, Part X), which contains standards for signs. The scenic management standards of the CMP include a general prohibition on signs that are designed to attract attention by physical or lighting change (N.J.A.C. 7:50-6.107(a)). Additionally, N.J.A.C. 7:50-6.107(e) requires that to the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.



This ordinance presents a potential conflict with the 7:50-6.107(a) because, by design, EMC signs allow for the contents of a sign to change at relatively frequent intervals through the use of LED technology. It is noteworthy that the CMP does not provide any standards for sign lighting (e.g., internal or external lighting). Thus, it is not the use of the LED technology (internal illumination) by EMC signs that raises an issue with the CMP, but the fact that EMC signs involve the changing of one static image to another, or even the use of video, to attract attention. However, it is important to note that this particular standard of the CMP was written in 1980 at a time when such LED technology was not common, but is now in pervasive use.

Ordinance 1971-2017 incorporates numerous standards to control the location, size and appearance of EMC signs as outlined above. Given that these types of signs are permitted only in the Pinelands Regionals Growth Area, Pinelands Town, and Pinelands Village Management Areas of Galloway Township, where the CMP permits and encourages all types of residential and commercial development, these standards sufficiently address concerns with scenic management.

The amendments adopted by Ordinance 1971-2017 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

**3. Requirement for Certificate of Filing and Content of Development Applications**

Not applicable.

**4. Requirement for Municipal Review and Action on All Development**

Not applicable.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

Not applicable.

**9. Referral of Development Applications to Environmental Commission**

Not applicable.

**10. General Conformance Requirements**

Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

Not applicable.

**PUBLIC HEARING**

A public hearing to receive testimony concerning Galloway Township's application for certification of Ordinance 1971-2017 was duly advertised, noticed and held on November 1, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Mr. Lanute conducted the hearing, at which no testimony was received.

Written comments were accepted through November 3, 2017; however, no comments were received.

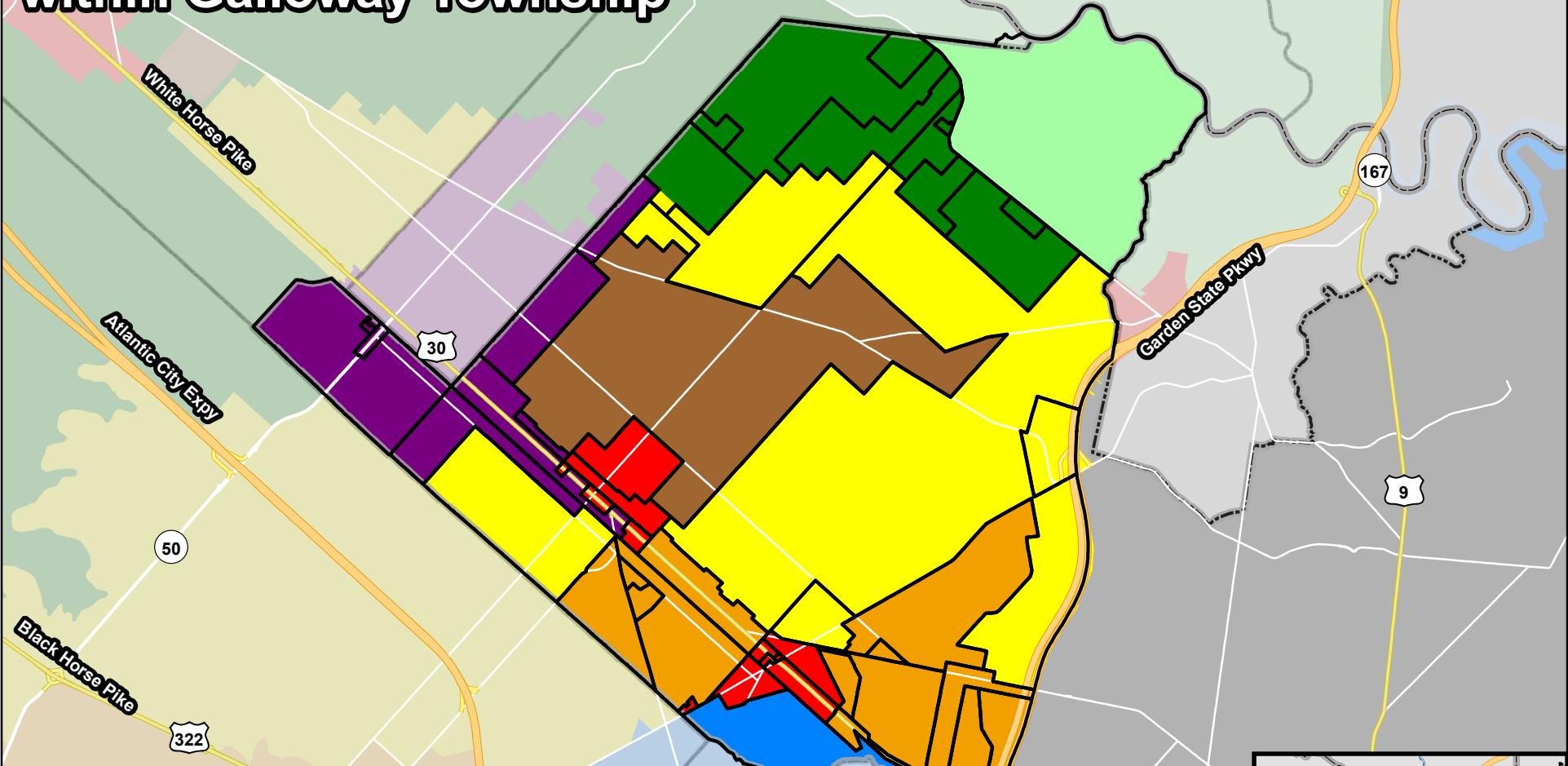
**CONCLUSION**

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 1971-2017 complies with the Comprehensive Management Plan's standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 1971-2017 of Galloway Township.









SRG/DBL/CGA  
Attachment


# Pinelands Management Areas within Galloway Township

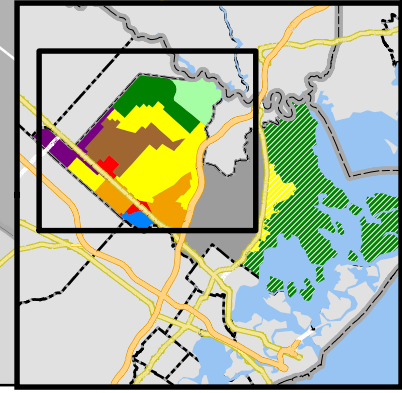
Executive Director's Report  
Galloway Ordinance 1971-2017  
Exhibit 1  
11/17/2017



**Pinelands Management Areas**

 Preservation Area	 Regional Growth Area
 Forest Area	 Pinelands Town
 Agricultural Production Area	 Pinelands Village
 Rural Development Area	 Federal or Military Facility

0  5 Miles





## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 49

**TITLE:** To Revise and Adopt Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Application Fees; Escrows; Application Procedures; Landfills; Water Quality; Signs; Alternate Design Wastewater Treatment Systems Pilot Program)

Commissioner Avery moves and Commissioner Galietta seconds the motion that:

WHEREAS, on July 14, 2017, the Pinelands Commission authorized the publication of proposed amendments to the Comprehensive Management Plan through adoption of Resolution PC4-17-22; and

WHEREAS, the proposed amendments were published in the September 18, 2017 issue of the New Jersey Register at 49 N.J.R. 3075(a); and

WHEREAS, the Pinelands Commission held a public hearing to elicit public comment on the proposed amendments on October 4, 2017; and

WHEREAS, the Pinelands Commission also solicited written comment on the proposed amendments through November 17, 2017; and

WHEREAS, the Pinelands Commission received both oral and written comments on the proposed amendments; and

WHEREAS, the Pinelands Commission has reviewed all public comments received; and

WHEREAS, based upon further review of the proposed amendments and public comments, the Commission has determined that the proposed amendments to N.J.A.C. 7:50-4.1(a)17, which relate to prescribed burning and the clearing and maintaining of fire breaks, should not be adopted at this time; and

WHEREAS, the Commission has further determined that the proposed definition of "interested party" at N.J.A.C. 7:50-2.11 should not be adopted at this time; and

WHEREAS, the Commission has also determined that minor technical changes to the amendments at N.J.A.C. 7:50-6.108(a)4 and 5 are necessary to correct publication errors made by the Office of Administrative Law; and

WHEREAS, the Pinelands Commission desires to revise and adopt the proposed amendments in accordance with the December 12, 2017 Notice of Adoption; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission in adopting the Comprehensive Management Plan or amendments thereto shall have force or effect until thirty (30) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. The Pinelands Commission hereby revises the proposed Comprehensive Management Plan amendments, as published in the September 18, 2017 New Jersey Register, in accordance with the attached December 12, 2017 Notice of Adoption.

2. The Pinelands Commission hereby adopts the proposed Comprehensive Management Plan amendments, as published in the September 18, 2017 New Jersey Register, and in accordance with the attached December 12, 2017 Notice of Adoption.
3. The Executive Director shall forward the amendments and minutes of this action to the Governor of the State of New Jersey, and shall also forward these amendments to the United States Secretary of the Interior for review in accordance with Section 502 of the National Parks and Recreation Act of 1978.
4. The amendments shall take effect as provided in the Pinelands Protection Act and upon publication in the New Jersey Register.

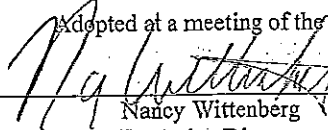
**Record of Commission Votes**

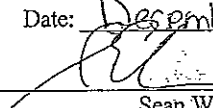
	AYE	NAY	NP	AR*		AYE	NAY	NP	AR*		AYE	NAY	NP	AR*
Ashmun	X				Jannarone				X	Quinn				X
Avery	X				Lloyd	X				Rohan Green				X
Barr	X				Lohbauer	X				Earlen	X			
Chila	X				McGlinchey				X					
Galletta	X				Prickett	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

  
 Nancy Wittenberg  
 Executive Director

  
 Sean W. Earlen  
 Chairman

December 12, 2017

**PINELANDS COMMISSION**

**Pinelands Comprehensive Management Plan**

**Fees; Escrows; Definitions; Standards for Certification; Application**

**Requirements and Procedures; Landfills; Water Quality; Signs; Petitions for**

**Amendment; Pilot Program for Alternate Design Wastewater Treatment**

**Systems**

**Adopted Amendments: N.J.A.C. 7:50-1.6, 1.7, 2.11, 3.24, 3.39, 4.1, 4.3, 4.15, 4.18, 4.19, 4.20, 4.22, 4.23, 4.25, 4.26, 4.35, 4.37, 4.38, 4.40, 4.41, 4.53, 4.54, 4.56, 4.66, 4.67, 4.74, 4.91, 6.75, 6.84, 6.85, 6.106, 7.3, 7.5, 10.21, 10.22 and 10.23**

**Adopted Repeals and New Rules: N.J.A.C. 7:50-6.107, 6.108 and 6.109**

Proposed: September 18, 2017 at 49 N.J.R. 3075(a)

Adopted: December 12, 2017 by the New Jersey Pinelands Commission, Nancy Wittenberg, Executive Director

Filed: December \_\_, 2017, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3) and **with amendments at N.J.A.C. 7:50-2.11, 4.1(a)17, 4.19(b), 4.25(b), 4.37(b), 4.55, 4.68, 4.73(d), 4.79, 4.91(a) and (b), 6.64(a)2v and 9.7 not adopted.**

Authorized by: New Jersey Pinelands Commission

Authority: N.J.S.A. 13:18A-6j.

Effective Date: \_\_\_\_, 2018

Expiration Date: Exempt.

The New Jersey Pinelands Commission (Commission) is adopting new rules and amendments to Subchapters 1, General Provisions; 2, Interpretations and Definitions; 3, Certification of County, Municipal and Federal Installation Plans; 4, Development Review; 5, Minimum Standards for Land Uses and Intensities; 6, Management Programs and Minimum Standards; 9, Acquisition of Properties with Limited Practical Use; and 10, Pilot Programs, of the Pinelands Comprehensive Management Plan (CMP). The amendments and new rules were proposed on September 18, 2017 at 49 N.J.R. 3075(a). The adopted amendments and new rules relate to fees, escrows, application requirements and procedures, public notice and mailing requirements, water quality standards, landfill closure, signs and the Pilot Program for Alternate Design Wastewater Treatment Systems. They codify current Commission practice, clarify existing standards and requirements, increase the efficiency of the Commission and its staff, eliminate unnecessary application requirements, simplify procedures for the Commission, Pinelands municipalities and applicants, clarify the circumstances under which installation of an impermeable cap is not necessary for existing Pinelands landfills, allow for the use of advanced treatment technologies as a means of facilitating expansion of certain existing nonresidential uses, update and revise CMP sign standards and recognize the successful participation of one alternate design wastewater treatment technology in a long-standing pilot program.

In association with publication of the proposed amendments and new rules in the September 18, 2017 issue of the New Jersey Register, the Pinelands Commission transmitted the proposal to each Pinelands municipality and county,



as well as to other interested parties, for review and comment. Additionally, the Pinelands Commission:

- Sent notice of the public hearing to all persons and organizations that subscribe to the Commission's public hearing registry;
- Sent notice of the public hearing and provided a copy of the rule proposal to all Pinelands counties and municipalities, the health departments of all seven Pinelands counties, the alternate design wastewater treatment system vendors for technologies approved in the Pinelands Area and other interested parties;
- Placed advertisements of the public hearing in the four official newspapers of the Commission, as well as on the Commission's own web page;
- Submitted the proposed amendments and new rules to the Pinelands Municipal Council pursuant to N.J.S.A. 13:18A-7f;
- Distributed the proposed amendments and new rules to the news media maintaining a press office in the State House Complex; and
- Published a copy of the proposed amendments and new rules on its web page at [www.nj.gov/pinelands](http://www.nj.gov/pinelands).

**Summary of Hearing Officer Recommendations and Agency Response:**

A formal public hearing was held before the Commission staff on October 4, 2017. One person attended the hearing and provided oral testimony on the rule proposal.

The public hearing was recorded on magnetic tape which is on file at the Commission's office at 15 Springfield Road, New Lisbon, New Jersey. The

record of this rulemaking is available for inspection in accordance with applicable law by contacting:

Betsy Piner

Pinelands Commission

P.O. Box 359

New Lisbon, NJ 08064

In addition to the oral testimony, the Commission received 669 written comments on the proposed amendments and new rules.

The hearing officer's recommendations are in accordance with the public comment and agency responses below.

**Summary of Public Comments and Agency Responses:**

The Commission accepted oral comments on the September 18, 2017 proposal at the above-discussed October 4, 2017 public hearing and written comments by regular mail, facsimile or e-mail through November 17, 2017.

The following individuals and organizations submitted comments:

1. Jean Q. Public
2. Mayor Chuck Chiarello, Buena Vista Township
3. Connie Herman
4. Roger Bynum
5. Laura Nesbitt
6. Charlotte Tomaszewski
7. Patricia Haines

8. Marko Capoferri
9. Kathy Antenar
10. Nancy Klein
11. Robert Bennett
12. Cheryl Baysal
13. Jeri Mower
14. Kevin Sparkman
15. Maria Scotto diCarlo
16. Norah English
17. Melissa Tomlinson
18. Michael McFadden
19. Kate Pourshariati
20. Cathy Patsco
21. Alina Taylor
22. Clayton Gashlin
23. Georgina Shanley
24. Greg Gates
25. Lisa Kruczek
26. Bill Brash, President, Board of Trustees, New Jersey Fire Safety Council
27. John Comella
28. Carroll Arkema
29. Holly McDonald
30. Chuck Graver

31. Hillary Persky
32. Patricia Mathis
33. Tom Harris
34. Frank DiDonato
35. David Steinberg
36. Paul Purcell
37. James Adams
38. Amy Hansen
39. Melissa Kendall
40. Joseph McConnell
41. Steven Fenster
42. April Redmond, Trustee, Tavistock Homeowners Association
43. Anthony DeStasio
44. Judith Kuhmichel, Chairperson, Country Walk of Lake Ridge Firewise  
Program
45. Horace Somes
46. William Edwards
47. Anne Carroll
48. Stephen Marshall
49. Barbara Milloy
50. Janet Fair
51. Moira Flynn, chairperson, Community Safety Committee, Four Seasons at  
Mirage, Barnegat

52. Denise Mackey
53. Manchester Township Council
54. Mayor Kenneth Palmer, Manchester Township
55. Kathleen Agolio
56. Edward & Elizabeth Lynch
57. Patrick Lenaghan
58. Betty Musetto
59. Horizons at Barnegat Firewise Committee
60. Diane Schlagel, President, Firewise Board of Brighton at Barnegat
61. P. Mondelli
62. Jay E. Mounier
63. Edward Walz, President, Board of Directors, Cedar Glen Lakes, Inc.
64. Barbara Trought
65. Robert R. Williams, Certified Forester, Pine Creek Forestry, LLC
66. Gordon Gross, Emergency Management Coordinator, Office of  
Emergency Management, Maurice River Township
67. Mayor Dudley Lewis, Washington Township
68. Atul Bhankharia
69. Aaron Cela
70. Monty Tilles
71. Linda Mikes
72. Joan Walters
73. Dawn Boughal

74. Anita Rosinola
75. Julia Cranmer
76. Joann Eckstut
77. Jo Ann McGreevy
78. Robert Candelmo
79. Charles O'Donnell
80. Jazmene Smith
81. Caroline Binder
82. Ann Michalowski
83. Anita Kasbarian
84. Graham Ellis
85. Dennis Huyler
86. Bettina Hempel
87. Peter Lenshoek
88. Janis Todd
89. Gina Stagliano
90. Bonner Doemling
91. David Lawrence
92. Kathi Cooley
93. Marjorie Royle
94. Cheri Dzubak
95. Harriet Jernquist
96. Carol Lindsey

97. Izabela Lambert
98. Chris Hazynski
99. Irene Pendze
100. John Swanson
101. Jay Powell
102. Jeff Barton
103. Cori Bishop
104. Theresa Sapigo
105. Petr Khlyabich
106. Timothy Beitel
107. Susan Terris
108. Christopher D'Amato
109. Marilyn Weschselblatt
110. Nancy Feldman
111. Ronald Sverdlove
112. Aurelle Sprout
113. B. Fleitman
114. Nancy Keating
115. Arthur Anderson
116. Mary Loielo
117. James Merlo
118. Hennessy Hennessy
119. Joseph Attamante

120. Dale Smith
121. Robert Rader
122. Arlene Aughey
123. Dorothy Jackson
124. Jay Hendra
125. Jane Dineen
126. Jeffrey Rattner
127. Jeanne Out
128. Tara Cruser-Moss
129. Ae Petrilla
130. Jenny Ludmer
131. Chris Scholl
132. Barbara Darwin
133. Guy Harris
134. Louis Dallara
135. Rozina Barker
136. JosephPorter
137. Justin Kaluza
138. Tabernacle Township Committee
139. William Hague
140. Shawn Cutts, President, American Cranberry Growers Association
141. John Drew
142. Sam Mufalli



143. Alice Golin
144. Donald Cramer
145. Helene Matthews
146. Ibn-Umar Abbasparker
147. James Shea
148. Joseph Braun
149. Marian Reiff
150. William Frantz
151. Charles Davis
152. Clive Smith
153. Jean Publee
154. James Tomczyk
155. Mike Simonet
156. Leonard Berkowitz
157. Katherine Smith, Dr. Ryan Rebozo and Dr. Emile DeVito, Pinelands  
Preservation Alliance
158. Don Vonderschmidt
159. Warren Tuttle, Sr.
160. David Vanek
161. Judith Arik-McGrail and Timothy McGrail
162. Heather John
163. Margaret Wianecki
164. Esterina Bodarky

