



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

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
Executive Director

Date: February 3, 2016

Subject: Summary of the February 12, 2016 Meeting Packet

Minutes

The January 15, 2016 Commission meeting minutes are included in your packet.

Public Development Applications

One public development application is being recommended for approval with conditions.

1. **EGG HARBOR CITY**, Egg Harbor City, Pinelands Town, Improvements to 1,325 linear feet of Diesterweg Street between New Orleans and Bremen Avenues.

Waiver of Strict Compliance

One Waiver of Strict Compliance application is being recommended for approval with conditions. The application proposes the development of one single family dwelling.

One Waiver of Strict Compliance application is being recommended for denial. The application proposes the development of a single family dwelling. The applicant is interested in the State of New Jersey purchasing the parcel under the Limited Practical Use Program.

Letter of Interpretation

One Pinelands Development Credit (PDC) Letter of Interpretation (attached) was issued since the last Commission meeting allocating 0.25 PDCs to 31.7 acres.

Off-Road Vehicle Event Route Map Approval

No Off-Road Vehicle Event Route Map Approvals were issued since the last Commission meeting.

Superfund Groundwater Remediation Cleanup

No Superfund Clean-ups are on this month's agenda.

Ordinances Not Requiring Commission Action

We have included a memorandum on seven master plan and ordinance amendments that we reviewed and found to raise no substantial issues with respect to CMP standards. These amendments were submitted by the Town of Hammonton, Pemberton Township, Stafford Township, Upper Township and Weymouth Township.

Other Resolutions

Also included in the packet is a resolution to authorize the Executive Director to enter into a contract for the fabrication and installation of exhibits at the Richard J. Sullivan Center for Environmental Policy and Education.

Closed Session

The Commission may need to convene into closed session.

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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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, February 12, 2016

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

- January 15, 2016

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 an Application for Public Development (Application Number 2010-0047.005)
 - Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1987-1185.001)

- Denying an Application for a Waiver of Strict Compliance (Application Number 2015-0044.001)

B. Planning Matters

- Municipal Ordinances
 - None
- Other Resolutions
 - None
- CMP Amendments
 - None

5. Public Comment on Agenda Items and Pending Public Development Applications (see attached list) (*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. Ordinances Not Requiring Commission Action

- Hammonton Town Ordinance 20-2015
- Pemberton Township's December 2015 Housing Element and Fair Share Plan
- Stafford Township Ordinance 2015-15
- Upper Township Ordinance 002-2013
- Weymouth Township Ordinances 543-2015 & 545-2016

7. Other Resolutions

- To Authorize the Executive Director to Enter Into a Contract for the Fabrication and Installation of Exhibits at the Richard J. Sullivan Center for Environmental Policy and Education
- 8. 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.*)
- 9. 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.*)
- 10. Adjournment

Upcoming Meetings

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

- Fri., Feb. 26, 2016 Policy and Implementation Committee Meeting (9:30 a.m.)
Fri., March 11, 2016 Regular Monthly Commission Meeting (9:30 a.m.)

Events of Interest

March 12, 2016- 27th Annual Pinelands Short Course at Stockton University, Galloway Township, NJ

Upcoming Office Closures

Mon., February 15, 2016 President's Day



Pinelands Commission and Committee meeting agendas are posted on the Commission's Web site and can be viewed at 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 at 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

January 15, 2016

Commissioners Present

Candace Ashmun, Bob Barr, Bill Brown, Joe DiBello, Paul E. Galletta, Jane Jannarone, Ed Lloyd, Ed McGlinchey, Richard Prickett, Gary Quinn and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Alan W. Avery Jr., Sean Earlen and D'Arcy Rohan Green.

Chairman Lohbauer called the meeting to order at 9:38 a.m.

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners present.)

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

Minutes

Chairman Lohbauer presented the minutes from the December 11, 2015 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Brown seconded the motion.

The minutes of the December 11, 2015 Commission meeting were adopted by a vote of 9 to 0. Commissioner Quinn and Commissioner Jannarone abstained.

Other

Chairman Lohbauer spoke about Michael Fowler, a member of Commission's Pinelands Educational Advisory Council, who passed away this past December. He said staff has drafted a resolution in Mr. Fowler's memory, documenting his admiration for the Pinelands and his affiliation with the Pinelands Short Course. Commissioner Ashmun moved the adoption of a resolution Honoring the Late Michael Fowler for His Service and Leadership as a Member of the Pinelands Educational Advisory Council and His Dedication to Raising Awareness and Appreciation of the New Jersey Pinelands (See Resolution # PC4-16-01). Commissioner Lloyd seconded the motion.