165. Ruth Boroshok
166. Gina Megay
167. Lascinda Goetschius
168. Jutta Von Sivers
169. Steve Gross
170. James Anglely
171. Sandy Pelland
172. Tom Murray
173. Elaine Goodman
174. Sharon Sauro
175. Marion Chayes
176. Kathy Hart
177. Terry Edlefsen
178. Lisa Blume
179. Aaron Kirtz
180. Matthew Garvin
181. Rhoda Lewis
182. Brian de Castro
183. Stewart and Barbara Carr
184. Kelly Riley
185. Candace Bassat
186. Olga Vannucci
187. Christopher Carlin

188. Keating, C
189. Sherry Gordon
190. Richard Anscher
191. John Wheeler
192. David Fritsche
193. Peter Burval
194. Paul Lerman
195. Richard Kelly
196. Brian Schranz
197. Robert Barrett
198. Carol Joseph
199. Glenn and Meg Turner
200. Paul Riley
201. Patricia Munn
202. Bruce Gordon
203. Rui Moreira
204. David Snope
205. Glenn Novak
206. Robert McPherson
207. Stephanie Eckert
208. Leora Broche
209. Richard Riggs
210. Gregory Rosmaita

211. Susan Tull
212. David Kaplan
213. Robert Szuter
214. Mark Canright
215. Michael Dawson
216. Lee Johnson
217. Carmen Dinescu
218. Stan Hershey
219. Karen Hauck
220. Wayne Strelecki
221. Kelley Nelson
222. Donna Pfeffer
223. Debra Johnson
224. Daniel Kurz
225. Frances Benson
226. Jeffrey Howell
227. Marie Street
228. MaryAnn Muscavage
229. Joseph Basralian
230. James Golden
231. Susan Chenelle
232. Mariusz Dziewulski
233. Carl Ford

234. Zorina Weber
235. Merelyn Dollins
236. Joseph Pylka
237. Sherry Taylor
238. Peter Ingerman
239. Margaret Bordak
240. Joseph Brigandi
241. Iris Block
242. Christine Balint
243. Alan Harwick
244. Diane Geary
245. Corey Schade
246. George Chernetz
247. Joyce Milinowicz
248. Kenneth Grosso
249. David Briede
250. Brooke Harris
251. Gail Andrews
252. Diane Bynum
253. Christina Perella
254. Karen Abel
255. Julie von Uffel
256. Julian Madison

257. Pete Mooney
258. M Sidey
259. Eleanor Liggio
260. Eugene Gorrin
261. Kerry Heck
262. John Bruce
263. Julie Aronson
264. Jackie Garwin
265. Maureen Levier
266. Helen Hamilton
267. Gregory Gates
268. Rosemary Topar
269. Joseph Matar
270. Walter Tulys
271. Tom Beatini
272. Renee Simone-Wiley
273. Gertrude Glazer
274. Dorian Charles
275. Donald White
276. Glenn Welsh
277. Bonnie Bayardi
278. Jean Kuhn
279. Ismael Rodriguez

280. Gairda Jensen
281. Jann Jasper
282. M March
283. H Cunningham
284. James Macaluso
285. Walt Anen
286. Sue Vanleeuwen
287. Shawn Liddick
288. Paul Lucas
289. Sandra Gordon
290. Kevin Kimmel
291. Michele Richards
292. Elsie Polsenski
293. Barbara Nyce
294. Charles Avatar
295. Betsy Hays Gatti
296. Ken Burkhardt
297. John Schreiber
298. Kate Gibbons
299. Margaret Yelenik
300. George Hurst
301. Steven Villani
302. Michael DiGiore

303. Linda Franklin Dreker
304. Stephen Piotrowski
305. Susan Covert
306. Miriam MacGillis
307. David Caccia
308. Matty Giuliano
309. Carl Casella
310. Ginger Mc Rae
311. Joseph Fysz
312. William Roller
313. Jay Steele
314. Matthew Di Clemente
315. Jason Bladzinski
316. Donna O'Leary
317. Margaret Mitchell
318. Felicia Lewis
319. Karen McGuinness
320. Kathleen Maher
321. Denise Summer
322. Lynn Mignola
323. Francie Goldstein
324. Patricia Martinelli
325. Gilda Dibenedetto



326. Nicholas Homyak
327. Sally Warner
328. Matthew Franck
329. MaryJo Kenny
330. William Diviney
331. Robert Veralli
332. Myron Rosenberg
333. Bruce Revesz
334. David Fisher
335. Wayne Jablonski
336. Beth Toussaint
337. Charissa Murray
338. Ann Tung
339. Lynnette Krueger
340. Leslie Lanphear
341. Eileen Corbett
342. Penny Bannister
343. Susan Hamann
344. Susan Godoy
345. Stephen V. Lee, III, President, Lee Brothers, Inc.
346. Jennifer Parisi
347. Tracey Tronolone
348. Jarrett Cloud

349. Dianne Swensen
350. Andrea Hall
351. Jack Spector
352. Rich McFeeters
353. David Schatanoff
354. Marcia Aronoff
355. Jill Arbuckle
356. Michael Gallaway
357. Robert Garcia
358. Betsy Barrett
359. Teresa Brown
360. Paul Petto
361. Lynn Roberts
362. Greg Krawczyk
363. Marco Palladino
364. Richard Reeves
365. Nancy Newcomer
366. Ruth H Varney
367. Louis Ginsburg
368. Lawrence Hoffman
369. Patricia Soteropoulos
370. Lisa Quartararo
371. Virginia & George Breza

- 372. Nancy Yarnall
- 373. Donna Nina
- 374. Kathi Lombardi
- 375. Carol Kuehn
- 376. John Bradford
- 377. Mark van Rossen
- 378. Martin Judd
- 379. Helen Schafer
- 380. Debra Miller
- 381. John Muits
- 382. Catherine Kuzma
- 383. Robert Smith
- 384. Thomas Koven
- 385. Patricia Castine
- 386. Roger Johnson
- 387. Elizabeth Bates
- 388. Jacob Johnson
- 389. Melanie Murphy
- 390. Leland Montgomery
- 391. Deborah Martin
- 392. Fran Ransom
- 393. Raphael Wolfson
- 394. Marta Garcia

395. Pamela Shuman
396. Patricia Nardone
397. Florence Wohl
398. Suzanne Hutter
399. Daniel Weinberger
400. Donald Widmyer
401. William Welkowitz
402. Gibson Reynolds
403. George Gallagher
404. Bonnie Hall
405. Colleen Loughran
406. Jim Van Arsdale
407. Janine Nichols
408. Tracy Foster
409. Thomas Bauer
410. Jeanette Gallagher
411. Marylis Saltzmann
412. Damian Velez
413. Jonathan Rosenblatt
414. Chris Stock
415. Patrica Guthrie
416. Robert Keller
417. Janice Dlugosz

418. Stuart Way
419. Meredith Kates
420. Nicole Scott-Harris
421. Jacob Pease
422. Linda McKillip
423. Harry Hudson
424. Jerry Rivers
425. Sharyn Magee
426. James Hemm
427. Marvin Feil
428. Barbara Spector
429. Sandra Garcia
430. C. Ortiz
431. Thomas Cahill
432. Jo Legg
433. Adam Gross
434. Phyllis Fast
435. Kenneth Maskell
436. Thomas Gillen
437. Amy Steinberg
438. Heidi Hess
439. Erica Johanson
440. Jason Ksepka

441. Lynn Gale
442. Pete Dershimer
443. Elizabeth Guimes
444. Naomi Lonergan
445. Jessica Anderson
446. Victoria Mack
447. Gennaro F. DeLucia
448. Deborah Bianco
449. Jeanne Rothwarf
450. Richard Puglisi
451. Mitzi Deitch
452. Kathy Pippen
453. John Teevan
454. MJ Cittadino
455. Mekala Ravishankar
456. Justin Powell
457. Brian Moscatello
458. Debbie Smith
459. George Bourlotos
460. John Pasqua
461. Pat Foltz
462. Deirdre Evangelista
463. Phillip Desousa

464. John Rech
465. Takako Ishii-Kiefer
466. Darvin Schild
467. Wayne Goldsboro
468. Joann Ramos
469. Jack Schwartz
470. Daniel D'Auria
471. Scott Bruinooge
472. Kathleen Metzger
473. Lara Richards
474. Paul Bartholomew
475. Kathy Aprile
476. Lorraine Brabham
477. David Herbert
478. Rhoda Ondov
479. Patrick Mulligan
480. Jennifer Bulava
481. Heather Bollwark
482. Linda Mack
483. Margaret Woo
484. John Bryans
485. Jacqueline Eliopoulos
486. Jim Miller

487. Kris Smalley
488. Denise Lytle
489. Frank Ferguson
490. Dolores Danks
491. Roland Patterson
492. Sean Derman
493. Curt Baker
494. Marya Parral
495. Ruth Coop
496. Judith Bennis
497. Maureen Neville
498. Kevin Bolembach
499. David Hubbard
500. Marie Keegan
501. Brian Reynolds
502. Cathy Cappiello
503. Sean Ebersole
504. Gregory Miller
505. Janice Buchalski
506. William J Bolen
507. Joan Maccari
508. Timothy Rolle
509. Michael Shakarjian



510. Susan Clark
511. Nicholas Bertram
512. Bryan Mitchell
513. Richard Watson
514. Robert Kwiecinski
515. Jim Kerner
516. Peter Green
517. Christine Mueller
518. Nichole Diamond
519. Jean Parsons
520. John D'Agostino
521. Heidi West
522. Natalie Weiss
523. Morgan Clark
524. Meredith DiMeola
525. Susan Shapiro
526. Teresa Petersen
527. Ashley Farreny
528. Charles Mcghee Hassrick
529. Dan Tollinchi
530. G Derner
531. Katharine Larocca
532. Catharine Flaherty

- 533. Christopher F. Vota
- 534. Felice Schlesinger
- 535. Joshua Noreuil
- 536. Murugan Elu
- 537. Meg Sleeper
- 538. Janice Ewertsen
- 539. Robert Carnevale
- 540. Lyle Finocchiaro
- 541. Mihaela Dinu
- 542. Edward Brigante
- 543. Karen Snow
- 544. Karen Pepe
- 545. Grace Ramus
- 546. Lauren Morse
- 547. Carol Meyer
- 548. Susan Warner
- 549. Adam Copestick
- 550. Linda Elsenhans
- 551. Mike Albar
- 552. Natalie Szuter
- 553. Benito Leon
- 554. Ann Plaisted
- 555. Brenda Carmichael

556. Andrea Bonette
557. Keith Megay
558. Kyle Bracken
559. Robert Hartman
560. Anu Hansen
561. Peter McCarthy
562. Arlene Griscom
563. Richard Boornazian, Assistant Commissioner, Natural and Historic  
Resources, New Jersey Department of Environmental Protection
564. L. Helaudais
565. Susan Samtak
566. Jane Flanagan
567. Marjorie Woodward
568. Al Chazin
569. Len Wassum
570. Bernadette Tourtual
571. Maureen Crowley
572. Doris Jackson
573. Patricia Daly
574. Karen Taylor-Ogren
575. Lauren Beglin
576. Shiela Mitchell

577. Elizabeth George-Cheniara, Esq., Vice President of Regulatory and Legal Affairs, New Jersey Builders Association
578. Gerald Reisner
579. Rita Sheehan
580. Stuart and Fran Brooks
581. Mary Hamilton
582. Susan Holland
583. Theodore Chase
584. Rosemary Doherty
585. Judith Navetta
586. Gerald and Ann Williams
587. Shawn Sori
588. James Rowley
589. Dan Vitelli
590. Alexander Hall
591. Bruce Smith
592. Loretta Aja
593. Jean Strickholm
594. David Approvato
595. Katherine Yvinskas
596. Alice Edgerton
597. Mercedes Dotter
598. Peggy Barbella

599. Mary Ann Cernak
600. Belinda Caraballo
601. Bill Simmons
602. Rita Thompson
603. Melissa Glick
604. Frank A. Brincka
605. Township of Ocean
606. Bethany Sattur
607. John Rossi
608. Jan Lilly
609. Kim Sellon
610. Dawn Canna
611. Ruby Weeks
612. Patricia Guida
613. Kathleen Huffman
614. Dionne Polk
615. Karen Kent
616. Andrew Levin
617. Marie Leithauser
618. Hyun Chul Kim
619. Jennifer Jacoppo
620. Carol Paszamant
621. Galen Preble, Trustee and Treasurer, Whiting Village at Crestwood

- 622. Elizabeth Brown
- 623. Krista Florin
- 624. Tom Conklin
- 625. Ellen Hochberger
- 626. Reshma Mongia
- 627. South Jersey Quail Project
- 628. D. Janszky
- 629. Brian Murray
- 630. George Schaefer
- 631. Tracy Carcione
- 632. Ian Whelan
- 633. Albert McComas, Board President, Country Walk of Lake Ridge
- 634. Amy Price
- 635. Mike Anderson
- 636. Cindy Kerekes
- 637. Donna Yavorsky
- 638. Hugh Carola
- 639. Rich Paterson
- 640. Chris Arney
- 641. Senator Christopher J. Connors
- 642. Douglas Cramer, Cramer & Son
- 643. Mark Villinger, Supervising Planner, Ocean County Planning Board

644. William J. Cutts, Cutts Brothers, LLC and Wading River Cranberries,  
LLC
645. Peter J. Furey, Executive Director, New Jersey Farm Bureau
646. Dawn Gabriel
647. Claire Whitcomb
648. Ellen Bleidorn
649. Lauren Gonnella
650. Patty Wysong
651. Kate Schumacher
652. Athenia Ibragimov
653. Robert Deems
654. Gary Gentert
655. Anthony Ivankovic
656. David J Pustizzi Sr
657. Linda Williams
658. Lance Lacoﬀ
659. Robert Graver
660. Joan detyna
661. Tatiana Durbak
662. Susan Farro
663. Linda O'Donnell
664. Dawn Zelinski
665. Marie Curtis

- 666. Jen Perlaki
- 667. Margaret M. Burns
- 668. Jerry Balabanian
- 669. Dave Maynard

The Commission's detailed response to the comments is set forth below. The numbers in parentheses after each comment correspond to the list of commenters above.

***Application fees (N.J.A.C. 7:50-1.6)***

1. COMMENT: One commenter suggested that the Commission immediately increase its development application fees by 1,000 percent, as a means of reducing the amount of development occurring in the Pinelands. (1)

RESPONSE: The proposed amendments to N.J.A.C. 7:50-1.6 increase most application fees by 25 percent. The Commission believes this is an appropriate increase, given application fee revenue and the costs incurred by the Commission to review and act on development applications.

2. COMMENT: One commenter stated that off-road vehicle events, for which an application fee is required, should be prohibited in the Pinelands due to their impacts on wildlife. (1)



RESPONSE: The proposed amendments to N.J.A.C. 7:50-1.6(c)1 increase application fees for off-road vehicle events from \$5.00 to \$6.25 per mile of the route proposed. The question of whether or not such events should be allowed in the Pinelands Area is not the subject of the current rulemaking effort.

3. COMMENT: One commenter stated that all solar energy facilities should be located on the roofs of building, rather than on the ground, so that land may be retained in its natural state. (1)

RESPONSE: The proposed amendments to N.J.A.C. 7:50-1.6(c)9 merely adopt specific fees for development applications involving solar energy facilities. The location of such facilities and the standards that apply to their development are not the subject of this rulemaking effort.

4. COMMENT: One commenter expressed support for the application fee amendments but raised concerns with any requirement for fees related to pre-application conferences, particularly as they might involve applications for general development plan approval in accordance with N.J.A.C. 7:50-1.6(l). (577)

RESPONSE: The Commission appreciates the support of the commenter. The Comprehensive Management Plan has never required fees for pre-application conferences, which are meetings between property owners, potential applicants and Commission staff to discuss possible development projects. The amendments do not impose fees for pre-application conferences, regardless of the type of development or application being proposed.

***Definitions (N.J.A.C. 7:50-2.11)***

5. COMMENT: One commenter supported the change in definition from “interested person” to “interested party”. (577)

RESPONSE: The Commission appreciates the expression of support.

6. COMMENT: Numerous commenters objected to the change in definition from “interested person” to “interested party” at N.J.A.C. 7:50-2.11, stating that use of the amended definition will limit the rights of Pinelands homeowners and business owners. These commenters submit that the current definition in the CMP allows individuals to intervene if their properties or activities would be genuinely impacted by a Commission action, and should therefore remain unchanged. The commenters state that the proposed new definition fails to describe who is actually considered an interested party. The commenters assert that the amendments contradict the Commission’s mandate to encourage maximum public participation, particularly as it is expressed in Section 502 of the National Parks and Recreation Act of 1978, Pub.L. 95-625 (16 U.S.C.§471i(f)) (3-18, 20-25, 27-41, 47-50, 52, 57, 58, 61, 64, 68-137, 139, 141-344, 346-562, 564-576, 578, 579, 581-604, 606-620, 622-626, 628-632, 634-640, 646-669)

RESPONSE: The proposed amendments to the definition of “interested person” at N.J.A.C. 7:50-2.11 and to the procedures at N.J.A.C. 7:50-4.19(b), 4.25(b), 4.37(b), 4.55, 4.68, 4.73(d), 4.79, 4.91(a) and (b), 6.64(a)2v and 9.7, were the Commission’s much-delayed response to the 1993 amendments to the Administrative Procedure Act, which curtailed third party adjudicatory hearing rights and withdrew the authority of State agencies to confer a right to an adjudicatory hearing to third parties by rule or regulation. The Commission has

determined that further analysis of a potential federal issue is advisable and is therefore not adopting any changes to the definition of “interested person” at this time. Likewise, the term “interested party” will not be changed in the procedural requirements set forth at N.J.A.C. 7:50-4.19(b), 4.25(b), 4.37(b), 4.55, 4.68, 4.73(d), 4.79, 4.91(a) and (b), 6.64(a)2v and 9.7.

***Application exemptions (N.J.A.C. 7:50-4.1)***

7. COMMENT: A number of organizations and individuals objected to the proposed amendments to the exemption for prescribed burning and the creation and maintenance of fire breaks at N.J.A.C. 7:50-4.1(a)17. These commenters cited a number of reasons for their objections, including concerns with air pollution, public safety, application fees, administrative procedures and increased workload for the Commission staff. Specific objections were raised to the proposed six-foot threshold at which clearing for a new fire break would require application to the Commission, with many commenters suggesting that the threshold should be increased to anywhere from 10 to 200 feet. A number of commenters warned that the imposition of application fees and procedures could lead to decreased prescribed burning in the Pinelands, as well as decreased maintenance and fewer fire breaks, which in turn will create public safety issues. Many of the commenters encouraged the Commission to abandon the proposed amendment completely while others asked that the Commission delay adoption of the amendment until such time as consultation with appropriate agencies (such as

the New Jersey Forest Fire Service) has occurred. (26, 42-46, 51, 53-56, 59, 60, 62, 63, 65-67, 138, 140, 157, 345, 563, 580, 605, 621, 627, 633, 641-645)

RESPONSE: The volume of comments received on this application exemption clearly indicate that prescribed burning and the creation of fire breaks in the Pinelands Area are of significant concern. It is also clear from the public comments that these practices are far more widespread than the Commission was previously aware, particularly on privately-owned properties and in association with agricultural uses. The Commission recognizes the importance of affording adequate time and effort to address this issue and is therefore making no changes to N.J.A.C. 7:50-4.1(a)17 at this time. Instead, the Commission will engage all stakeholders to discuss the issue and assist in developing an amended application exemption to be incorporated in a future rule proposal.