Chairman Lohbauer read the resolution into the record and presented the resolution to Mr. Fowler's wife and son.

Mr. Joel Mott said Mr. Fowler was a true friend of the Pinelands and he would be really pleased with the development of the interpretive center.

Update from New Jersey Department of Environmental Protection Assistant Commissioner for Natural and Historic Resources Rich Boornazian on the Motorized Access Plan (MAP) for Wharton State forest

Assistant Commissioner Boornazaian said the MAP was devised to ensure that emergency vehicles and personnel could easily and safely respond to fires and other crisis situations. He said the U.S. Department of Transportation provides annual funding for motorized trails, and those funds also played a role in developing the MAP. The goal was to designate motorized trails for a better user experience and to allow for improved access for emergency services. A map was produced in conjunction with the Superintendent of Wharton State Forest, along with Geographic Information Systems (GIS) staff who documented all trails including fire breaks, plow lines and roads. He said the MAP received both positive and negative feedback. The Department received so much public feedback that Commissioner Bob Martin decided additional public input was warranted. DEP then met with officials from the municipalities that surround Wharton State Forest in addition to various stakeholders. Mr. Boornazian said next steps for the MAP will include continuing to engage all the stakeholders and preparation of an enforcement plan.

Commissioners provided various comments on the MAP and how it relates to the Comprehensive Management Plan.

Chairman's Report

Chairman Lohbauer said that Commissioner Fran Witt submitted his resignation to the Commission effective December 31, 2015. Chairman Lohbauer said Commissioner Witt had served as Gloucester County's representative on the Commission since February 2004. He was a member of the Commission's Personnel and Budget Committee, Public and Governmental Programs Committee and the Audit Committee. He said Fran brought a wealth of experience to the Commission. He served as the Mayor of the Borough of National Park for 16 years, and prior to that, had served on the Borough Council for eight years. He is the past Vice President of the New Jersey League of Municipalities, and he served on the Board of the Gloucester County Utilities Authority and the Gloucester County Solid Waste Authority.

Chairman Lohbauer said Commissioner Witt's successor is Deputy Freeholder Director Joe Chila, who will be sworn in at the February Commission meeting.

Chairman Lohbauer took a moment to thank all those who dedicated time and energy in trying to stop Senate Bill 2125. He said that both houses passed the bill. He said the Governor conditionally vetoed the bill to allow field sports including soccer to be defined as a low intensity recreational activity.

Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- The Commission will need to address and incorporate the change by the legislature (S2125) through the rule-making process. The change is limited to the Agricultural Production Area. She noted that any applicant proposing to create an athletic field or hold an athletic event would still need to obtain local approvals.

Commissioner DiBello noted that the Secretary of the Interior will evaluate the rule change when the time comes.

Commissioner DiBello questioned whether the evaluation of the pilot program stemming from S2125 would continue.

Ms. Wittenberg said staff will review the bill and determine the next steps with the Agriculture Committee.

Mr. Larry Liggett updated the Commission on the following:

- The status of Plan Review initiatives will be presented at upcoming Policy and Implementation Committee meetings.
- A technical workshop may be scheduled to review well impacts on the Kirkwood-Cohansey.
- As the new Legislature session begins, a new bill on affordable housing has been introduced. Municipal affordable housing obligations remain uncertain. He

displayed a website that reported both Fair Share Housing Center and Econult calculations, which differ significantly from each other.

(<http://www.philly.com/philly/infographics/364889421.html>) An update on affordable housing will be presented at the next P&I Committee meeting.

Commissioner Lloyd asked about the role of the Fair Share Housing Center regarding Affordable Housing in New Jersey.

Ms. Stacey Roth said the Fair Share Housing Center is a non-profit organization that is the primary advocacy group on affordable housing issues. She said the Supreme Court invalidated the Coalition on Affordable Housing's (COAH's) third round rules and gave authority to the superior courts to determine municipal compliance with affordable housing obligations. She said the Fair Share Housing Center petitioned the courts to participate in these proceedings.