***Public hearings (N.J.A.C. 7:50-4.3)***

8. COMMENT: One commenter stated that the Commission needs to continue to hold public hearings, so that all can voice their concerns and take an interest in protecting nature and the future. (19)

RESPONSE: The amendments do not in any way curtail the public hearing requirements of the CMP. Rather, they merely require the Commission to post hearing notices on its website, in addition to publication in the newspaper and distribution to various individuals and governmental agencies, and shift the responsibility for notice of certain hearings from applicants to the Commission.

Any matter for which the CMP required a public hearing prior to the adoption of these amendments will continue to require a hearing.

***Notice and report requirements (N.J.A.C. 7:50- 4.19, 4.20, 4.22, 4.23, 4.25, 4.26, 4.37, 4.40 and 4.41)***

9. COMMENT: Numerous commenters objected to the elimination of the requirements at 7:50-4.19(b) and (c), 4.20(a), 4.22(b), 4.23, 4.25(c), 4.26(a), 4.37(b) and (c), 4.40(b) and 4.41 that call for the Commission to provide notices to individuals who participate in the local (municipal) approval process for a development project in the Pinelands Area. These commenters stated that they can more easily voice their concerns to their municipal officials than to the Commission. The commenters stated that they do not have time to monitor the activities of the Commission, largely because the Commission meets during the day and the agency's headquarters are "difficult to get to". They suggested that notifying individuals who participated in the local approval process is reasonable and helpful to the Commission. The commenters submitted that elimination of these notice requirements will discourage public participation. (3-18, 20-25, 27-41, 47-50, 52, 57, 58, 61, 64, 68-137, 139, 141-344, 346-562, 564-576, 578, 579, 581-604, 606-620, 622-626, 628-632, 634-640, 646-669)

RESPONSE: The amendments revise the provisions set forth at N.J.A.C. 7:50-4.18(d)7 and 4.35(d)7 that local approval agencies must meet when providing notice to the Commission of certain approvals. Approval agencies will no longer be required to include in such notices the names and mailing addresses

of the individuals who testified or otherwise participated at a municipal planning, zoning or land use board meeting where an application for development in the Pinelands Area was heard.

The amendments make similar revisions to the notice requirements at 7:50-4.19(b) and (c), 4.20(a), 4.22(b), 4.23, 4.25(c), 4.26(a), 4.37(b) and (c), 4.40(b) and 4.41, which the Commission must follow when the Executive Director reviews a local approval and makes a determination as to its consistency with the CMP. The Commission will no longer be required to mail notices of such determinations to the individuals identified by the municipality as having actively participated at a local board meeting. The Commission will, however, continue to provide notice to individuals who have submitted information to the Commission on a particular development application and to those individuals who have requested a copy of the Executive Director's determination. In addition, the Commission will continue to provide notice to all individuals, organizations and agencies that have registered pursuant to N.J.A.C. 7:50-4.3(b)2i(2) to receive notice of all public hearings and determinations by the Executive Director on development applications.

The Commission disagrees that the amendments will curtail or otherwise negatively affect public participation. The amendments merely eliminate an inefficient and ineffective notice provision, one that may have made sense when the CMP was adopted in 1980 but is no longer necessary given today's technology. Ample opportunities remain for individuals concerned with development projects in the Pinelands Area to register their concerns directly with

the Commission and receive notification of the Executive Director's determinations. Attendance or testimony at a Commission meeting is not required; rather, an email or phone call to the Commission will suffice.

The Commission also maintains a website that contains status reports on all active applications for development in the Pinelands Area. Reports on active public development applications and requests for waivers of strict compliance are updated daily. An updated status report on all development applications with recent activity is posted every week. These status reports are available to the public 24 hours a day, seven days a week. In a matter of minutes, anyone who is concerned with a particular application can identify its status and simply call or email the Commission for more detailed information and/or request to receive notice of future Commission actions on that application.

***Water Quality (N.J.A.C. 7:50-6.84)***

10. COMMENT: One commenter supported the amendments at N.J.A.C. 7:50-6.84(a)5iii that allow use of advanced wastewater treatment systems for the expansion and improvement of certain existing businesses in the Pinelands Area.

(2)

RESPONSE: The Commission appreciates the support of the commenter and hopes the amendment will be of benefit to existing businesses in the more rural portions of the Pinelands Area.

***Septic management (N.J.A.C. 7:50-6.85)***

11. COMMENT: One commenter supported the amendments at N.J.A.C. 7:50-6.85 that refer to and rely on the Department of Environmental Protection's septic management requirements. (577)

RESPONSE: The Commission appreciates the support of the commenter.

***Alternate Design Treatment Systems Pilot Program (N.J.A.C. 7:50-6.84 and 10.21-20.23)***

12. COMMENT: One commenter supported the amendments at N.J.A.C. 7:50-10.21-23 that release the FAST wastewater treatment system from the Alternate Design Treatment Systems Pilot Program in recognition of the system's success in meeting CMP water quality standards for residential development. (577)

RESPONSE: The Commission appreciates the support of the commenter.

***Miscellaneous***

13. COMMENT: One commenter stated that affordable housing should be provided outside the Pinelands, in other portions of the State. (1)

RESPONSE: The opinion of the commenter is noted; however, none of the proposed amendments or new rules relate to the provision of affordable housing.

14. COMMENT: One commenter complained about the actions of certain Federal representatives and officials with respect to the Paris Climate Change



agreement and the future of the planet. The commenter stated that such officials and the Commission should say no to all pipelines. (407)

RESPONSE: The opinion of the commenter is noted; however, none of the proposed amendments or new rules relate to these matters.

#### **Summary of Agency-Initiated Changes:**

The Commission is correcting errors made by the Office of Administrative Law in the publication of the proposed amendments. Specifically, references to “Pinelands villages” in N.J.A.C. 7:50-6.108(a)4iii and “Pinelands towns” in N.J.A.C. 7:50-6.108(a)4ii and iii and 5 are being replaced with “Pinelands Villages” and “Pinelands Towns”. This correction, which merely replaces lower case letters with upper case letters, will make clear that the rules refer to specific Pinelands management areas, as established and delineated in N.J.A.C. 7:50-5, rather than entire municipalities, towns or villages.

#### **Federal Standards Analysis**

Section 502 of the National Parks and Recreation Act of 1978 (16 U.S.C. §471i) called upon the State of New Jersey to develop a comprehensive management plan for the Pinelands National Reserve. The original plan adopted in 1980 was subject to the approval of the United States Secretary of the Interior, as are all amendments to the plan.

The Federal Pinelands legislation sets forth rigorous goals that the plan must meet, including the protection, preservation and enhancement of the land and water resources of the Pinelands. The adopted amendments are designed to

meet those goals by providing an opportunity for water quality improvements through the use of advanced waste water treatment systems. The other amendments and new rules may be categorized as clarifications or largely procedural in nature.

There are no other Federal requirements that apply to the subject matter of these amendments.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks **\*[thus]\***):

7:50-2.11 Definitions

When used in this Plan, the following terms shall have the meanings ascribed to them.

...

“Interested **\*person\* \*[party]\***” means any **\*persons whose right to use, acquire or enjoy property is or may be affected by any action taken under this Plan, or whose right to use, acquire or enjoy property under this Plan or under any other law of this State or of the United States has been denied, violated or infringed upon by an action or failure to act under this Plan\***

**\*[person or entity who has either submitted an application for development to the Pinelands Commission or who has a particularized property interest sufficient to require a hearing on constitutional or statutory grounds]\***.

...

7:50-4.1 Applicability

- (a) For the purposes of this subchapter only, the following shall not be considered development except for development of any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154:

1.-16. (No change from proposal.)

17. \*[To control and reduce the threat of wildfire:

i.]\* Prescribed burning \*[\*;]\* and

\*[ii. Linear]\* **\*the\*** clearing **\*and maintaining\*** of **\*fire breaks\*** \*[vegetation, including subsequent maintenance of that cleared area and vegetation, provided the linear clearing does not exceed six feet in width]\*;

18.-23. (No change.)

(b)-(d) (No change.)

7:50-4.19 Commission review following preliminary approval

(a) (No change.)

(b) Notice of decision and hearing: Within 30 days following receipt of a notice of preliminary approval containing all the information specified in N.J.A.C. 7:50-4.18(d), the Executive Director shall give notice of his or her determination by mail to the applicant, the local permitting agency that granted such preliminary approval, all persons who have individually submitted information concerning the application, all persons who have requested a copy of said decision, and any person, organization, or agency

that has registered under N.J.A.C. 7:50-4.3(b)2i(2). If the Executive Director determines that the preliminary approval should be reviewed by the Commission, the notice shall indicate that the applicant, the local permitting agency, or any interested **\*person\*** **\*[party]\*** may, within 21 days of mailing of such notice, request that a hearing be held before an Administrative Law Judge pursuant to the procedures established by N.J.A.C. 7:50-4.91 for the purpose of reviewing such preliminary approval.

(c) (No change from proposal).

(d)-(e) (No change.)

#### 7:50-4.25 Commission review following local denial

(a) (No change.)

(b) Notice of decision and hearing: Within 30 days following receipt of a notice of a denial containing all the information specified in N.J.A.C. 7:50-4.18(e) the Executive Director shall give notice of his or her determination by mail to the applicant, the local permitting agency that denied the applicant, all persons who have individually submitted information concerning the application, all persons who have requested a copy of said decision, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2). If the Executive Director determines that the denial should be reviewed by the Commission, the notice shall be sent by mail to the applicant and the local agency that

granted the approval. The notice shall indicate that the applicant, the local permitting agency, or any interested **\*person\*** **\*[party]\*** may, within 21 days of mailing of such notice, request that a hearing be held before an Administrative Law Judge pursuant to the procedures established by N.J.A.C. 7:50-4.91 for the purpose of reviewing the denial.

- (c) (No change from proposal).

7:50-4.37 Commission review following preliminary approval

- (a) (No change.)
- (b) Notice of decision and hearing: Within 30 days following receipt of a notice of preliminary approval containing all the information specified in N.J.A.C. 7:50-4.35(d), the Executive Director shall give notice of his or her determination by mail to the applicant, the local permitting agency that granted such preliminary approval, all persons who have individually submitted information concerning the application, all persons who have requested a copy of said decision, and any person, organization, or agency that has registered under N.J.A.C. 7:50-4.3(b)2i(2). If the Executive Director determines that the preliminary approval should be reviewed by the Commission, the notice shall indicate that either the applicant, the local permitting agency or any interested **\*person\*** **\*[party]\*** may, within 21 days of mailing of such notice, request that a hearing be held before an Administrative Law Judge pursuant to the procedures established by

N.J.A.C. 7:50-4.91 for the purpose of reviewing such preliminary approval.

(c) (No change from proposal).

(d)-(e) (No change.)

#### 7:50-4.55 Rights of appeal

Any interested **\*person\*** **\*[party]\*** who is aggrieved by any determination made by the Executive Director pursuant to this Part may within 15 days appeal the Executive Director's determination to the Commission as provided by N.J.A.C. 7:50-4.91. Additional information not included in the Executive Director's determination may only be presented to the Pinelands Commission by requesting a hearing pursuant to N.J.A.C. 7:50-4.91.

#### 7:50-4.68 Rights of appeal

Any interested **\*person\*** **\*[party]\*** who is aggrieved by any determination made by the Executive Director pursuant to this Part may within 15 days appeal the Executive Director's determination to the Commission as provided by N.J.A.C. 7:50-4.91. Additional information not included in the Executive Director's determination may be presented to the Pinelands Commission only by requesting a hearing pursuant to N.J.A.C. 7:50-4.91. If the appeal is based on an allegation that the parcel does not have a beneficial use even considering the allocation of Pinelands Development Credits pursuant to N.J.A.C. 7:50-4.62(c)2, the applicant must include specific documentation concerning the economic value

of each of the permitted uses of the parcel once the Pinelands Development Credits are transferred and documentation of the value necessary to give the parcel a beneficial use as part of the appeal process. If the applicant demonstrates that the allocation of the Pinelands Development Credits based on fair market value along with the other permitted uses of the parcel does not result in the parcel having a beneficial use, the allocation of Pinelands Development Credits shall be increased to the number necessary to provide the parcel with a beneficial use.

7:50-4.73 Request for interpretation

(a)-(c) (No change.)

(d) The notice in (b) and (c) above shall state:

1.-5. (No change.)

6. That any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion and that any interested **\*person\*** **\*[party]\*** who is aggrieved by said determination is entitled to a hearing by appealing the determination.

(e)-(g) (No change.)

7:50-4.79 Appeal

Any interested **\*person\*** **\*[party]\*** who is aggrieved by any clarification or interpretation given by the Executive Director pursuant to this Part may within

15 days appeal the Executive Director's clarification or interpretation to the Commission as provided in N.J.A.C. 7:50-4.91.

7:50-4.91 Appeal

(a) Notice: Any **\*person\*** **\*[interested party]\*** who has a right to appeal any determination made by the Executive Director to the Commission shall, within 15 days of the date the decision is deemed rendered in accordance with N.J.A.C. 7:50-4.3(e)3, perfect such right by giving notice by mail of his or her intent to appeal to the Commission. Such notice shall include:

1.-5. (No change.)

(b) Any **\*person\*** **\*[interested party]\*** who has a right to request a hearing conducted by the Office of Administrative Law concerning a local approval that the Executive Director has determined should be reviewed by the Pinelands Commission shall, within 15 days of the date the Executive Director's determination is deemed rendered in accordance with N.J.A.C. 7:50-4.3(e)3, perfect such right by giving notice by mail of his or her intent to request a hearing to the Commission. Such notice shall include the information specified in (a)1 through 5 above.

(c)-(e) (No change.)

7:50-6.64 Time limit and scope of resource extraction permits

(a) No permit authorizing resource extraction shall be issued for any period exceeding two years unless a program extending the duration of such



permits has been established and certified by the Commission pursuant to N.J.A.C. 7:50-3.39. Such a program may allow permits authorizing resource extraction to be issued for periods exceeding two years, provided that:

1. (No change.)
2. Every such permit shall be issued subject to the following conditions to ensure conformance with the approved permit:
  - i.-iv. (No change.)
  - v. Any interested **\*person\*** **\*[party]\*** who is aggrieved by any determination of the Executive Director pursuant to (a)2iii or iv above may, within 15 days, appeal the Executive Director's determination to the Pinelands Commission as provided in N.J.A.C. 7:50-4.91(a). The Executive Director shall thereafter conduct a hearing pursuant to N.J.A.C. 7:50-4.3, unless the applicant requests a hearing before an Administrative Law Judge in which case the matter shall be referred to the Office of Administrative Law pursuant to N.J.A.C. 7:50-4.91(b), and submit a hearing report to the Pinelands Commission for a final determination;

vi.-vii. (No change.)

(b)-(c) (No change.)

7:50-9.7 Rights of appeal

Any interested **person** **[party]** who is aggrieved by any determination made by the Executive Director pursuant to this subchapter may, within 15 days, appeal the Executive Director's determination to the Commission as provided by N.J.A.C. 7:50-4.91. Additional information not included in the Executive Director's determination may be presented to the Pinelands Commission only by requesting a hearing pursuant to N.J.A.C. 7:50-4.91.

7:50-6.108 Off-site signs

(a) Off-site signs are permitted only as follows:

- 1.-3. (No change.)
4. Off-site signs lawfully in existence as of January 14, 1981, shall be permitted in:
  - i. Regional Growth Areas;
  - ii. Pinelands **[t]\*\*T\*owns**; and
  - iii. Certified municipal non-residential zones in Rural Development Areas and Pinelands **[v]\*\*V\*illages** in existence as of December 5, 1994 if the sign is located within 1,000 feet of a Regional Growth Area or Pinelands **[t]\*\*T\*own** and is located on a United States highway.
5. New off-site signs may be permitted by certified municipalities in Regional Growth Areas and Pinelands **[t]\*\*T\*owns**, provided

that the applicant can demonstrate that, for each new sign, a non-conforming off-site sign pursuant to (b) below has been removed.



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 50

**TITLE:** Resolution Authorizing the Executive Director to Enter into an Amendment to an Existing Memorandum of Understanding Among the Pinelands Commission, Winslow Township, and the Camden County Municipal Utilities Authority Regarding the Winslow Township Wastewater Treatment Plant and Its Infiltration/Percolation Facility

Commissioner Lohbauer moves and Commissioner Galletta seconds the motion that:

WHEREAS, the New Jersey Pinelands Commission (the Commission) is a public body, corporate and politic which was established to prepare and administer the Pinelands Comprehensive Management Plan (the "CMP") to protect the resources of the Pinelands Area of the State of New Jersey; and

WHEREAS, Section 6 of the Pinelands Protection Act authorizes the Commission "to enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or endorsement of actions to be taken just outside of the Commission's jurisdiction that are nevertheless of import to the Pinelands area; and

WHEREAS, the Commission authorized the original Memorandum of Understanding (MOU) among the parties by Resolution PC4-09-69; and

WHEREAS, the MOU was fully executed on February 1, 2010; and

WHEREAS, the MOU provided endorsement of the Camden County Municipal Utilities Authority amendment to the Tri-County Water Quality Management Plan (WQMP); and

WHEREAS, the WQMP amendment allowed the Camden County Municipal Utilities Authority to decommission the Winslow Township wastewater treatment plant and infiltration lagoons at Sicklerville and replace that treatment facility with sewer connections to the Camden County Municipal Utilities Authority Delaware No. 1 water pollution control facility in the City of Camden on the Delaware River; and

WHEREAS, implementation of the WQMP amendment resulted in an interbasin transfer of water from the Great Egg Harbor River basin to the Delaware basin; and

WHEREAS, implementation of the WQMP amendment also resulted in the loss of recharge through the infiltration lagoons at the Winslow Township wastewater treatment plant to the Kirkwood Cohansey aquifer potentially affecting stream flows in the Great Egg Harbor River headwaters; and

WHEREAS, the CMP limits the inter-basin transfer of water between watersheds to the maximum extent practical; and

WHEREAS, the CMP provides that increases in water supply diversions from the Kirkwood Cohansey aquifer may be permitted only if it is demonstrated that said increases will not result in any adverse ecological impact on the Pinelands Area; and

WHEREAS, the original MOU established offsetting measures to address potential adverse ecological impacts due to the implementation of the WQMP amendment; and

WHEREAS, the offsetting measures included effluent flow monitoring and establishment of two continuous stream monitoring sites in the Great Egg Harbor River watershed by the Camden County Municipal Utilities Authority; and

WHEREAS, the offsetting measures included purchase of not less than 1.5 MGD of water from New Jersey American Water Company, purchase of additional non-Kirkwood Cohansey water for all new

development, as well as water use monitoring and a requirement for stream flow analysis by Winslow Township; and

WHEREAS, Winslow Township also instituted water conservation ordinances and has demonstrated success in reducing water use since instituting those ordinances and the offsetting measures in the year 2008; and

WHEREAS, Winslow Township has requested an amendment to the MOU to provide credit for water conservation and to allow the Township to withdraw a volume of water from the Kirkwood Cohansey aquifer that will not exceed the volume withdrawn in 2008, thereby delaying the purchase of additional non-Kirkwood Cohansey water; and

WHEREAS, the Commission wishes to recognize the successful conservation efforts of the Township but also to clarify the diversion limits of water that may be withdrawn from the Kirkwood Cohansey aquifer from Township wells and to restructure stream flow monitoring conditions; and

WHEREAS, the parties have developed a First Amendment of the MOU; and

WHEREAS, the New Jersey Water Supply Plan 2017-2022 has been issued and its recommendation of using no more than 25% of the Low Flow Margin to protect against adverse ecological impacts is considered in the cap on Kirkwood Cohansey withdrawals for the purposes of the First Amendment of the MOU; and

WHEREAS, the Policy and Implementation Committee has reviewed the proposed First Amendment of the MOU attached hereto and dated November 13, 2017 and recommends it for approval; and

WHEREAS, the Commission finds that the First Amendment of the MOU is authorized under Section 6 of the Pinelands Protection Act as referenced above, and

WHEREAS, pursuant to N.J.S.A. 13:18A-5H, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission agrees to enter into the First Amendment to the Memorandum of Understanding with Winslow Township and the Camden County Municipal Utilities Authority Regarding the Winslow Township Wastewater Treatment Plant and Its Infiltration/Percolation Facility dated November 13, 2017 attached, and hereby authorizes the Executive Director to execute the agreement.