Mr. Liggett added that at this point, there are three sets of numbers for affordable housing: COAH's, Fair Share's and Econult's.

Mr. Chuck Horner provided an update on multiple regulatory matters, including the following:

- A public hearing has been scheduled for Stafford Township's Waiver of Strict Compliance application for a compelling public need on January 20 at the Stafford Township Municipal Complex. The Commission will accept public comment on the Waiver application and companion public development application at today's meeting.
- The New Jersey Permit Extension Act of 2008 expired on December 31, 2015.
- Commission staff met with Mullica Township officials to discuss the Devonshire Motor Lodge property located on the White Horse Pike. Construction on that property was never completed because of zoning and the adoption of the CMP. A zoning change occurred a couple of years ago, and a new property owner plans to develop the site with offices.
- Staff met with Stafford Township to discuss a proposal to build a new fire department building in Warren Grove.

In response to questions raised about the compelling public need waiver application, Mr. Horner outlined the process.

DAG Moriarty reviewed the following South Jersey Gas litigation matters:

- The Pinelands Preservation Alliance's appeal of the Board of Public Utilities (BPU) reliability order from September 2015 is still pending. The BPU is handling this matter.
- An appeal of BPU's December 16, 2015 order filed by PPA. PPA has also filed a stay request with BPU.
- PPA filed an appeal of the December 23, 2015 Department of Environmental Protection's determination that the Upper Township parcel, where South Jersey

Gas is proposing to build an interconnect station, is not encumbered by Green Acres funding or restrictions.

Chairman Lohbauer asked about South Jersey Gas' appeal concerning the Memorandum of Agreement.

DAG Moriarty said that it remains in a holding pattern.

DAG Moriarty said at this time there is nothing left for the Commission or its staff to do regarding the South Jersey Gas application and BPU's order.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending the approval of a 3,500 square foot interpretive center at a park in Hamilton Township.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1987-1078.005) (See Resolution # PC4-16-01). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Lohbauer presented the next resolution recommending improvements to an existing Garden State Parkway Maintenance Facility in Galloway Township.

Commissioner Barr moved the adoption of a resolution Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1997-0257.009) (See Resolution # PC4-16-02). Commissioner Brown seconded the motion.

Commissioner Prickett asked how the 50 foot buffer was established for this application.

Mr. Horner said that most development is not permitted in wetlands and the Commission requires a 300-foot buffer to wetlands in most instances. He explained that a reduced buffer is permitted as long as it is justifiable. He said the Commission uses the Pinelands Buffer Delineation Model to calculate a reduced buffer to wetlands. In some instances, such as this application, the applicant demonstrated compliance with the regulation to provide for a reduced buffer.

Commissioner Prickett asked if a staff member had visited the site.

Staff member Ernest Deman said he had been to the site and viewed the small isolated wetland in question. He described it as a small round depression in the Parkway right-of-way.

The Commission adopted the resolution by a vote of 11 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

Marianne Clemente asked who the applicant is for the Stafford Township basin application.

Mr. Horner said Stafford Township is the applicant.

Theresa Lettman of the Pinelands Preservation Alliance commented on Application # 1993-0732.01. She said she has been conducting site inspections of the flooding issue in Stafford Township. She said the new basin might reduce some of the flooding but it will not solve the problem. She said the waiver should not be granted. She referenced a CME Associates map dated July 16, 2015 that depicts in color where the flooding will still occur. She raised concerns about impacts to the Swamp Pink population.

Emile DeVito requested clarification on which Stafford Township application was up for public comment.

Mr. Horner said the stormwater basin application is up for public comment, not the Warren Grove fire house application.

Jeff Tittel of the Sierra Club asked if the Commission's final action for the South Jersey Gas application was when it was deemed complete.

DAG Moriarty said the Commission issued a Certificate of Filing. The BPU issued an order for the project and that order has been appealed.

Bill Wolfe said he is unhappy that DEP did not stay for the public comment portion of the meeting and expressed dissatisfaction with the agency's stakeholder process on the MAP for Wharton.

Doug O'Malley of Environment New Jersey said he hopes the Commission rejects the compelling public need waiver because the basin is not a permitted use in the Forest Area, and he does not believe in bending the rules.

Margit Meissner-Jackson of the Sierra Club said she was opposed to the Stafford Township basin application.