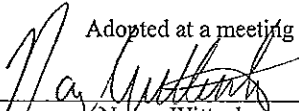
Record of Commission Votes

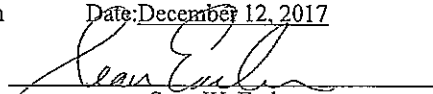
AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
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\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

  
 Nancy Wittenberg  
 Executive Director

  
 Sean W. Earlen  
 Chairman

**FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BY AND AMONGST THE  
TOWNSHIP OF WINSLOW, THE CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY AND  
THE NEW JERSEY PINELANDS COMMISSION**

This First Amendment to the Memorandum of Understanding dated November 23, 2009 (hereinafter the 2009 MOU) is made as of this \_\_\_\_\_ day of \_\_\_\_\_ in the year of 2017, by and amongst

The **Township of Winslow** (hereinafter, “Winslow”), a municipal corporation of the State of New Jersey;

The **Camden County Municipal Utilities Authority** (hereinafter, “CCMUA”), a municipal authority of the State of New Jersey; and

The **New Jersey Pinelands Commission** (hereinafter, “Pinelands Commission”), an independent political subdivision of the State of New Jersey, in but not of the Department of Environmental Protection.

**WHEREAS**, through its execution of the 2009 MOU, the Pinelands Commission endorsed the CCMUA’s proposal to decommission the Winslow Township Wastewater Treatment Plant (WTWTP) and its appurtenant Infiltration and Percolation Facility (I/P Facility) which had served to recharge treated wastewater to the Kirkwood Cohansey (K/C) Aquifer; and

**WHEREAS**, decommissioning the WTWTP and redirecting the wastewater to the CCMUA’s Water Pollution Control Facility (WPCF) enabled the New Jersey Department of Environmental Protection (NJDEP) to lift a moratorium on new sewer connections in the Sicklerville section of Winslow Township, thereby facilitating the potential for new development and increased water demand in Winslow Township; and

**WHEREAS**, with the execution of the 2009 MOU, the Parties agreed to an inter-basin transfer of water from the Great Egg Harbor River Basin through Winslow Township’s public water supply system to the Delaware River Basin via the CCMUA’s WPCF; and

**WHEREAS**, the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(a) provides that to the maximum extent practical the inter-basin transfer of water between watersheds should be avoided; and

**WHEREAS**, the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(e) provides that increases in water-supply diversions from the K/C Aquifer may be permitted only if it is demonstrated that said increases will not result in any adverse ecological impact on the Pinelands Area; and

**WHEREAS**, conveying wastewater from the Sicklerville section of Winslow Township to the CCMUA’s WPCF has the potential to reduce low-flows of the headwaters of the Great Egg Harbor River Basin; and

**WHEREAS**, a reduction in base-flows or low-flows of the headwaters of the Great Egg Harbor River Basin will potentially have an adverse ecological impact on the Pinelands Area; and

**WHEREAS**, without an offsetting, non-K/C Aquifer source of water, as development within Winslow increases, concomitant increases to its water-supply diversions from the K/C Aquifer will also occur; and

**WHEREAS**, appropriate offsetting measures were outlined in the 2009 MOU and are continued in this amended MOU to address potential adverse ecological impacts on the Pinelands Area that may occur as a result of a reduction in base flows or low flows of the headwaters of the Great Egg Harbor River Basin; and

**WHEREAS**, these offsetting measures are aimed at maintaining base-flows and low-flows in the streams within the Great Egg Harbor River Basin; and

**WHEREAS**, Winslow currently purchases not less than 1.5 MGD of water through annual contracts with the New Jersey American Water (hereinafter, "NJAW"); and

**WHEREAS**, offsetting measures implemented by Winslow Township pursuant to the 2009 MOU, that Winslow will continue to implement included (1.) the purchase of at least 1.5 MGD from non-K/C water sources(s) and (2.) managing/sequencing the use of its wells in accordance with a USGS-conducted Aquifer Study in order to minimize impacts to stream flow in the Great Egg Harbor River Basin; and

**WHEREAS**, paragraphs A.7 through A.8 of this First Amendment to the MOU require Winslow Township to remedy any potential adverse ecological impacts caused by the diversion of more than the annual or monthly maximums outlined in paragraphs A.3 to A.5 not later than April 1 of the calendar year following such exceedance(s); and

**WHEREAS**, without offsetting measures, a reduction in base-flows or low-flows of the headwaters of the Great Egg Harbor River Basin will potentially have an adverse ecological impact on the Pinelands Area; and

**WHEREAS**, Winslow Township has petitioned the Pinelands Commission to consider amending the 2009 MOU to credit Winslow Township for having accomplished significant reductions in K/C water usage through a variety of voluntary actions; and

**WHEREAS**, Winslow Township has demonstrated that it has achieved significant reductions in water diversions from the K/C Aquifer as a result of: (1) the 2008 adoption of a Water Conservation Program Ordinance, (2) the requirement for Water Pressure Reducing Valves on all new water connections, (3) the 2014 enhancement of a Water Conservation Program which incorporates water use rate restructuring to further discourage excessive water use, and (4) ongoing efforts to remediate losses from the K/C Aquifer due to ground water inflow and infiltration into sanitary sewer lines; and

**WHEREAS**, Winslow Township has implemented a Supervisory Control and Data Acquisition (SCADA) system to manage/sequence its potable water supply wells in a manner that is consistent with the USGS Aquifer Study; and

**WHEREAS**, Winslow has renewed its contract to purchase a minimum of 1.5 MGD from NJ American Water through the year 2047 (30 years); and

**WHEREAS**, the total K/C water use for Winslow from both the Great Egg Harbor River and Mullica River watersheds, as a result of the actions delineated above, has decreased from the base K/C Aquifer well withdrawal of 475.5 Million Gallons Yearly (MGY) in the year 2008, down to approximately 213.97 MGY, in 2016; and

**WHEREAS**, Winslow has requested that it be allowed to continue to withdraw up to 515.018 MGY from its K/C Aquifer wells which includes the water allocations previously granted to the “grandfathered” developments delineated in Paragraph A.5 below; and

**WHEREAS**, although the Pinelands Commission recognizes the water conservation efforts successfully undertaken by Winslow, it also must ensure that annual water diversions from the K/C Aquifer will not continuously increase due to increased development that may result from lifting of the sewer connection moratorium, and

**WHEREAS**, conveying wastewater from the WTWTP to the CCMUA’s Delaware No. 1 WPCF obviated the discharge of any wastewater into the WTWTP’s I/P Facility and thereby, eliminated a potential source of pollutant loading within the Great Egg Harbor River Basin and potentially improved its water quality; and

**WHEREAS**, if Winslow exceeds the well withdrawals provided for in this First Amendment of the 2009 MOU, then Winslow will be required to purchase additional water from a non-K/C Aquifer supplier of water in amounts sufficient to ensure that it will not divert more than 475.5 MGY plus the volume associated with development any of the grandfathered projects listed below from K/C water sources in either the Great Egg Harbor or Mullica watersheds; and

NOW, THEREFORE, Winslow, the CCMUA, and the Pinelands Commission hereby agree to amend the 2009 MOU as follows:

A. To Alleviate Impacts on Average Streamflow in the Great Egg Harbor River and Mullica River Basins

1. Winslow shall continue to purchase a minimum of 1.5 MGD of water exclusively for use within the Great Egg Harbor River Basin-portion of the Township through annual contracts with NJAW, or obtain said water amount from another non-K/C Aquifer water source, for as long as (1) Winslow’s wastewater is conveyed to the CCMUA’s Delaware No. 1 Water Pollution Control Facility, or anywhere else outside of the Great Egg Harbor Basin; and (2) Winslow’s treated wastewater is not recharged into the K/C Aquifer.
2. In addition to the water purchased pursuant to paragraph A.1, Winslow shall purchase additional water amounts from a non-K/C Aquifer water source in accordance with the terms of paragraph A.8 below, for as long as (1) Winslow’s wastewater is conveyed to the CCMUA’s Delaware No. 1 Water Pollution Control Facility, or anywhere else outside of the Great Egg Harbor Basin; and (2) Winslow’s treated wastewater is not recharged into the K/C Aquifer.
3. Winslow shall not increase its K/C well withdrawals above the Base K/C Well Withdrawal, which is 475.5 MGY, plus that volume associated with the specific



development projects set forth in paragraph A.5 below, which shall be considered a “grandfathered” allocated volume.

4. Winslow shall not increase its K/C well withdrawals above a monthly maximum of 85.67 million gallons MG in any month;
5. Winslow shall be allowed to exceed the Base K/C withdrawal of 475.5 MGY upon development of any of the projects listed below and then only by the volume noted as “Grandfathered”. The total additional volume, if all five developments were to proceed, shall not exceed 39.518 MGY. This dedicated, grandfathered volume is not transferrable to any other projects.

<b>NJDEP Permit Number*</b>	<b>Project Description</b>	<b>Grandfathered Number of Units</b>	<b>Daily Demand (@ 270 gal per unit)</b>	<b>permit Before MOA date</b>	<b>Grand-fathered (MGD)</b>
WCP040002	Braddock Preserves	54	14580	Yes	<b>0.01458</b>
WCP040003	LDM Services Phase 1&2	20	5400	Yes	<b>0.0054</b>
WCP050002	Wiltons Corner Th-4	27	7290	Yes	<b>0.00729</b>
WCP060002	Cedar Brook	274	108,230	Yes	<b>0.10823</b>
WCP080001	Oak Leaf Estates	26	7020	Yes	<b>0.00702</b>
	<b>Sum</b>	<b>401</b>	<b>108,270</b>		<b>0.10827</b>

6. Winslow shall provide to the Pinelands Commission, no later than April 1 of each year, an annual report detailing the actual water usage related to the above tabulated “grandfathered” projects for the time period between March 1 of the preceding year to February 28 of the reporting year. Winslow’s obligation to provide annual water usage reports, which went into effect upon execution of the 2009 MOU, shall continue in effect beyond execution of this First Amendment to the 2009 MOU.
7. Winslow shall provide to the Pinelands Commission, no later than April 1 of each year, a copy of its contract with NJAW or any other non-K/C Aquifer water source for the annual purchase of potable water or confirm that such contract remains in place. Winslow’s obligation to provide copies of such annual water purchase contracts, which went into effect upon execution of the 2009 MOU, shall continue beyond execution of this First Amendment to the 2009 MOU.
8. In addition to the water obtained pursuant to paragraph A.1 of this amended MOU, Winslow shall purchase or obtain additional water amounts from a non-K/C Aquifer water source once it has exceeded the Base K/C Well Withdrawal of 475.5 MGY. The Township may only exceed the Base K/C Well Withdrawal by the amount of the grandfathered allocation, set forth in paragraph A.5, for any of the grandfathered developments that may be constructed. Winslow shall also offset any monthly use above the monthly maximum use noted in paragraph A.4 by obtaining an equivalent volume of non-K/C water for the total volume of the monthly exceedances by April 1 in the

calendar year following exceedance of the monthly maximum. Such offset will be required only for the year following the exceedance. If the monthly maximum is exceeded in successive years, the Township will continue to obtain non-K/C water equal to the yearly exceedance of the monthly maximum. volume in each year. the monthly maximum equivalent volume shall be reviewed annually and may or may not become a permanent source of water in addition to the 1.5 MGD purchased from NJAW.

#### B. Well Use Impact Alleviation and Optimal Management

1. The State Water Supply Plan shows that the upper reaches of the Great Egg Harbor River basin are stressed. To mitigate the stress on this basin, the parties to this First Amendment to the 2009 MOU will initiate a collaborative effort with neighboring municipalities, the New Jersey Department of Environmental Protection, and the New Jersey Department of Agriculture to delineate specific methods and actions aimed at reducing water use in the Great Egg Harbor basin.
2. Winslow shall continue to use its SCADA system to manage/sequence the use of its K/C Aquifer wells in a manner that is consistent with this Memorandum of Understanding, and thereby minimize the impacts of the use of its K/C Aquifer wells on stream base-flow, low-flow and related water table elevations in the headwaters of the Great Egg Harbor River Basin for so long as Winslow's wastewater is conveyed to the CCMUA's Delaware No. 1 WPCF, or anywhere else outside of the Great Egg Harbor River Basin, and for so long as Winslow's treated wastewater is not recharged into the K/C Aquifer.
3. At no time shall Winslow, as it manages and sequences the use of its K/C Aquifer wells, increase the amount of its withdrawals from the Mullica River basin to the Great Egg Harbor basin or elsewhere in excess of 246.375 MGY (675,000 gallons per day.) This volume is prescribed in the Memorandum of Agreement between the Camden County Municipal Utility Authority and the Pinelands Commission, dated February 8, 1991.
4. Should the limits set forth in paragraphs A.3 through A.5 be exceeded, Winslow shall obtain water, no later than April 1 in the year following such exceedance, in an equivalent volume from a non-K/C water source. When the annual K/C volume is exceeded, Winslow shall obtain the equivalent volume from a non-K/C source and that volume will be purchased continuously going forward in addition to the 1.5 MGD purchased from NJAW.

#### C. Definition and Duration of Adverse Ecological Impact

1. This First Amendment to the 2009 MOU prevents additional adverse ecological impacts, as defined by the year of peak use (2007) cited in the report entitled "New Jersey Water Supply Plan 2017-2022" issued by the New Jersey Department of Environmental Protection in October 2017, by restricting withdrawals for all Winslow's K/C aquifer wells to a volume below the peak use in 2007.

#### D. Manage Growth Impacts to Wastewater Discharges

1. Wastewater Flows Not Exceeding 2.9 MGD: The CCMUA has constructed two parallel sanitary sewer lines which connect the Sicklerville section of Winslow to the CCMUA's regional sewerage collection system and allow for the conveyance of wastewater from such section to the Delaware No. 1 Water Pollution Control Facility. One of the two sewer lines, known as the Phase I line, has been designed to accommodate up to 2.9 MGD of wastewater flow. Only the Phase I line shall be permitted to handle wastewater, so long as the ninety-day average wastewater flow in the Phase I line does not exceed eighty percent of 2.9 (i.e., 2.32 MGD).
2. Wastewater Flows Exceeding 2.9 MGD but not exceeding 3.5 MGD: The other of the two sewer lines, known as the Phase II line, has been designed to accommodate an additional 600,000 gallons per day of wastewater flow. When the ninety-day average wastewater flow of the Phase I line has reached eighty percent of its 2.9 MGD-capacity (i.e., 2.32 MGD) the CCMUA may activate the Phase II line if, and only if, Winslow's K/C well-management practices are not causing exceedance of the annual cap or the monthly maximum described in paragraphs A.3 and A.4.
3. Wastewater Flows Exceeding 3.5 MGD (Wastewater Flows in Excess of Winslow's Anticipated Build-out): Winslow agrees that it will not seek to permit additional development to occur that would increase wastewater flow in excess of 3.5 MGD unless, at that time, Winslow Township is in compliance with the annual cap and the monthly maximum described in paragraphs A.3 and A.4. Winslow agrees that it shall obtain the CCMUA's approval prior to conveying additional wastewater flow in excess of 3.5 MGD.

#### E. Activation of Wastewater Facilities

1. The Phase II line, and any subsequent lines, shall only be activated if all of the conditions regarding their activation, set forth in Paragraph D above, of this First Amendment to the 2009 MOU regarding their activation are satisfied;
2. CCMUA shall condition all future amendments to the Camden County Wastewater Management Plan upon Winslow's continuing compliance with the terms of the 2009 MOU and this First Amendment to the 2009 MOU.

#### F. Plan Compliance/Remedies for Default

1. Should the CCMUA or Winslow fail for any reason to fulfill its obligations under the 2009 MOU or this First Amendment to the 2009 MOU, CCMUA shall not permit any additional sewer connections within the Sicklerville section of Winslow.
2. The Pinelands Commission may, by way of illustration and in no way limiting the remedies available to it at law or equity:
  - a. Seek specific performance of the defaulting party's obligations in any appropriate proceeding in law or equity in any Court or administrative tribunal having jurisdiction; and

- b. Comment negatively on all future Water Allocation Permit applications; Wastewater Management Plan amendments; and, Water Quality Management Plan amendments concerning the Winslow Township, until such time as CCMUA and/or Winslow shall resume compliance with the terms of the 2009 MOU or this First Amendment to the 2009 MOU
  - c. Call-up for review any development approval in portion of Winslow Township located within the Pinelands Area that will connect to the wastewater collection system or to the water supply distribution system.
  - d. Request the Department of Environmental Protection to issue a moratorium on new sewer or water supply connections for any new development in Winslow Township, until such time as CCMUA and/or Winslow shall resume compliance with the terms of the 2009 MOU or this First Amendment to the 2009 MOU.
3. In the event CCMUA or the Pinelands Commission intends to take any action to remedy a default, such party shall provide all parties to this First Amendment to the 2009 MOU, ten (10) calendar days written notice of its intent to take such action and a detailed plan, including milestones, of how such breach will be remedied.
  4. The forbearance of any party to this First Amendment of the 2009 MOU to enforce any of its terms or to exercise their rights hereunder in the event of any breach by one of the parties for any period of time shall in no event be deemed a waiver or estoppel of the right thereafter to enforce the same or exercise a right hereunder.

#### G. Effective Date & Duration

1. In accordance with N.J.S.A. 13:18A-5(h), shall take effect following the conclusion of the Governor's review period or approval of the Pinelands Commission's minutes authorizing entry of this First Amendment to the 2009 MOU and then upon approval and signature by the authorized representative of all parties; the date of execution of the last signatory shall constitute the effective date of this First Amendment to the 2009 MOU and shall be written above.
2. This First Amendment to the 2009 MOU shall remain in effect unless amended by the written consent of all parties.
3. This First Amendment to the 2009 MOU may only be terminated with the consent of the Pinelands Commission. In order to obtain such consent, the party wishing to terminate shall: (1) provide ten (10) calendar days written notice and (2) confirmation that Winslow secured a non-K/C aquifer source of water for the totality of its volume being conveyed to CCMUA's WPCF through the Phase I and II sewer lines constructed as a result of the 2009 MOU.