Chris Jage of the New Jersey Conservation Foundation provided an analysis of the roads and routes negatively impacted at Wharton State Forest since the DEP has withdrawn the MAP. He said he is researching the possibility of filing a natural resource damage case. Mr. Jage provided a handout (see attached).

Emile DeVito of New Jersey Conservation Foundation said that after recently surveying a southwest portion of Wharton State Forest he has seen vernal ponds and wetland meadows that have been destroyed by off-road vehicles.

After a short discussion amongst Commissioners, Chairman Lohbauer requested that DEP's road closure plans be added to the January 29th P&I agenda.

Marilyn Miller said she has encountered off-road vehicles on her hikes.

Ordinances Not Requiring Commission Action

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

- Berlin Township Ordinances 2015-5 & 2015-6
- Hamilton Township Ordinance 1802-2015

No members of the Commission had questions.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Nancy Klein advised the Commission that Lucille Bates who owned Lucille's in Warren Grove passed away. She reminded Commissioners that the Pinelands was the nation's first national reserve and expressed concerns about the Pinelands' future.

Jeff Tittel of the Sierra Club said the state of New Jersey has not dealt with the ATV issue and budget constraints have left the park police force understaffed. He spoke about the threat of pipelines, electric generating plants and Congress' recent lift of banning the exportation of gas and the moratorium on drilling in the Atlantic.

Marianne Clemente of Barnegat Township suggested changing the CMP so the Commission has the final approval on private development applications.

Doug O'Malley of Environment New Jersey provided a summary of the December 16, 2015 BPU proceeding. He said that New Jersey has joined other states in suing the Environmental Protection Agency's emission rules.

Roni Detrick of New Lisbon asked the Commission to focus on better protection of the Pinelands.

Bob Jackson suggested that language in the CMP should be revised to state that once a decision has been made by the Commission, no one working for the Commission can change that outcome. He provided comments on the Tuckahoe Turf matter. He said it is imperative to follow the CMP.

Fred Akers of the Great Egg Harbor Watershed Association said he recently read an article featured in the Press of Atlantic City that reported DEP Fish and Wildlife will soon no longer allow enduro events on their lands.

Arnold Fishman of Medford Lakes provided comments about the BL England plant and the CMP.

Bill Wolfe of Bordentown said there were changes to the South Jersey Gas application even though the Executive Director wrote a letter to BPU saying otherwise. He raised

concerns about DEP's recently issued stream encroachment permit for the New Jersey Natural Gas pipeline.

Jaclyn Rhoads of the Pinelands Preservation Alliance suggested that the Commission write a letter to local prosecutors about enforcing the law as it relates to the natural resource damages that are caused by ORV riders.

Mr. Horner said the ORV problem is largely a trespass issue.

Nathalie Neiss of Upper Township raised questions about an application for municipal facilities that Upper Township built without applying to the Commission for approval.

Mr. Horner said that Upper Township applied to Commission after the fact and the Commission did approve that application.

Dr. Emile DeVito said that PPA and the New Jersey Conservation Foundation appealed the Green Acres determination that the proposed interconnect station in Upper Township wasn't recreational land. He said the passing of Lucille Bates is a great loss to the community.

Adjournment

Commissioner Ashmun wished the Comprehensive Management Plan a happy 35th birthday. She believes the CMP needs to be revised, to include language which would allow Commissioner involvement in all major development projects. She thanked staff for their work.

Commissioner Lloyd said it was a pleasure to work with Commissioner Witt.

Chairman Lohbauer said he agreed with Commissioner Ashmun and that the Commission needs to have a role in major projects.

Commissioner Barr moved to adjourn the meeting. Commissioner McGlinchey seconded the motion. The Commission agreed to adjourn at 12:38 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: January 27, 2016



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-01

TITLE: Honoring the Late Michael Fowler for His Service and Leadership as a Member of the Pinelands Educational Advisory Council and His Dedication to Raising Awareness and Appreciation of the New Jersey Pinelands

Commissioner CANDACE ASHMUN moves and Commissioner EDWARD LLOYD seconds the motion that:

WHEREAS, Michael Fowler joined the Pinelands Commission's Educational Advisory Council (PEAC) in 2001, and he served as the Council's Chairperson from 2009 until his passing in 2015; and

WHEREAS, Mr. Fowler served as a marketing consultant and Pinelands enthusiast who helped the Commission formulate an Education and Outreach Plan for the Richard J. Sullivan Center for Environmental Policy and Education; and

WHEREAS, Mr. Fowler's expertise and knowledge of the Pinelands served the Commission very well for many years. He was a longtime presenter at the annual Pinelands Short Course, delivering numerous programs such as "The Pinelands Traveler: Ghost Towns, Bogs and Legends" and "The Pinelands' Magnificent Failure, Harrisville, NJ"; and

WHEREAS, Mr. Fowler was the only person who attended all 26 Pinelands Short Courses. Even when he wasn't scheduled as a presenter, he was always ready to step in as a last-minute substitute presenter; and

WHEREAS, his guidance and leadership were invaluable in helping to steer the Pinelands Commission's educational and outreach efforts and future plans for the Richard J. Sullivan Center.

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 15th day of January, 2016, hereby express their appreciation to the family of the late Michael Fowler for his service and leadership as a member of the Pinelands Educational Advisory Council and for his efforts to raise awareness and appreciation of the Pinelands.

Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun	X				Earlen		X			Prickett	X			
Avery			X		Galletta	X		X		Quinn	X			
Barr	X				Jannarone	X				Rohan Green		X		
Brown	X				Lloyd	X				Lohbauer	X			
DiBello	X				McGlinchey	X								

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Executive Director

Date: JANUARY 15, 2016

Mark S. Lohbauer
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 02

TITLE: Approving With Conditions an Application for Public Development (Application Number 1987-1078.005)

Commissioner Galletta 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:

1987-1078.005

Applicant: Atlantic County Board of Chosen Freeholders
Municipality: Hamilton Township
Management Area: Pinelands Forest Area
Date of Report: December 24, 2015
Proposed Development: Development of a 3,500 square foot Interpretive Center building and other improvements within Lake Lenape Park.

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 1987-1078.005 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*
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Ashmun	X				Earlen			X		Prickett	X			
Avery		X			Galletta	X				Quinn	X			
Barr	X				Jannarone	X				Rohan Green		X		
Brown	X				Lloyd	X				Lohbauer	X			
DiBello	X				McGlinchey	X								

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Executive Director

Date: January 15, 2016

Mark S. Lohbauer
Mark S. Lohbauer
Chairman



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

December 24, 2015

William Reinert, Department Head
Atlantic County Department of Public Works
Atlantic County Board of Chosen Freeholders
201 S. Shore Rd.
Northfield, NJ 08225

Re: Application # 1987-1078.005
Block 587, Lot 38
Hamilton Township

Dear Mr. Reinert:

The Commission staff has completed its review of this application for development on the above referenced 482.05 acre lot within the Atlantic County Park at Lake Lenape in Hamilton Township. 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 15, 2016 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, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
John Helbig



* 19871078.005 *



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 24, 2015

William Reinert, Department Head
Atlantic County of Public Works
Atlantic County Board of Chosen Freeholders
201 S. Shore Rd.
Northfield, NJ 08225

Application No.: 1987-1078.005

Location: Block 587, Lot 38
Hamilton Township

This application proposes development of a 3,500 square foot Interpretive Center building, six 120 square foot cabins, eleven camp sites and two docks. The application also proposes the paving of 1,200 linear feet of an existing sand road, the installation of 3,400 linear feet of sanitary sewer and water mains, a gazebo and an 800 square foot bathhouse. All development is proposed on the above referenced 482.05 acre lot that comprises a portion of the Atlantic County Park at Lake Lenape ("Park") in Hamilton Township.

The Park is comprised of 1,898 acres and located entirely within a Pinelands Forest Area. On March 4, 1998, the Pinelands Commission approved a Memorandum of Agreement (MOA) with Atlantic County regarding development of the Park. The MOA allowed for a deviation from the Pinelands Comprehensive Management Plan (CMP) standard prohibiting sanitary sewer service to new development in a Pinelands Forest Area. The MOA also allowed for a deviation from the CMP standard prohibiting development within 300 feet of a wetland unless it has been demonstrated that the development will not result in a significant adverse impact on a wetland.