IN WITNESS WHEREOF, the parties have caused their duly authorized representative to execute this First Amendment to the 2009 Memorandum of Understanding on and as of the day and year first written above. This Memorandum of Understanding shall be executed in at least three original copies of which one is to be delivered to the Township of Winslow; one of which

is to be delivered to the Camden County Municipal Utilities Authority; and, one of which is to be delivered to the New Jersey Pinelands Commission.

**Township of Winslow**

**Witnessed:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: **Hon. Barry M. Wright**

Name: \_\_\_\_\_

Title: **Mayor**

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Camden County Municipal Utilities Authority**

**Witnessed:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: **Michael G. Brennan**

Name: \_\_\_\_\_

Title: **Chair**

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**New Jersey Pinelands Commission**

**Witnessed:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: **Nancy Wittenberg**

Name: \_\_\_\_\_

Title: **Executive Director**

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-17- 51

**TITLE:** Setting Pinelands Commission meeting dates for 2018

Commissioner Avery moves and Commissioner Barr seconds the motion that:

WHEREAS, the Open Public Meetings Act requires that the Pinelands Commission establish an annual schedule of regular meetings prior to January 10<sup>th</sup> of each year; and

WHEREAS, the Pinelands Commission will use the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education in New Lisbon, Pemberton Township, as the regular site for its meetings; and

WHEREAS, the Pinelands Commission may need to find an alternate, temporary meeting location within the Pinelands Area for its meetings throughout the year; and

WHEREAS, any meeting that will be scheduled at a location other than the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, will be advertised in accordance with the requirements of the Open Public Meetings Act; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that the Pinelands Commission shall conduct its meetings on the following dates in 2018 beginning at the specified time at the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, New Jersey, unless notice is otherwise provided in accordance with the Open Public Meetings Act:

- |                                      |  |
|--------------------------------------|--|
| Friday, January 12, 2018 (9:30 a.m.) | Friday, July 13, 2018 (9:30 a.m.)      |
| Friday, February 9, 2018 (9:30 a.m.) | Friday, August 10, 2018 (9:30 a.m.)    |
| Friday, March 9, 2018 (9:30 a.m.)    | Friday, September 14, 2018 (9:30 a.m.) |
| Friday, April 13, 2018 (9:30 a.m.)   | Friday, October 12, 2018 (9:30 a.m.)   |
| Friday, May 11, 2018 (9:30 a.m.)     | Friday, November 9, 2018 (9:30 a.m.)   |
| Friday, June 8, 2018 (9:30 a.m.)     | Friday, December 14, 2018 (9:30 a.m.)  |

**BE IT FURTHER RESOLVED** that the Executive Director is directed to publish notice of this schedule in the Commission's official newspapers, file copies of the schedule with the Secretary of State of the State of New Jersey and Pinelands county and municipal clerks, post a copy of the notice in the Commission's offices and to post the annual schedule on the Commission's web page ([www.nj.gov/pinelands](http://www.nj.gov/pinelands)).

**Record of Commission Votes**

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun	X			Jannarone			X	Quinn			X
Avery	X			Lloyd	X			Rohan Green			X
Barr	X			Lohbauer	X			Earlen			X
Chila	X			McGlinchey			X				
Galletta	X			Prickett	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission  
Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Date: December 12, 2017  
Sean W. Earlen For  
Sean W. Earlen  
Chairman



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-18-**\_\_\_\_\_

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1991-1108.011, 1991-1108.012 & 2017-0204.001)

**Commissioner** \_\_\_\_\_ **moves and Commissioner** \_\_\_\_\_  
**seconds the motion that:**

**WHEREAS**, the Pinelands Commission has reviewed the Public Development Application Reports and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

**1991-1108.011**

**Applicant:** **Pemberton Township Board of Education**  
**Municipality:** Pemberton Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** December 19, 2017  
**Proposed Development:** Construction of a 43 space parking lot at the Isaiah Haines School;

**1991-1108.012**

**Applicant:** **Pemberton Township Board of Education**  
**Municipality:** Pemberton Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** December 22, 2017  
**Proposed Development:** Placement of two temporary classroom buildings at the Isaiah Haines School; and

**2017-0204.001**

**Applicant:** **Pemberton Township**  
**Municipality:** Pemberton Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** December 19, 2017  
**Proposed Development:** Demolition of a single family dwelling, 50 years old or older.

**WHEREAS**, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for any of these applications; and

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for each of the proposed developments; and

**WHEREAS**, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

**WHEREAS**, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1991-1108.011, 1991-1108.012 & 2017-0204.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Jannarone					Quinn				
Avery					Lloyd					Rohan Green				
Barr					Lohbauer					Earlen				
Chila					McGlinchey									
Galletta					Prickett									

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

---

Nancy Wittenberg  
Executive Director

---

Sean W. Earlen  
Chairman





State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

December 19, 2017

Patricia Austin, Business Administrator  
Pemberton Township Board of Education  
One Egbert Street  
Pemberton, NJ 08068

Re: Application # 1991-1108.011  
Block 773, Lot 3  
Block 941, Lot 2  
Pemberton Township

Dear Ms. Austin:

The Commission staff has completed its review of this application for construction of a 43 space parking lot at the Isaiah Haines School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 12, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)  
Pemberton Township Construction Code Official (via email)  
Pemberton Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Dante Guzzi, P.E.





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Chris Christie  
 Governor

Kim Guadagno  
 Lt. Governor

General Information: Info@njpines.state.nj.us  
 Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
 Chairman

Nancy Wittenberg  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

December 19, 2017

Patricia Austin, Business Administrator  
 Pemberton Township Board of Education  
 One Egbert Street  
 Pemberton, NJ 08068

Application No.: 1991-1108.011  
 Block 773, Lot 3  
 Block 941, Lot 2  
 Pemberton Township

This application proposes construction of a 43 space parking lot at the Isaiah Haines School on the above referenced 40.99 acre parcel in Pemberton Township. The Joseph T. Stackhouse School, Isaiah Haines School and the Harker-Wylie School are located on the parcel.

**STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within an existing maintained grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater

management standards. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on September 8, 2017. Newspaper public notice was completed on September 12, 2017. The application was designated as complete on the Commission's website on November 17, 2017. The Commission's public comment period closed on December 12, 2017. No public comment was submitted to the Commission regarding this application.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by Dante Guzzi Engineering Associates, L.L.C., all sheets date June 6, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

### **CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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Kim Guadagno  
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General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on January 8, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

December 22, 2017

Patricia Austin, Business Administrator  
Pemberton Township Board of Education  
One Egbert Street  
Pemberton, NJ 08068

Re: Application # 1991-1108.012  
Block 773, Lots 3, 4, 10.01 & 10.02  
Block 941, Lot 2  
Pemberton Township

Dear Ms. Austin:

The Commission staff has completed its review of this application for placement of two temporary classroom buildings at the Isaiah Haines School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 12, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.  
Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Pemberton Township Planning Board (via email)
- Pemberton Township Construction Code Official (via email)
- Pemberton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Dante Guzzi, P.E.





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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

December 22, 2017

Patricia Austin, Business Administrator  
Pemberton Township Board of Education  
One Egbert Street  
Pemberton, NJ 08068

Application No.: 1991-1108.012  
Block 773, Lots 3, 4, 10.01 & 10.02  
Block 941, Lot 2  
Pemberton Township

This application proposes placement of two temporary classroom buildings at the Isaiah Haines School located on the above referenced 43.32 acre parcel in Pemberton Township. The Joseph T. Stackhouse School, Isaiah Haines School and the Harker-Wylie School are located on the parcel. The parcel is serviced by public sanitary sewer.

The Board of Education is proposing the demolition of the Crichton and Alexander Denbo Elementary Schools and the construction of a new elementary school on Block 849, Lot 2 in the Township. The applicant has indicated that the proposed two temporary classroom buildings will be utilized to handle an increase in the number of students attending the Isaiah Haines School during the construction of the new elementary school.

### **STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

#### Land Use (N.J.A.C. 7:50-5.28)

The proposed development is located in a Pinelands Regional Growth Area. The proposed classroom buildings are a permitted use in a Pinelands Regional Growth Area.

#### Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within an existing maintained lawn area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

In 2013, the applicant removed 3,912 square feet of impervious coverage from the parcel. The impervious coverage was comprised of a 1,056 square foot temporary classroom trailer, a second 1,056 square foot temporary classroom trailer and a 1,800 square foot building accessory to the existing schools. The current application proposes to add 7,475 square feet of impervious surface to the parcel comprised of two new classroom buildings and walkways. The proposed development will result in a net increase in impervious surface of 3,563 square feet.

The applicant has indicated that the two proposed classroom buildings and walkways will be removed by September 30, 2020. Based upon the relatively small net overall increase in impervious surfaces from the proposed development and the temporary placement of the classroom buildings, the applicant did not proposed stormwater management facilities.

The staff is recommending that any approval of the proposed development be conditioned on the applicant submitting a stormwater management plan for the proposed development if the classroom buildings proposed in this application remain on the parcel beyond September 30, 2020.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on September 8, 2017. Newspaper public notice was completed on September 12, 2017. The application was designated as complete on the Commission's website on November 16, 2017. The Commission's public comment period closed on December 12, 2017. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of three sheets, prepared by Dante Guzzi Engineering Associates, L.L.C., all sheets dated June 30, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. The temporary classroom buildings shall be removed from the parcel by September 30, 2020. If the temporary classroom buildings need to remain on the parcel after September 30, 2020, the applicant shall submit a stormwater management plan consistent with the

stormwater requirements of the CMP by March 31, 2020.

**CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.





State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

**PINELANDS COMMISSION**  
**APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on January 9, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

December 19, 2017

David Benedetti, P.P.  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Re: Application # 2017-0204.001  
Block 553, Lot 1  
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 12, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Pemberton Township Planning Board (via email)
- Pemberton Township Construction Code Official (via email)
- Pemberton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)





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 Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
 Chairman

Nancy Wittenberg  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

December 19, 2017

David Benedetti, P.P.  
 Pemberton Township  
 500 Pemberton Browns Mills Road  
 Pemberton, NJ 08068

Application No.: 2017-0204.001  
 Block 553, Lot 1  
 Pemberton Township

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 0.22 acre parcel in Pemberton Township. The Township owns the parcel.

**STANDARDS**

The Commission staff has reviewed the proposed demolition for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The parcel is located in a Pinelands Regional Growth Area. The CMP permits the demolition of structures, including single family dwellings, in the Pinelands Area.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on November 2, 2017. The Commission’s public comment period closed on December 12, 2017. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.
3. Reconstruction of a single family dwelling, within five years of its demolition, does not require an application to the Pinelands Commission.

**CONCLUSION**

As the proposed demolition conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed demolition subject to the above conditions.



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on January 8, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-\_\_\_\_\_

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 2006-0039.003)

**Commissioner** \_\_\_\_\_ **moves and Commissioner** \_\_\_\_\_  
**seconds the motion that:**

**WHEREAS**, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

**2006-0039.003**

<b>Applicant:</b>	<b>Medford Township</b>
Municipality:	Medford Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	December 19, 2017
Proposed Development:	Installation of 544 linear feet of sanitary sewer main within the Old Marlton Pike right-of-way.

**WHEREAS**, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

**WHEREAS**, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

**WHEREAS**, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that Application Number 2006-0039.003 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Jannarone					Quinn				
Avery					Lloyd					Rohan Green				
Barr					Lohbauer					Earlen				
Chila					McGlinchey									
Galletta					Prickett									

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
 Nancy Wittenberg  
 Executive Director

\_\_\_\_\_  
 Sean W. Earlen  
 Chairman



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Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

December 19, 2017

Christopher Noll, Township Engineer  
Medford Township  
17 North Main Street  
Medford, NJ 08055

Re: Application # 2006-0039.003  
Old Marlton Pike  
Medford Township

Dear Mr. Noll:

The Commission staff has completed its review of this application for installation of 544 linear feet of sanitary sewer main within the Old Marlton Pike right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 12, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.  
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Medford Township Planning Board (via email)  
Medford Township Construction Code Official (via email)  
Medford Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Dante Guzzi, PE





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Chairman

Nancy Wittenberg  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

December 19, 2017

Christopher Noll, Township Engineer  
Medford Township  
17 North Main Street  
Medford, NJ 08055

Application No.: 2006-0039.003  
Old Marlton Pike  
Medford Township

This application proposes the installation of 544 linear feet of sanitary sewer main within the Old Marlton Pike right-of-way in Medford Township.

### **STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

#### **Land Use (N.J.A.C. 7:50-5.28)**

The proposed development is located in a Pinelands Regional Growth Area. The proposed sanitary sewer main is a permitted land use in a Pinelands Regional Growth Area.

#### **Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)**

The proposed development will be located entirely below existing pavement. All soil disturbance is limited to that which is necessary to accommodate the proposed development.

### **PUBLIC COMMENT**

The CMP defines the proposed sanitary sewer main as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 31, 2017. The Commission’s public comment period closed on December 12, 2017. No public comment was submitted to the Commission regarding this application.



**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Dante Guzzi Engineering Associates and dated August 17, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on January 8, 2018 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Chairman

Nancy Wittenberg  
Executive Director

## **LETTER OF INTERPRETATION #1671** (Renewal)

December 18, 2017

Brian Hambrecht (via email)  
313 N. Cologne Avenue  
Egg Harbor City, NJ 08215

Re: Application # 1999-0444.002  
Block 477, Lot 10  
Mannheim Avenue  
Galloway Township

### **FINDINGS OF FACT**

The applicant owns the above referenced 10.0 acre parcel in Galloway Township. This acreage is based on the Township tax map. The parcel is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits which are allocated to this parcel.

On July 12, 2004, the Commission issued LOI #1671 allocating 0.25 PDCs to the parcel. That LOI expired on July 12, 2006. The applicant is requesting a new LOI for the parcel. This renewal of LOI #1671 replaces the now expired July 12, 2004 LOI #1671.

The parcel consists of 3.15 acres of uplands and 6.85 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). This LOI utilizes currently available mapping technology to determine the acreage of uplands and wetlands. The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel. The parcel is forested and vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

### **CONCLUSION**

The CMP grants, with certain exceptions, to every parcel of land in a Pinelands Agricultural Production Area a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Pinelands Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.



The CMP establishes the ratio by which Pinelands Development Credits (PDCs) are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50 5.43(b)1). Two (2) PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP. There are 0.2 PDCs allocated for every 39 acres of wetlands.

For the 3.15 acres of uplands, the applicant would be entitled to 0.16 PDCs. For the 6.85 acres of wetlands, the applicant would be entitled to 0.04 PDCs. There would be 0.20 PDCs allocated to this parcel.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.25 PDCs allocated to Block 477, Lot 10.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

### **APPEAL**

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Galloway Township Planning Board (via email)
- Galloway Township Construction Code Official (via email)
- Galloway Township Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)



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 Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
 Chairman

Nancy Wittenberg  
 Executive Director

**LETTER OF INTERPRETATION #2159**

November 20, 2017

Nancy Jennings  
 2 Wesickaman Drive  
 Shamong, NJ 08088

Re: Application # 1983-5568.011  
 Block 15.02, Lots 2 & 3  
 Willow Grove Road  
 Shamong Township

**FINDINGS OF FACT**

The applicant owns the above referenced 3.47 acre parcel in Shamong Township. This acreage is based on the Township tax map. The parcel is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits which are allocated to this parcel.

The parcel consists of 1.14 acres of undisturbed uplands and 2.33 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel. The parcel is forested and vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

**CONCLUSION**

The CMP grants, with certain exceptions, to every parcel of land in a Pinelands Agricultural Production Area a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which Pinelands Development Credits (PDCs) are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50 5.43(b)1). Two (2) PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit



approved pursuant to the provisions of the CMP. There are 0.2 PDCs allocated for every 39 acres of wetlands.

For the 1.14 acres of uplands, the applicant would be entitled to 0.07 PDCs. For the 2.33 acres of wetlands, the applicant would be entitled to 0.01 PDCs.

There would be 0.08 PDCs allocated to this 3.47 acre parcel.

The CMP (N.J.A.C. 7:50-5.43(b)6) provides that the owners of any parcel of land containing at least 0.1 acres in a Pinelands Agricultural Production Area are entitled to 0.25 PDCs provided that the parcel is vacant, the parcel has not been in common ownership with any contiguous land on or after February 7, 1979 and the parcel has been in continuous ownership of the owner of the parcel or her immediate family as of February 7, 1979. The applicant currently owns contiguous Block 15.02, Lot 1. The applicant acquired Block 15.02, Lots 2 and 3 in 1987. Therefore, the applicant does not meet the requirements of N.J.A.C. 7:50-5.43(b)6.

There are 0.08 PDCS allocated to Block 15.02, Lots 2 and 3.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

### **APPEAL**

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Shamong Township Planning Board (via email)
- Shamong Township Construction Code Official (via email)
- Secretary, Burlington County Planning Board (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)





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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## **LETTER OF INTERPRETATION #2160**

November 21, 2017

Robert Halgas (via email)  
6 Cobblestone Court  
Moorestown, NJ 08057

Re: Application # 1987-0511.005  
Block 2507, Lots 55, 56, 57 & 58  
Woodland Township

### **FINDINGS OF FACT**

The applicant owns the above referenced 18.17 acre parcel in Woodland Township. This acreage is based on the municipal tax map. The parcel is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

On December 13, 1988, the Commission issued LOI #399 allocating 6.75 PDCs to 302.66 acre Block 2506, Lots 25-28; Block 2507, Lots 22.01 and 38-58; Block 2508, Lots 2-20 and Block 2509, Lots 32-36 and 38. LOI #399 was valid for two years. LOI #399 expired on December 13, 1990. On August 1, 2008, the Commission issued Amended LOI # 399. Amended LOI #399 excluded Block 2507, Lots 22.01 and 38-58 which were included in original LOI #399. Amended LOI #399 expired on August 1, 2010. The current application requests an LOI as to the number of PDCs which are allocated to only Block 2507, Lots 55, 56, 57 and 58.

The parcel consists of 10.01 acres of uplands and 8.16 acres of wetlands as defined by N.J.A. C. 7:50-6.5(a). The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel. The parcel is vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

### **CONCLUSION**

The CMP grants, with certain exceptions, to every parcel of land in the Pinelands Preservation Area District, Pinelands Special Agricultural Production Areas and Pinelands Agricultural Production Areas, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Pinelands Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.



The CMP establishes the ratio by which Pinelands Development Credits are allocated in the Pinelands Preservation Area District (N.J.A.C. 7:50-5.43(b)1). One Pinelands Development Credit is allocated for every 39 acres of uplands, except for certain uplands which have been approved for resource extraction operations. There are 0.2 Pinelands Development Credits allocated for every 39 acres of wetlands.