A January 14, 1998, Revised Report on a Proposed Memorandum of Agreement Between the New Jersey Pinelands Commission and Atlantic County ("Report") prepared by the Commission staff found that a low intensity recreational facility and a campground would both be permitted land uses on a parcel located in a Pinelands Forest Area. Provided the conditions of the MOA were met, that Report also concluded that the development proposed by the County under the MOA is less than otherwise permitted by the CMP. The Report also concluded that a proposed deed restriction would result in the protection of approximately 1,822 acres of the concerned parcel and that wetlands on and within 300 feet of the parcel would be afforded a level of protection that would not be afforded through a strict application of the wetlands protection standards of the CMP.

To provide an equivalent level of protection to the resources of the Pinelands, the MOA required that the County place a deed restriction on 1,822 acres of the Park to preserve that land in its natural state. The MOA also required that Atlantic County file a deed declaration with the Atlantic County Clerk's Office restricting the proposed sanitary sewer line to the limited and specific purpose set forth in the MOA. The County has recorded the required deed restriction and deed declaration.

The MOA identified and delineated a 76 acre "western lake shore" portion of the Park and specified certain development that could occur on that portion of the Park. The development proposed in this application (App. No. 1987-1078.005) is consistent with the MOA.

On October 8, 1998, the Commission approved the development of a boathouse, boat ramp, docks and associated development that was subject of MOA (App. No. 1987-1078.004).

STANDARDS

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

Land Use (N.J.A.C. 7:50-4.52(c)2)

The lot is located in a Pinelands Forest Area. The concerned MOA authorizes the proposed development in a Pinelands Forest Area.

Wetlands (N.J.A.C. 7:50-6.6, 6.12 & 6.13)

There are wetlands located on the above referenced lot. The MOA established a 50 foot wetland buffer to Lake Lenape and wetlands identified as Wetlands A & C-G. The MOA also established a 300 foot wetland buffer for Wetlands B. The proposed building, cabins, camps sites, gazebo and bathhouse will maintain the MOA specified wetland buffers.

The MOA permits the installation of the proposed sanitary sewer and water mains and the paving of the sand road within the required wetland buffers in accordance with the provision in the CMP that allows such linear development in otherwise required buffers to wetlands (N.J.A.C. 7:50-6.13). The MOA also permits the development of the two docks on Lake Lenape in accordance with the wetlands protection standards of the CMP (N.J.A.C. 7:50-6.12). The proposed docks will be located in wetlands.

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

The proposed development will be located within a wooded area. The proposed development will disturb approximately 7.27 acres of wooded lands. 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 recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize grass species which meet 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 stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing three stormwater infiltration basins.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced lot was completed on February 19, 2014. Newspaper public notice was completed on February 25, 2014. The application was designated as complete on the Commission's website on November 30, 2015. The Commission's public comment period closed on December 11, 2015. 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 33 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc.. all sheets dated January 2014 and revised to October 23, 2015.
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. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. All development, except for the proposed road paving and utility installation, shall be located at least 50 feet from Wetlands A & C-G and 300 feet from Wetland B.
7. All development shall be consistent with the conditions of the MOA.
8. 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.

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

Mark S. Lohbauer
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 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 within eighteen days of the date of the Executive Director's determination and must 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. PC4-16- 03

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1997-0257.009)

Commissioner Barr moves and Commissioner brown seconds the motion that:

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

1997-0257.009

Applicant:

Municipality:

Management Area:

Date of Report:

Proposed Development:

NJ Turnpike Authority

Galloway Township

Pinelands Garden State Parkway Overlay District

Pinelands Regional Growth Area

December 24, 2015

Improvements to the existing Garden State Parkway Galloway Township Maintenance Facility.

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 1997-0257.009 for Public Development with accompanying Certificate of Appropriateness 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			Earlen		X	Prickett	X			
Avery		X		Galletta	X		Quinn	X			
Barr	X			Jannarone	X		Rohan Green		X		
Brōwn	X			Lloyd	X		Lohrbauer	X			
DiBello	X			McGlinchey	X						

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Executive Director

Date: January 15, 2016

Mark S. Lohrbauer
Mark S. Lohrbauer
Chairman



State of New Jersey
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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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

December 24, 2015

Robert Fischer, PE
NJ Turnpike Authority
581 Main Street
Woodbridge, NJ 07095

Re: Application # 1997-0257.009
Garden State Parkway
Galloway Township Maintenance Facility
Galloway Township

Dear Mr. Fischer:

The Commission staff has completed its review of this application for proposed improvements to the existing Garden State Parkway Galloway Township Maintenance Facility. All proposed improvements, except a proposed sanitary sewer main, are located within the Garden State Parkway right-of-way. The proposed sanitary sewer main is located within Ash Avenue, a municipal right-of way. Enclosed is a copy of a Public Development Application Report and a Certificate of Appropriateness. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 15, 2016 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, 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)
James J. Brazel



* 1 9 9 7 0 2 5 7 . 0 0 9 *



State of New Jersey
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Chris Christie
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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT
AND CERTIFICATE OF APPROPRIATENESS**

December 24, 2015

Robert Fischer, PE
NJ Turnpike Authority
581 Main Street
Woodbridge, NJ 07095

Application No.: 1997-0257.009

Location: Garden State Parkway
Galloway Township Maintenance Facility
Galloway Township

This application proposes improvements to the existing Garden State Parkway Galloway Township Maintenance Facility. Specifically, this application proposes the construction of a 33,080 square foot multi-use building, a 6,120 square foot salt shed, 835 linear feet of off-tract sanitary sewer main and associated site improvements. All proposed improvements, except the proposed sanitary sewer main, are located within the Garden State Parkway right-of-way. The off-tract sanitary sewer main is located within Ash Avenue, a municipal right-of-way.

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. 7:50-5.35 & 5.28)

The proposed development, except for the proposed sanitary sewer main, is located in the CMP designated Parkway Overlay District and underlain by a Pineland Regional Growth Management Area. The proposed sanitary sewer main within Ash Avenue is located in a Pinelands Regional Growth Management Area. The proposed development is a permitted land use in the Parkway Overlay District and a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located within 300 feet of the site. The applicant has demonstrated that the proposed 50 foot buffer to an approximately 275 square foot, isolated wetland, located in an existing disturbed

area will not result in a significant adverse impact on the wetlands.

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

The proposed development will be located within maintained grassed, graveled, paved and forested areas. The proposed development will disturb approximately 0.50 acres of forested lands. 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 recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize grass species which meet 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.

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

The Garden State Parkway is eligible for listing on the National Register of Historic Places. The cultural resource survey submitted for this application identified an existing 7,777 square foot multi-use building, a 1,250 square foot building utilized to store mowing equipment and a 1,300 square foot landscape/sign shop as significant historic resources eligible for listing on the National Register of Historic Places as contributing resources to the Garden State Parkway Historic District. The Commission staff has concluded that the three buildings are eligible for Pinelands Designation in accordance with the provisions of the CMP (N.J.A.C. 7:50-6.154).

The CMP (N.J.A.C. 7:50-6.156), requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of significant historic resources from among three alternatives:

- preservation of the resource in place, if possible;
- preservation of the resource at another location, if preservation in place is not possible; or
- recordation.

The Commission staff, in cooperation with State Historic Preservation Office (SHPO), determined that preservation in place is the appropriate treatment for the three buildings. Accordingly, this Certificate of Appropriateness requires preservation of the three buildings in place (N.J.A.C. 7:50-6.156(c)).

The applicant proposes renovations to the interior and exterior of the existing 7,777 square foot multi-use building. The CMP (N.J.A.C. 7:50-6.156(c)3.) requires that the proposed renovation of the 7,777 square foot multi-use building conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Prior to undertaking the proposed renovations, the design of the exterior and interior of the multi-use building must be approved by SHPO and the Commission staff.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on June 9, 2015. Notice to required land owners within 200 feet of the above referenced development was completed on September 29, 2015. The application was designated as complete on the Commission's website on November 24, 2015. The Commission's public comment period closed on December 11, 2015. 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 58 sheets, prepared by The RBA Group and dated as follows:
 - Sheets 1, 4-8, 10, 15, 16, 18, 20, 22-25, 32 & 35-45 - June 2015
 - Sheets 2, 3, 9, 31, 46-51 - September 2015
 - Sheets 11 & 12 - October 2015
 - Sheets 13, 14A, 14 B & 33 - December 2015
 - Sheets 17, 19, 21, 26 & 52 - September 2015; revised October 2015
 - Sheets 27, 28 & 34 - September 2015; revised September 2015
 - Sheets 29 & 30 - September 2015; revised November 2015
 - Sheets 53-58 - April 2009
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. All development, including clearing and land disturbance, shall be located at least 50 feet from wetlands.
6. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
7. The design of the exterior and interior of the proposed multi-use building must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Prior to undertaking the proposed interior and exterior renovations to the multi-use building, the design of the exterior and interior must be approved by SHPO and the Commission staff.