For the 10.01 acres of uplands, the applicant would be entitled to 0.26 PDCs. For the 8.16 acres of wetlands, the applicant would be entitled to 0.04 PDCs. There would be 0.30 PDCs allocated to this parcel.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.25 PDCs allocated to 18.17 acre Block 2507, Lots 55, 56, 57 and 58.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

### APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

Sincerely,

  
 Charles M. Honer, P.P.  
 Director of Regulatory Programs

- c: Secretary, Woodland Township Planning Board (via email)  
 Woodland Township Construction Code Official (via email)  
 Secretary, Burlington County Planning Board (via email)  
 Fran Shively (via email)



State of New Jersey

THE PINELANDS COMMISSION

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NEW LISBON, NJ 08064

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Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

**LETTER OF INTERPRETATION #2161**

December 11, 2017

Woodland Township  
P.O. Box 388, Main Street  
Chatsworth, NJ 08019

Re: Application # 1993-0285.003  
Block 401, Lot 8  
Block 501, Lots 1 - 50  
Block 502, Lots 1 - 50  
Block 503, Lots 1 - 50  
Block 504, Lots 1 - 48  
Block 505, Lots 1 - 50  
Block 506, Lots 1 - 50  
Block 507, Lots 1 - 50  
Block 508, Lots 1 - 48  
Block 509, Lots 1 - 50  
Block 510, Lots 1 - 50  
Block 511, Lots 1 - 50  
Block 512, Lots 1 - 50  
Block 513, Lots 1 - 50  
Block 514, Lots 1 - 50  
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Block 516, Lots 1 - 50  
Block 517, Lots 1 - 50  
Block 518, Lots 1 - 50  
Block 519, Lots 1 - 50  
Block 520, Lots 1 - 50  
Block 521, Lots 1 - 50  
Block 522, Lots 1 - 50  
Block 523, Lots 1 - 50  
Block 524, Lots 1 - 50  
Route 72  
Woodland Township



## **FINDINGS OF FACT**

The Township owns the above referenced 99.64 acre parcel in Woodland Township. This acreage is based on the Township tax map. The parcel is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the Township is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

The submitted application form identifies and certifies that Woodland Township is the owner of all of the above referenced tax block and lots. Available tax records also indicate that Woodland Township is the owner of all of the above referenced tax block and lots. The Township submitted a deed or the equivalent of a deed for all but the following tax blocks and lots; Block 503, Lot 16, Block 506, Lot 28, Block 511, Lots 47 & 48, Block 518, Lot 38, Block 519, Lots 1- 6, Block 521, Lots 45 & 46 and Block 524, Lot 39.

PDCs are not allocated to lands owned by a public agency on January 14, 1981. Based upon tax record information, in 1981, the Township owned a 0.18 acre portion of the 99.64 acre parcel, Block 503, Lot 16, Block 506, Lot 28, Block 511, Lot 47 and Block 519, Lot 1.

Tax record information indicates that the Township did not own the remainder of the parcel, containing 99.46 acres, on January 14, 1981. The 99.46 acre portion of the parcel not owned by the Township on January 14, 1981 is comprised of uplands. The 99.46 acre portion of the parcel is vacant. There are no easements limiting the use of the 99.46 acre portion of the parcel to non-residential uses. No resource extraction operation or development has been approved for the 99.46 acre portion of the parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

## **CONCLUSION**

The CMP grants, with certain exceptions, to every parcel of land in the Pinelands Preservation Area District a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which Pinelands Development Credits (PDCs) are allocated in the Pinelands Preservation Area District (N.J.A.C. 7:50 5.43(b)1). One (1) PDC is allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the Plan. There are 0.2 PDCs allocated for every 39 acres of wetlands.

The Township has not demonstrated that 0.18 acre Block 503, Lot 16, Block 506, Lot 28, Block 511, Lot 47 and Block 519, Lot 1, was not owned by the Township on January 14, 1981. Absent such a demonstration, no PDCs are allocated to the 0.18 acres.

With respect to the remaining 99.46 acre portion of the parcel, the applicant would be entitled to 2.55 PDCs.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 2.5 PDCs allocated to the 99.46 acre portion of the parcel not owned by the applicant on January 14, 1981.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

### APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,



Charles M. Horner, P.P.  
Director of Regulatory Programs

- c: Secretary, Woodland Township Planning Board (via email)  
Woodland Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)  
Susan R. Grogan, Executive Director, PDC Bank (via email)



# State of New Jersey

THE PINELANDS COMMISSION

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Chris Christie  
Governor

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Lt. Governor

General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

November 20, 2017

Dominic C. Villecco (via email)  
Pine Barons Enduro Riders  
119 Kipling Road  
Cherry Hill, NJ 08003

Re: Application # 1982-3054.074  
Pine Barons Dual Sport  
November 26, 2017  
Mullica, Pemberton, Shamong,  
Tabernacle, Washington  
& Woodland Townships

Dear Mr. Villecco:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

for Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Off-Road Vehicle Event Route Map Approval

c: Mullica Township Clerk (via email)  
Pemberton Township Clerk (via email)  
Shamong Township Clerk (via email)  
Tabernacle Township Clerk (via email)  
Washington Township Clerk (via email)  
Woodland Township Clerk (via email)  
Dave Robbins, Superintendent, Brendan T. Byrne State Forest (via email)  
Tom Keck, Regional Superintendent, NJ State Park Service - Southern Region (via email)





Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

New Jersey Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064  
(609) 894-7300



Sean W. Earlen  
*Chairman*

Nancy Wittenberg  
*Executive Director*

# OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1312

**Application #: 1982-3054.074**

Applicant: Pine Barons Enduro Riders

Event Name: Pine Barons Dual Sport

Event Date: November 26, 2017

Municipalities: Mullica, Pemberton, Shamong, Tabernacle, Washington & Woodland Townships

Management Area: Agricultural Production Area, Infill Development Area, Pinelands Village, Preservation Area District, Special Agricultural Production Area

## Lands Utilized

Brendan T. Byrne and Wharton State Forests

## Approved Route Map

Received in electronic format on November 16, 2017

November 20, 2017

for **Charles M. Horner, P.P.**  
Director of Regulatory Programs

Date

*Please see reverse side for additional information and conditions.*

## **BACKGROUND**

- ♦ One route beginning and ending at the intersection of County Route 563 and Savoy Road in Chatsworth
- ♦ 100 miles

## **CONDITIONS**

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.





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Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

### Pending Public Development and Waiver of Strict Compliance Applications accepting public comment at the January 12, 2018 Commission Meeting

#### **Public Development Applications**

##### ***Application No. 1985-0909.017 – Jackson Township Board of Education***

Received on: September 11, 2017

Project: Demolition of an abandoned sewage treatment plant, 50 years old or older

Municipality: Jackson Township

Block 16601, Lot 10

##### ***Application No. 1986-1334.002 – NJ DEP Parks and Forestry***

Received on: October 2, 2017

Project: Forestry on 13 acres within Wharton State Forest

Municipality: Washington Township

Block 19, Lot 6

##### ***Application No. 2017-0149.001 – Department of Transportation***

Received on: August 2, 2017

Project: Roadway improvements to Route 73

Municipality: Berlin Borough

#### **Waiver of Strict Compliance Applications**

*None*



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-\_\_\_\_\_

**TITLE:** To Accept the Fiscal Year 2016 Audit Report

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:

**WHEREAS**, the audit of the Pinelands Commission Fiscal Year 2016 Financial Statements, Notes to the Financial Statements and Schedules of Federal and State Assistance was performed by the Office of the State Auditor; and

**WHEREAS**, the Fiscal Year 2016 Audit Report contains two findings for the Commission to address. This includes strengthening the internal controls by ensuring the Bank Account Reconciliations are prepared and reviewed by the independent accounting firm and the testing of the Disaster Recovery Plan; and

**WHEREAS**, to address the internal controls finding, the Pinelands Commission staff and the independent accounting firm have revised the bank reconciliation. To address the testing of the Disaster Recovery Plan, the Commission needs to purchase additional computer hardware. Funds were included in the FY 18 Budget; and

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that the Pinelands Commission hereby accepts the Audit Report for Fiscal Year 2016 and directs that it be included as a publication available through the Pinelands Commission’s website.

### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun					Jannarone					Quinn				
Avery					Lloyd					Rohan Green				
Barr					Lohbauer					Earlen				
Chila					McGlinchey									
Galletta					Prickett									

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Sean W. Earlen  
Chairman



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Chris Christie  
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Kim Guadagno  
Lt. Governor


General Information: Info@njpines.state.nj.us  
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

MEMORANDUM

To: Members of the Pinelands Commission  
New Jersey Board of Public Utilities; Executive Director  
Atlantic City Electric (Excelon); Staff Forester-Transmission  
Public Service Enterprise Group; Senior Permitting Specialist  
Jersey Central Power and Light (First Energy); Supervisor of Regional Operations

From: Nancy Wittenberg   
Executive Director

Date: December 29, 2017

Subject: 2013-2015 Progress Report on the New Jersey Pinelands Electric Transmission Right-of-Way Vegetation Management Plan Pilot Program

In accordance with the provisions of the Pinelands Comprehensive Management Plan, attached please find a copy of the 2013-2015 New Jersey Pinelands Electric Transmission Right-of-Way Vegetation Management Plan Progress Report.

For additional background information, a copy of the New Jersey Pinelands Electric Transmission Right-of-Way Vegetation Management Plan approved by the Pinelands Commission in December of 2009 and the 2010-2012 Progress Report are available on the Pinelands Commission website.

Please do not hesitate to contact Jean Montgomerie of our staff or myself with any questions.

Attachment 1: Pinelands Commission 2013-2015 Progress Report

Pinelands App. No. 2010-0005.008 Jersey Central Power and Light  
Pinelands App. No. 2010-0009.008 Atlantic City Electric  
Pinelands App. No. 2010-0010.008 Public Service Electric and Gas



# **New Jersey Pinelands Electric-Transmission Right-of-Way Vegetation-Management Plan**

**Program Progress Report  
2013-2015**

**New Jersey Pinelands Commission  
December 28, 2017**



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## **EXECUTIVE SUMMARY**

This is the second status report on the New Jersey Pinelands Electric Transmission Right-of-Way Vegetation Management Plan (ROW Plan). The Pinelands Comprehensive Management Plan (CMP) contains a Pilot Program for the management of vegetation within Pinelands Area electric transmission line rights-of-way (Figure 1). The purpose of the Pilot Program is to implement and evaluate the ROW Plan. The Pilot Program started in 2010 and continues through 2019. A Final Executive Director's Report on the success of the Pilot Program's implementation will be issued by September 30, 2019.

The first status report on the Pilot Program covered years 2010-2012. This second status report covers years 2013-2015. During the three years subject of this report, Atlantic City Electric (ACE), Jersey Central Power and Light (JCP&L) and Public Service Enterprise Group (PSEG) demonstrated a broader understanding of the vegetation management prescriptions (prescriptions) contained in the ROW Plan.

Each electric transmission line is comprised of individual spans. Spans are the segments of the electric transmission line typically located between two towers. Most of the 3,041 spans in the Pinelands Area have been managed in accordance with the prescriptions contained in the ROW Plan at least once since the inception of the Pilot Program in 2010. After six years, the ROW Plan is functioning well as a means of regulating and permitting vegetation management within electric transmission line rights-of-way in the Pinelands Area. Following the prescriptions contained in the ROW Plan, woody vegetation in the Pinelands rights-of-way continues to reflect the natural vegetation communities in the surrounding area.

While some administrative issues have occurred with the Pilot Program during the three year period subject of this status report, these issues do not warrant suspension of the Pilot Program as provided for in the CMP. One issue that was identified in the first status report and is again identified in this status report is the need to clarify the limitation on the use of vehicles to assist with vegetation management in wetland spans with a "cut trees manually" prescription. This prescription is intended to limit soil disturbance in sensitive wetlands. At a minimum, access to these wetlands spans to hand cut the vegetation requires the use of vehicles on existing access roads in the respective wetland spans. However, the specific limitations on the further use of vehicles in wetland spans to manage vegetation needs to be clarified in the ROW Plan.

For further reading, the **New Jersey Pinelands Electric Transmission Right-of-Way Vegetation Management Plan** is available on the Pinelands Commission website at [www.nj.gov/pinelands/](http://www.nj.gov/pinelands/)



## **I: BACKGROUND**

### **Introduction**

The New Jersey Pinelands Commission (Commission) protects the Pinelands Area through its implementation of the CMP. The CMP, which took effect on January 14, 1981, contains the regulations that guide land-use, development and natural resource protection in the Pinelands Area. The Pinelands Area comprises an approximately one million acre region that includes portions of seven counties in southern New Jersey.

Electric transmission rights-of-way in the Pinelands Area traverse hundreds of miles of land and comprise thousands of acres of mixed habitat. Before this Pilot Program was prepared to address these rights-of-way more effectively, it was recognized that proper maintenance of the vegetation in these rights-of-way could provide ecological benefits and improve electric transmission safety and reliability.

This report addresses the management of vegetation within the electric transmission line rights-of-way in the Pinelands Area. All right-of-way vegetation management must be undertaken in accordance with the prescriptions contained in the ROW Plan. The ROW Plan is incorporated by reference into the CMP as a Pilot Program.

### **ROW Plan Preparation**

In 2006, Commission and Rutgers University staffs collaborated to develop an ecologically based electric transmission line right-of-way vegetation management plan for the Pinelands Area, in cooperation with representatives from the New Jersey Board of Public Utilities, ACE, JCP&L and PSEG. The overall goal was to prepare a right-of-way vegetation management plan that creates and maintains relatively stable and sustainable early successional habitats that reflect characteristic Pinelands habitats, requires minimal vegetation management, ensures electric transmission reliability and safety and minimizes the need for individual applications to the Commission and the resulting permit reviews.

To achieve this goal, a geographic-information system (GIS) database of electric-transmission line rights-of-way was created. The locations and names of all electric transmission lines (79kv and higher) in the Pinelands Area with specific span-by-span information was provided by the three utility companies. Vegetation and habitat information both on and adjacent to the electric transmission line rights-of-way were mapped. Vegetation-management data used by the three utility companies inside and outside the Pinelands Area was gathered and summarized. As a result, a span-by-span vegetation management plan was developed.

### **ROW Plan Approval**

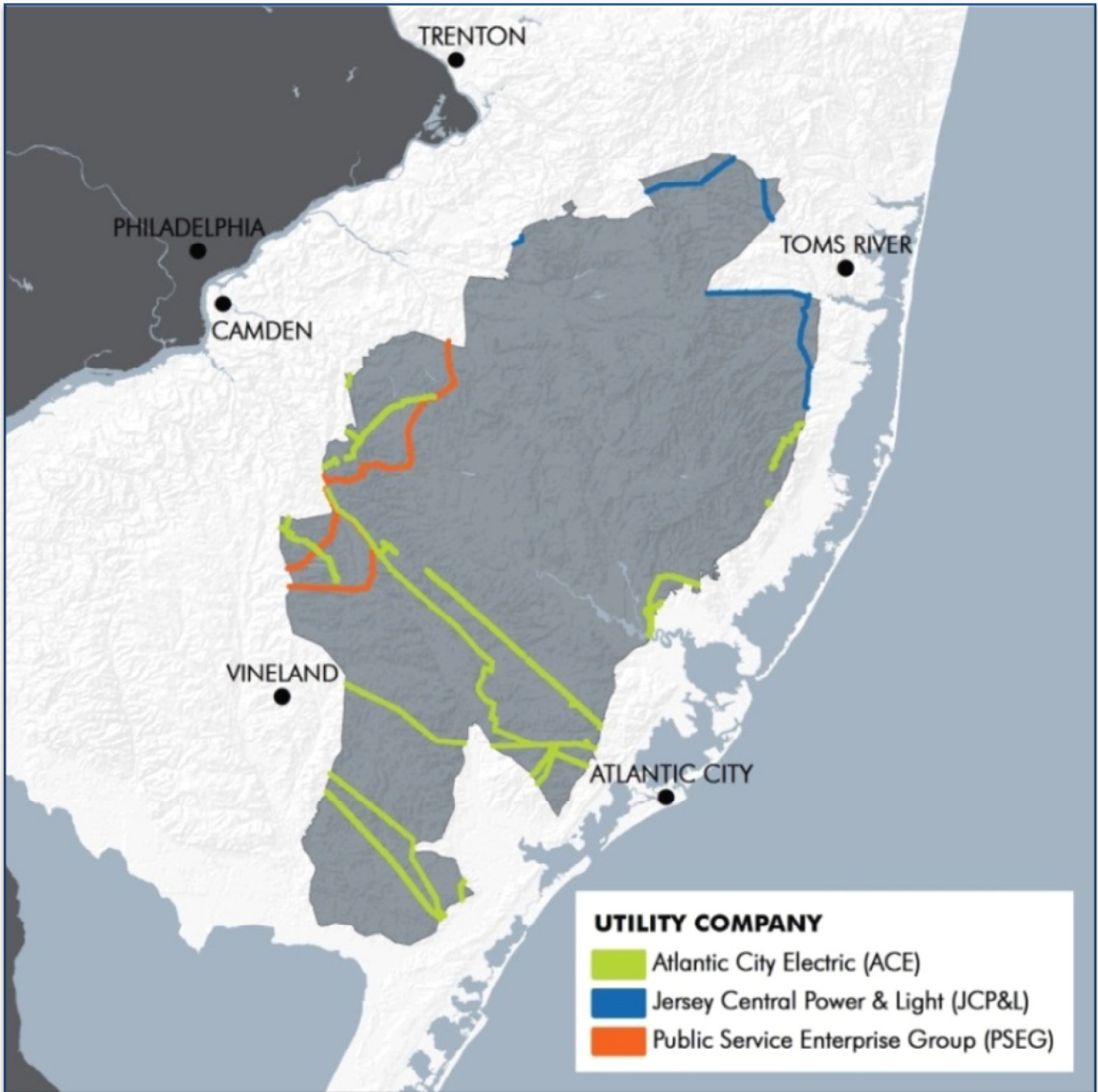
The ROW Plan, dated March 2009, was approved by the Commission in October 2009. The ROW Plan specifies a variety of prescriptions on a span by span basis that seek to achieve several ecological and electric transmission line right-of-way objectives.

### **Pilot Program Rule Adoption**

After the ROW Plan was approved, the regulations to implement a Pilot Program were amended into the CMP (N.J.A.C. 7:50-10.31 through 10.35). The Pilot Program regulations became effective on December

21, 2009. These CMP regulations implement the Pilot Program for a ten year period. The CMP requires that by September 30, 2019, a Final Executive Director's Report on the Pilot Program's implementation be provided to the Commission, the three utility companies and the Board of Public Utilities, to determine whether the Pilot Program is successful in accordance with evaluation criteria set forth in the CMP (N.J.A.C. 7:50-10.35(a)).

If the Executive Director finds that the Pilot Program has been successful, he or she shall propose an amendment to the CMP to institute the ROW Plan on a permanent basis.



**Figure 1: Electric Transmission Rights-of-Way in the Pinelands Area (shown in gray) managed by ACE, JCP&L, and PSE&G.**



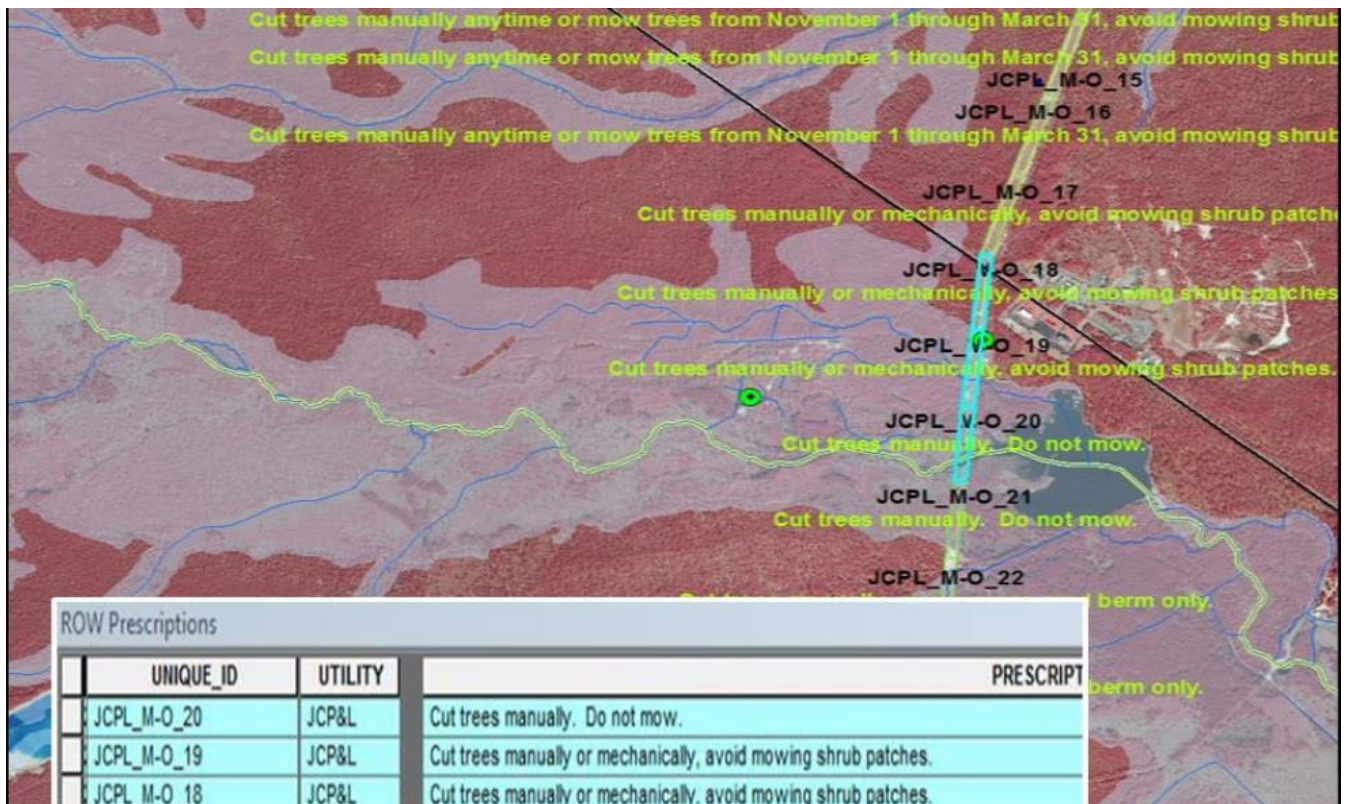
## II: ROW PLAN OVERVIEW

The ROW Plan includes a GIS layer of existing electric-transmission line rights-of-way in the Pinelands Area (Figure 2), a comparison of vegetation in existing managed rights-of-way, a summary of vegetation management strategies used by utility companies inside and outside of the Pinelands Area and vegetation management prescriptions for each of the 3,041 spans in the Pinelands Area.

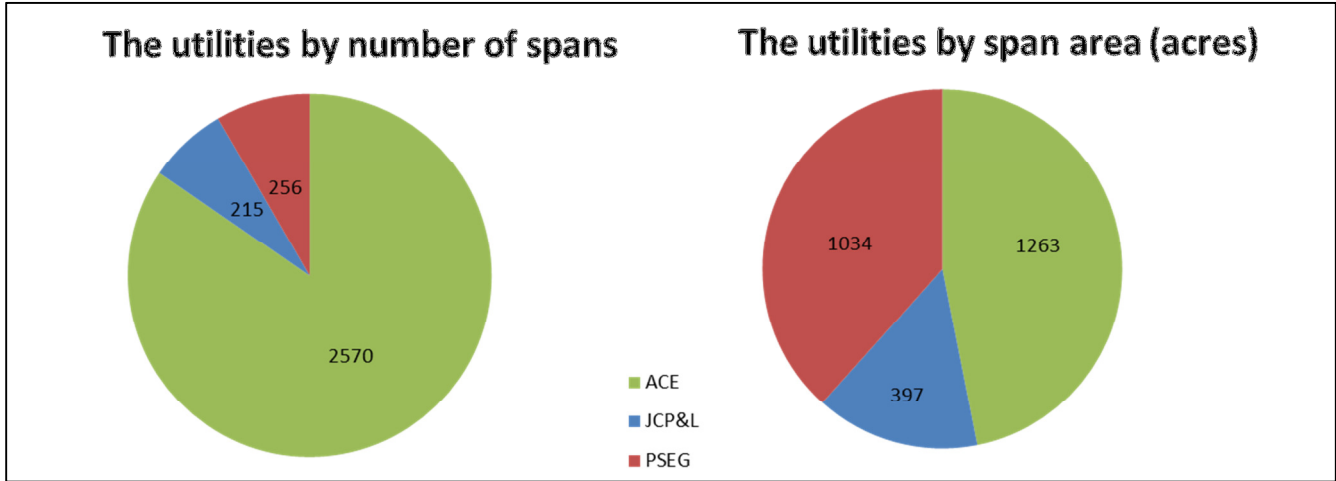
The purpose of the ROW Plan is twofold:

1. Create and maintain relatively stable and sustainable early successional habitats that are characteristic of the Pinelands and which provide habitat for native Pinelands plants and animals, including threatened and endangered species; and
2. Ensure the reliability and safety of the electric transmission system in the Pinelands Area by creating and maintaining low growth vegetation communities.

The ROW Plan authorizes two basic prescriptions within the electric transmission line rights-of-way; either “cut trees manually” or “mow.” Most wetland spans must be cut manually. Mowing machines are allowed in upland spans and a few wetland spans. Some of the prescriptions also include time of year restrictions to protect threatened and endangered species. There are 59 different variations of these two basic prescriptions.



**Figure 2: A GIS map showing the JCP&L “M-O” electric transmission line. The vegetation prescription, unique span ID number, utility company and other span information, including wetlands and T&E species location, are all available for each span.**



**Figure 3:** The difference between the number of spans by company is shown in this pie chart. In the Pinelands, ACE has the greatest number of spans by far compared to PSEG and JCP&L. However, when you look at total right-of-way area, PSEG has almost as much area of right-of-way ROW as ACE.

### **III: THE PILOT PROGRAM**

#### **Progress Reporting**

The three utility companies are responsible for carrying out prescriptions contained in the ROW Plan for the duration of the Pilot Program. It is anticipated that the ten year monitoring period will allow for application of the prescription for each span at least two times and will afford sufficient time to evaluate the change in vegetation communities that occur as a result of those prescriptions. The Pilot Program has three main components:

#### **Component One: Utility Company Reporting**

The three companies must submit annual reports to the Commission’s Executive Director that identify all vegetation management activities completed for the preceding year.



**Component Two: Commission Staff Inspections**

Regular inspections by Commission staff are conducted to verify that the vegetation management activities undertaken by the utility companies are consistent with the ROW Plan prescription for that particular span. Every span is included for inspection and is inspected on a rotating basis.



**Component Three: Commission Staff Monitoring**

Scientifically based monitoring of individual vegetation plots is conducted by Commission staff to assess the outcomes of the vegetation management activities.



**IV: 2013-2015 PROGRESS REPORT**

The CMP requires that the Commission’s Executive Director submit a progress report to the Commission, the three utility companies and the Board of Public Utilities. This report is the second such report. The report must address the following items:

- ITEM 1. The type and extent of vegetation management activities undertaken;**
- ITEM 2. Any significant problems or issues; and**
- ITEM 3. The need for any amendments to the ROW Plan.**

**Item 1: The type and extent of vegetation management activities:**

This section summarizes the type and extent of vegetation management activities conducted from 2013 through 2015. It is important to note that, for the purposes of this report and all ROW Plan reports, the number of spans is used as a metric as opposed to the area of the spans. Each span has its own unique ID number and the three utility companies utilize this ID number to report vegetation management on a span by span basis. Each year, a particular span is either reported as “managed” or “not managed” by the three utility companies. Each year the number of managed spans is highly variable depending on which company is undertaking vegetation management (See Table 1). 2013 was a major activity year for JCP&L vegetation management, with slightly more than 50 percent of its Pinelands Area spans being managed, while ACE and

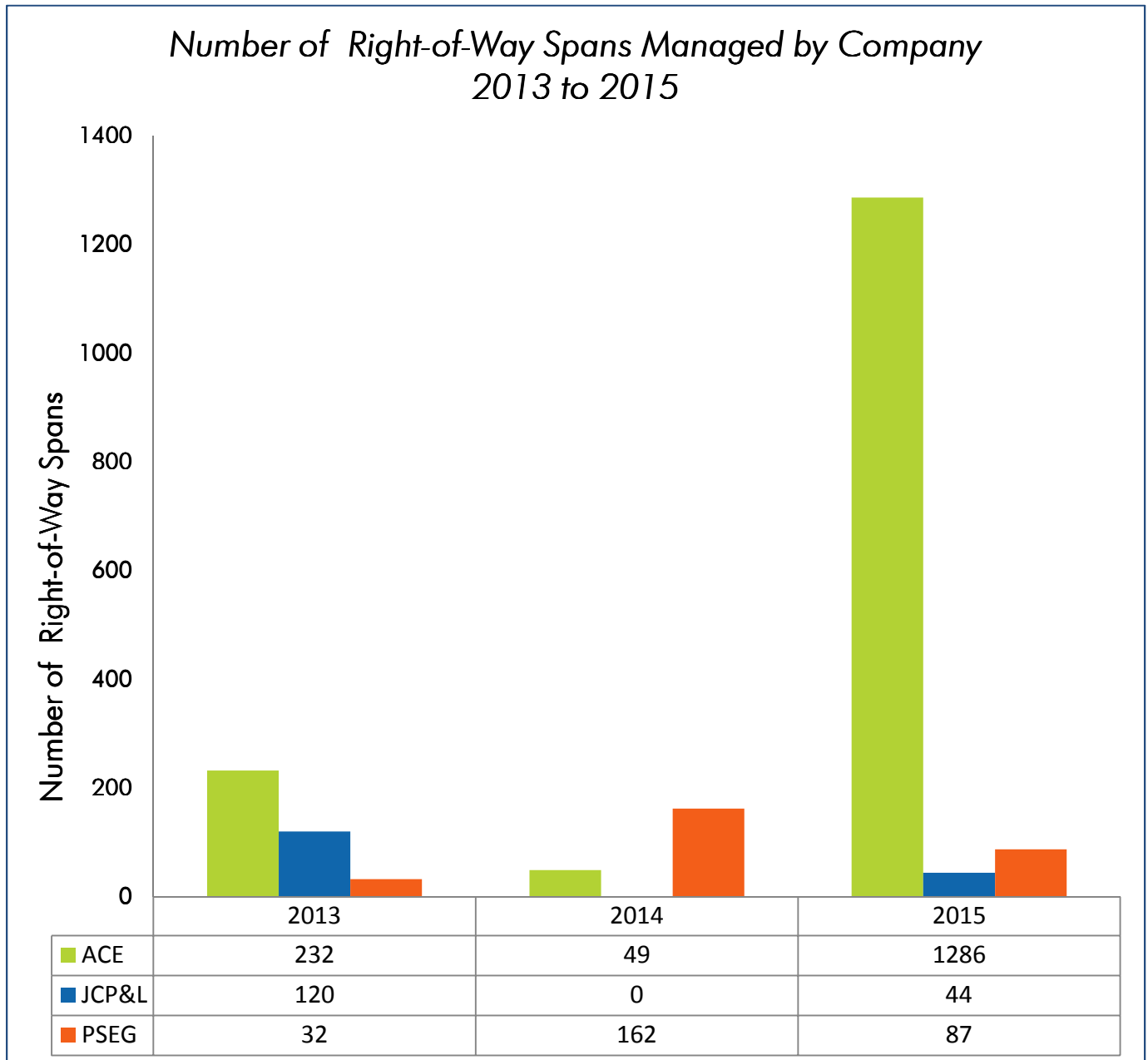
PSEG were less active. In comparison, during 2014, PSEG had a busy year and managed 63 percent of its Pinelands Area spans. In 2015, ACE took the lead in Pinelands Area activity and managed half of its spans.

**Table 1: Number of Right-Of-Way Spans Reported Managed in 2013, 2014 and 2015**

<b>2013</b>		
<b>UTILITY COMPANY</b>	<b># ROW SPANS MANAGED</b>	<b>TOTAL # ROW SPANS</b>
ACE	232 (9%)	2,570
JCP&L	120 (56%)	215
PSEG	32 (13%)	256
<b>Total</b>	<b>384 (13% of all spans)</b>	<b>3,041</b>
<b>2014</b>		
<b>UTILITY COMPANY</b>	<b># ROW SPANS MANAGED</b>	<b>TOTAL # ROW SPANS</b>
ACE	49 (1.9%)	2,570
JCP&L	0	215
PSEG	162 (63%)	256
<b>Total</b>	<b>211 (7% of all spans)</b>	<b>3,041</b>
<b>2015</b>		
<b>UTILITY COMPANY</b>	<b># ROW SPANS MANAGED</b>	<b>TOTAL # ROW SPANS</b>
ACE	1,286 (50%)	2,570
JCP&L	44 (20%)	215
PSEG	87 (34%)	256
<b>Total</b>	<b>1,417 (47% of all spans)</b>	<b>3,041</b>
<i>Total managed this reporting period: 2,012 spans</i>		

During the 2010-2012 reporting period, a total of 1,141 spans were managed. The 2013-2015 reporting period yielded almost twice the number of spans being managed; with a total of 2,012 spans. These numbers suggest that it is getting easier for the three utility companies to execute the prescriptions required by the ROW Plan.

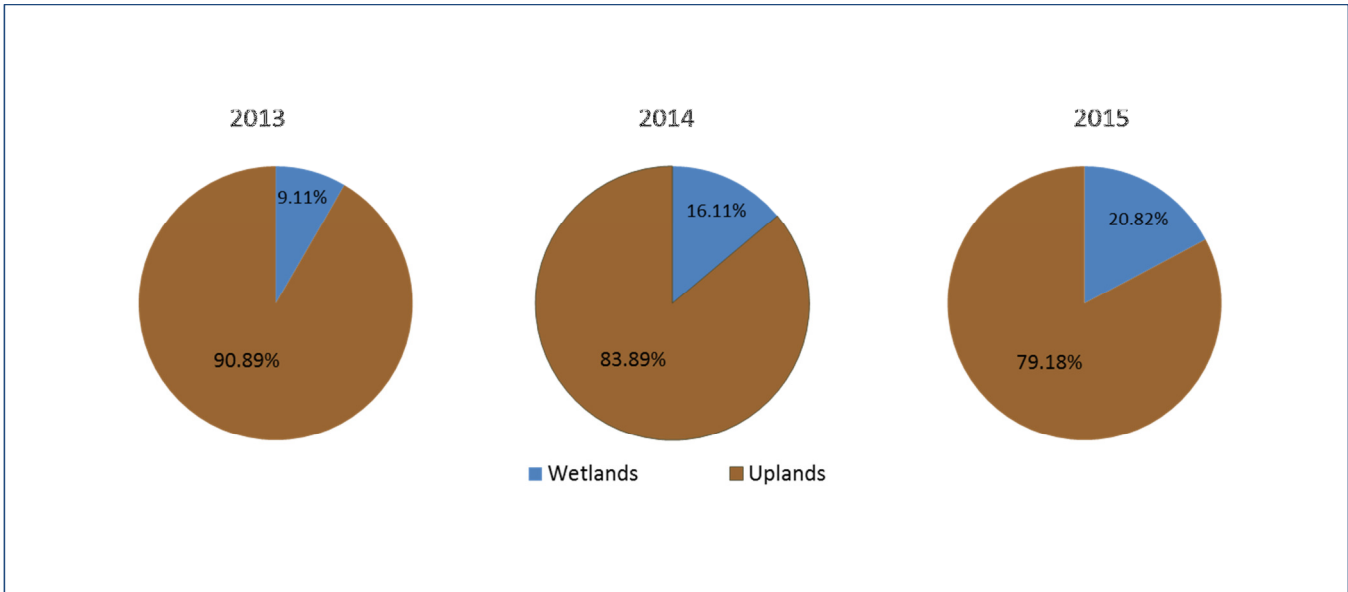
The fact that ACE has a greater number of Pinelands spans is shown in Figure 4 below:



**Figure 4: A graphical representation of Figure 3, highlighting that ACE has six times the number of spans to manage each year than the other two utilities.**

The main distinction between all the prescriptions is that mowing is not permitted in most wetland spans. Wetland spans are more difficult to manage for a variety of reasons; these include frequent flooding, the difficulty in crews accessing the span, the difficulty of hand cutting a span and the need to remove cut tree branches and logs from the wetland as required by the ROW Plan. Figure 5 shows that more than 75% of the spans managed over the past three years were upland spans which could simply be machine mowed.

Pinelands wide, approximately 24% of the spans contain at least some wetlands. In 2013, only 9% of spans that were managed contained wetlands. In 2014, 16% of spans that were managed contained wetlands. In 2015, just over 20% of spans that were managed contained wetlands. It is anticipated that future management reporting will reflect that the three utility companies have reached the 24% of wetlands spans as managing wetlands spans becomes just as routine as managing upland spans.



**Figure 5: Percentage of wetland spans managed over the three year period.**

**Item 2: Any significant problems or issues:**

No violations of the prescriptions were reported during the 2013-2015 period. Neither utility company self-reporting or Commission staff inspections noted any deviations in the required prescriptions for this reporting period. The first reporting period had both self-reported violations and staff reported violations of the prescriptions. This may represent the learning curve for both the three utility companies and their contractors with respect to becoming increasingly familiar with the required prescriptions of all spans.

Although no significant problems or significant issues were raised, a number of issues were identified by the three utility companies and the Commission staff during the 2013-2015 review period.

First Issue: The utility companies questioned whether mowers or other vehicles were allowed in the “cut trees manually, do not mow” spans. Since 2010, it has been observed that vehicles are being used in these spans; at a minimum, mowers travel along existing access roads to reach other spans where mowing is permitted. Vehicles are also used in the wetland spans to bring crews in to hand cut trees and then, as required by the ROW Plan, to remove cut vegetation from the wetland spans. So in practice, vehicles are being used in the “cut trees manually, do not mow” spans to facilitate vegetation management, although primarily on existing access roads and not in the span itself. The ROW Plan should be clarified to address this issue.



**Figure 6: Vehicle tracks from a mower traveling through a “Cut trees manually. Do not mow” wetland span to reach an upland span (background) where mowing is permitted. Minimizing vehicle disturbance in wetland spans remains a challenge of the ROW Plan.**

Second Issue: The three utility companies questioned whether the mowing of access road shoulders was allowed in the “Cut trees manually. Do not mow” spans. One utility company requested a prescription modification concerning a particular electric transmission line in Monroe Township, Gloucester County to enable mowing of access road shoulders in wetlands spans. The requested mowing was to be done from the existing access road with a boom mounted mower with the vehicle never leaving the existing access road. The ROW Plan (page 40) discusses maintenance of existing access roads and indicates that such maintenance is permitted “using the vegetation-management prescription provided for that span.” If the prescription was followed, the mower would not be allowed in the wetland span. The Commission staff determined that if the mower remained on the access road, the shoulder area vegetation could be cut as proposed by the utility company. The ROW Plan needs to clarify whether radial arm mowers can be used in wetland spans provided the vehicle remains on the existing access road.

Third Issue: A utility company questioned what constitutes an acceptable Mistletoe Plan when the prescription for a given span specified in the ROW Plan requires the utility company to “Develop a Mistletoe Plan.” The ROW Plan intended that the utility submit the Mistletoe Plan to the Commission staff for its review prior to cutting any spans with trees which have this rare epiphytic plant growing on them to demonstrate that the proposed vegetation management would not result in an irreversible adverse impact on the local population of Mistletoe. The ROW Plan should be clarified to address that this prescription is only permitted if a Mistletoe Plan demonstrates that the vegetation cutting is consistent with the CMP threatened and endangered species protection standard.

Fourth Issue: The improvements to existing right-of-way access roads continued to occur in 2013-2015. The ROW Plan (page 40) allows for “periodic maintenance” of existing access roads in the ROW without application to the Commission. Although some examples as to what constitutes maintenance are discussed in the ROW Plan, including the conditions that access road maintenance will be limited to the existing original road width and that grading be limited to the elevation of the existing access road bed, two utility companies have completed access road improvements in wetlands which were clearly in excess of that needed for road “maintenance.” The ROW Plan indicates that “construction of new access roads...are not covered under this ROW Plan.” Access road improvements which go beyond maintenance require application to the Commission. Access road improvements in wetlands, such as the one shown in Figure 7, must be demonstrated to be the minimum necessary to maintain the electric transmission line and must not disrupt the natural hydrology of streams and wetlands. The ROW Plan needs to provide further guidance on this issue.

Fifth Issue: The three utility companies are required to annually submit a summary of their vegetation management activities. Compilation of this information to monitor the Pilot Program continues to require a significant amount of work by the Commission staff. The Commission staff continued to work on getting each of the three utility companies to submit its annual reporting in a uniform format. For example, although each of the three utility companies had spans (e.g. farm fields, salt marsh) where no actual vegetation cutting would ever be required under the ROW Plan (See Figure 8), two of the utility companies reported field inspection of such spans and their determination that no vegetation cutting was required as “vegetation management activities.” To address the reporting inconsistency, a letter was sent to all three utility companies asking them to clarify their annual reporting to distinguish between spans which were inspected that year but vegetation management was not required and those spans where vegetation management actually occurred.

Sixth Issue: During the 2013-2015 reporting period, an issue was identified regarding a lack of access to spans which are located on Federal lands such as the FAA Technical Center in Galloway Township and Joint Base McGuire-Dix-Lakehurst in Pemberton Township. While these Federal lands contain less than 75 spans in total, access to these spans had not been secured for site inspections in 2010-2015. The Commission staff will require site inspections on Federal lands rights-of-way. This will involve requiring the concerned utility companies to schedule these site inspections with Federal personnel.

Seventh Issue: The CMP provides that “minor adjustments” can be made to the prescriptions without formal amendments to the ROW Plan. Two modifications were requested by the utility companies in this reporting period. Both were determined to be minor and were addressed by the Commission’s Executive Director as provided for in the Pilot Program without requiring formal amendments to the ROW Plan.

First minor adjustment: A utility company requested to mow access road shoulders in “Do not mow” wetland spans. The staff determined this did not actually require any prescription modification, rather a prescription clarification about the use of boom mounted mowers on access roads everywhere in the Pinelands Area. It was determined that the periodic maintenance of vegetation growing within five feet of existing access roads via the use of boom mounted mowers which stay on the access road at all times is permitted and constitutes maintenance. Vegetation management within the remainder of each wetland span must continue in accordance with the prescription and no vehicles are permitted in the span off of the access road.





**Figure 7: This newly constructed 2015 span access road improvement is beyond the scope of routine maintenance authorized by the ROW Plan. A Pinelands application must be completed for access road improvements beyond routine maintenance.**



**Figure 8: This agricultural span in Buena Vista Township is maintained by the landowner, not the utility. As a result, this span was not reported as being “managed” by the utility in the past six years.**

Second minor adjustment: In 2013 the Northern Long-Eared Bat was proposed to be listed as a federally threatened species and this was adopted in 2015. As a result, some utility companies have started topping trees which may be habitat for this bat species instead of removing them entirely from the right-of-way (Figure 9). Additionally, timing restrictions are being observed as to cutting work so that potential bat roosting trees are not disturbed during the brooding season. In certain wetland spans, the Pilot Program prescription was restricted to a window of the driest time of the year; July through October. However, with the bat breeding season extending into this window, only October was left for vegetation management which was deemed too short of a season by at least one utility company. A prescription modification was requested to move the management window to October through March 1. As this modification involved only 13 spans, the modification was determined to be minor and was approved by the Executive Director in 2014.



**Figure 9: Trees topped in a span. The prescription for this wetland span requires hand cut and removal of trees by hand in late summer. However, concerns over wetlands impacts caused by vehicles needed to remove the trees from the span and impacts to the newly Federally listed Northern long-eared bat lead a utility company to request a prescription timing window modification and to perform tree topping instead of the ROW Plan prescription.**

### **Item 3: Needed Amendments to the ROW Plan.**

Amendment One: A section of an ACE-transmission line (783 Line in Barnegat Township) was relocated in 2006 as part of an electric transmission line upgrade. The ROW Plan contains the pre-2006 location of the transmission line right-of-way. The ROW Plan currently contains no mechanism to update each utility company’s mapping layers and provide these location updates to the Commission. Utility company security regulations also limit the availability of this information. An amendment should be considered that provides a means for the Commission to receive information on electric transmission line relocations.

Amendment Two: Clarifications of the following words, terms and prescriptions in the ROW Plan:

“Cut Trees Manually. Do not mow” Prescription: Clarification of this prescription to address to what extent, if any, vehicles are permitted in the wetland span.

Access road maintenance: Only routine maintenance of existing access roads is permitted under this ROW Plan. Routine maintenance is discussed in the ROW Plan. The discussion should be expanded and clarified.

Vegetation removal beyond the pre-existing managed portion of the right-of-way: The ROW Plan

should be clarified to indicate that the prescriptions only pertain to the historically maintained portion of the right-of way and not to all existing vegetation in the right-of-way. A Pinelands application is required for removal of vegetation from the right-of-way in areas that were never managed.

Emergency Access to repair a utility line: Such access is permitted under the ROW Plan. However, the ROW Plan should be clarified to indicate that, as practical, emergency stream and wetland crossings should be accomplished via temporary mats, temporary bridging or temporary fill and that all structures must be promptly removed upon repair completion.

American Mistletoe Plan: Conditioning a span prescription on this requirement raises the issue of whether the prescription can be undertaken consistent with the CMP’s threatened and endangered species requirements. The ROW Plan should specify that the prescription can only be undertaken if the utility company develops a Mistletoe Plan and the Commission finds that the Mistletoe Plan is consistent with the CMP’s threatened and endangered species protection standard.

## **V: INTERIM REPORT ON VEGETATION STUDY PLOTS**

### **Introduction**

One of the four criteria that the Executive Director will use to evaluate the success of the Pilot Program in the 2019 Final Executive Director’s Report is whether or not “the vegetation-management prescriptions have resulted in relatively stable and sustainable early successional habitats that are characteristic of the Pinelands and which provide habitat for native-Pinelands plants and animals, including threatened and endangered species (N.J.A.C. 7:50-10.35).” To address this, Commission staff established two vegetation plots in each of 24 right-of-way spans that represent six different vegetation type/vegetation-management prescription combinations (Table 2). Although the vegetation in all 24 managed right-of-way spans contained some amount of trees, shrubs, and herbs, each span was categorized into one of the six vegetation types based on whether it was upland or wetland and whether trees, shrubs, or herbs dominated the vegetation in the span (Table 2).

**Table 2: Vegetation types and management prescriptions associated with 24 ROW spans selected for vegetation monitoring.**

<b>Vegetation Type</b>	<b>Management Prescription</b>	<b># of Spans</b>	<b># Plots/Span</b>	<b>Total # of Plots</b>
<b>Wetland Cedar</b>	Manual tree removal	4	2	8
<b>Wetland Shrub</b>	Manual tree removal	4	2	8
<b>Upland Herb</b>	Mow trees, shrubs and herbs	4	2	8
<b>Upland Shrub</b>	Mow trees, shrubs and herbs	4	2	8
<b>Upland Scrub</b>	Mow trees, shrubs and herbs	4	2	8
<b>Upland Tree</b>	Mow trees, shrubs and herbs	4	2	8

Vegetation in these managed rights-of-way plots is surveyed each year of the Pilot Program. In addition to these annual surveys, in 2012, two reference plots were established in the forest adjacent to each right-of-way span to determine if the right-of-way vegetation was similar to and characteristic of the nearby Pinelands forest. Although these data were collected in 2012, Commission staff completed a preliminary

analysis for this 2013-2015 progress report. The methods and results of the preliminary comparison of the ROW and adjacent-forest vegetation are described below. For this preliminary analysis, only woody species (trees, shrubs, and vines) were evaluated because some herbaceous plants from both sets of plots have yet to be identified.

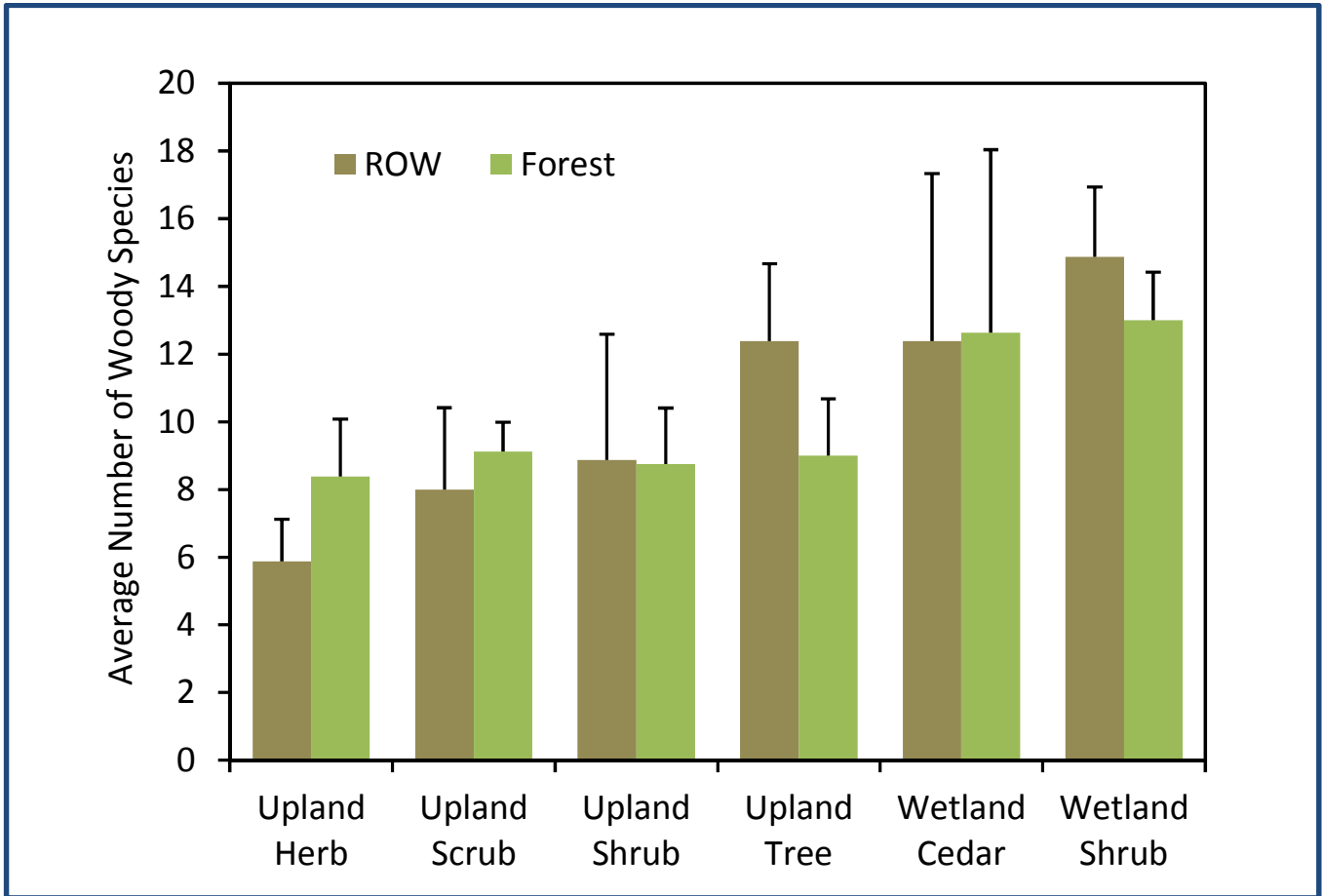
## **Methods**

From June through August of 2012, Commission staff used 100-m<sup>2</sup> circular plots to complete vegetation surveys in both the managed right-of-way spans and the adjacent forest. Plot locations were selected to best characterize the representative plant community and to avoid the right-of-way and forest edges. In each right-of-way and adjacent-forest plot, all woody plant species were identified and the dominant shrub species were determined based on plant cover. The woody plant communities, the dominant shrub species, and the number of woody species were compared separately between right-of-way and adjacent-forest plots using various mathematical and statistical techniques.

## **Results**

A total of 61 woody species were present in the right-of-way and adjacent-forest plots. Of the 61 woody species, 77% are considered native Pinelands species, 16% are non-Pinelands species, and 7% are unable to be placed in either category. Both native and non-Pinelands species were found in right-of-way and adjacent-forest plots. Sixteen tree and 39 shrub species were present in the right-of-way plots and 16 tree and 31 shrub species were present in the adjacent-forest plots.

There were no statistical differences in the woody plant communities present in the right-of-way and adjacent-forest plots. For the dominant shrub analysis, statistical differences were found between right-of-way and adjacent-forest plots only for the upland scrub vegetation type. The difference for the upland scrub type was due to subtle variations in the cover of three native shrub species, including bear oak (*Quercus ilicifolia*), which displayed greater cover in the right-of-way plots, and black huckleberry (*Gaylussacia baccata*) and dangleberry (*G. frondosa*), which showed greater cover in the forest plots. No statistical difference was found in the number of woody species between the six vegetation types in right-of-way and adjacent-forest plots (Figure 10).



**Figure 10: The average number of woody plant species in ROW and adjacent forest plots for six vegetation types.**

**Interim Conclusion on Vegetation Study Plots**

Other than the right-of-way plots being managed, no major differences in woody plant communities, dominant shrub cover, or the number of woody species were found between right-of-way and adjacent-forest plots. An analysis of the herbaceous vegetation between right-of-way and forest plots will be completed at some point in the future when all of the herbaceous plant specimens have been identified.



**Male wild turkeys using the low vegetation in the ROW to display in spring 2015.**

## **VI: Summary of Vegetation Management**

While there continue to be administrative and interpretation issues with the ROW Plan, this second progress report for 2013-2015 demonstrates that the Pilot Program and associated ROW Plan is being implemented successfully. With some additional added clarification, the ROW Plan will provide an even more effective framework for managing this unique Pinelands habitat. In general, we also anticipate that, over time, there will be a reduced need for regulatory guidance.

When the ROW Plan was approved, it was projected that, on average, each utility company would have four year cycles for vegetation maintenance, meaning that after year four, the utility company begins again, cutting the spans managed in year one. Figure 11 below indicates that it took PSEG about only three years to have cut most of its 256 spans in the Pinelands Area. JCP&L followed with an average of four years to have managed its 215 Pinelands Area spans. ACE took five years for most of its 2,570 spans in the Pinelands Area to be reported as managed. This may be due to the fact that ACE had by far the most spans in the Pinelands Area. As of 2015, 488 ACE spans have not been reported as managed because, based upon site inspection, no vegetation management was necessary.

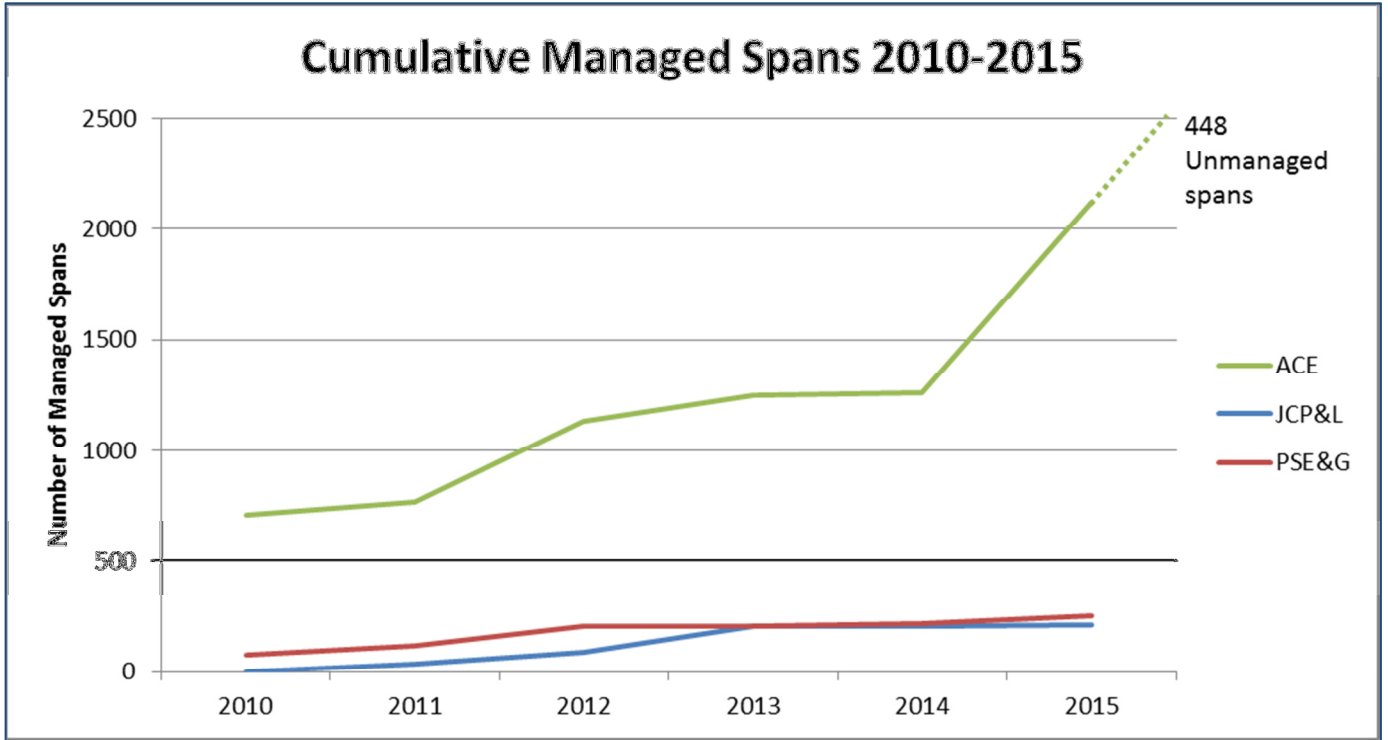


Figure 11: Span management over the past six years by utility company.



*The Commission Staff would like  
to thank ACE, JCP&L and  
PSE&G for providing  
off-road access and  
staff/contractor  
availability during Pinelands staff  
site inspections.*





Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

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## MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan   
Chief Planner

Date: December 29, 2017

Subject: No Substantial Issue Findings

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During the past month, we reviewed two ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These amendments were:

**Manchester Township Ordinance 17-024** - amends Chapter 245 (Land Use and Development) of the Township's Code by revising setback requirements for churches, landscaping buffer requirements, maximum permitted height for hospitals and nursing homes and design criteria for continuing care facilities for the elderly. Ordinance 17-024 also adopts conditional use standards for religious use organizations, public and private schools, and childcare facilities.

**Winslow Township Ordinance O-2017-020** - amends Chapter 294 (Zoning) of the Township's Code by repealing and replacing in its entirety Section 294-117, entitled Fences, Walls and Living Walls. The new section contains definitions, permit requirements, height and yard requirements, a list of prohibited fences and fencing materials, provisions for temporary fences, maintenance requirements and a subsection on violations and penalties.