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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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
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 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 within eighteen days of the date of the Executive Director's determination and must 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.

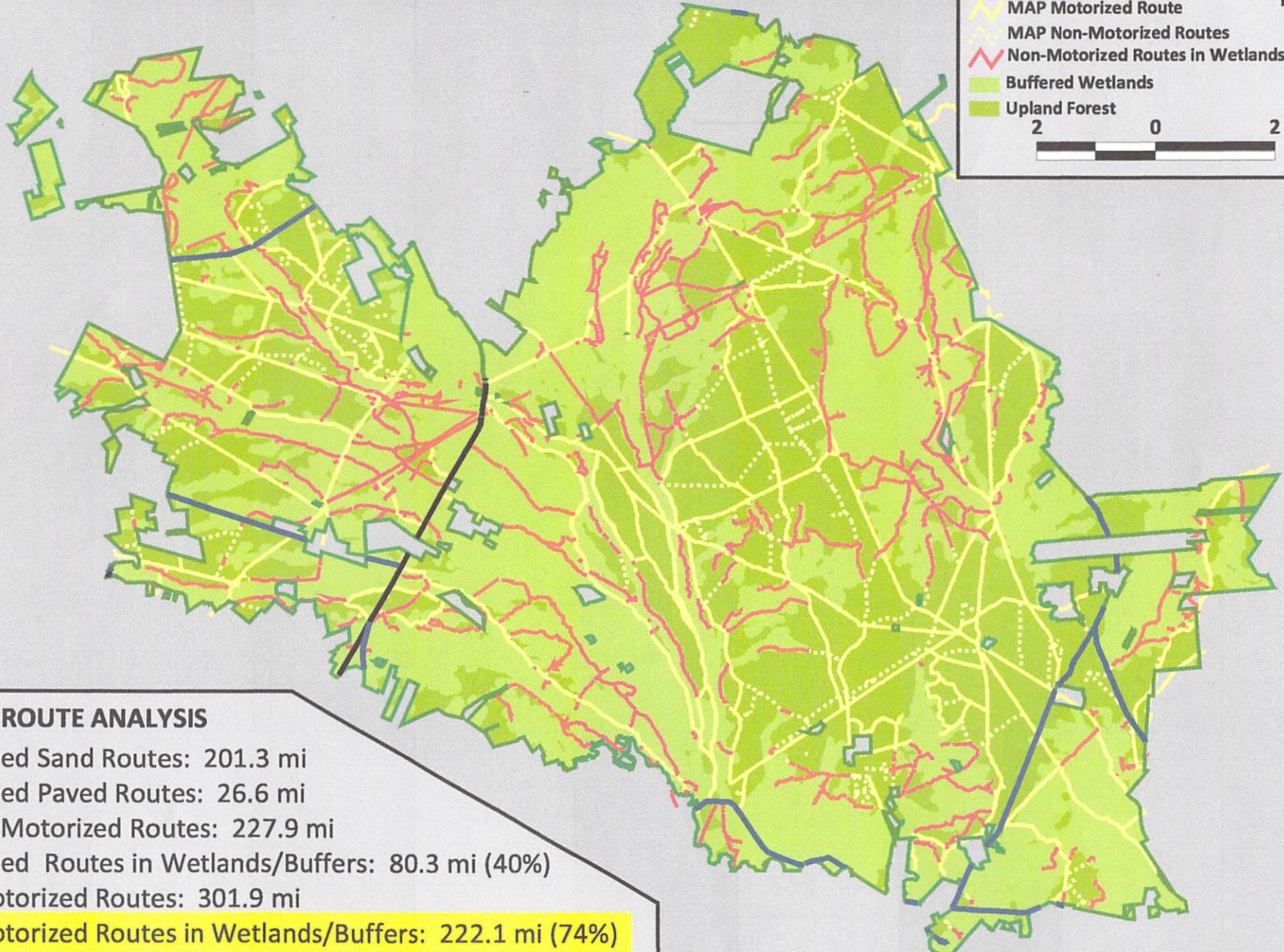


Wharton MAP Route Analysis



LEGEND

- State Routes
 - County Roads
 - MAP Motorized Route
 - MAP Non-Motorized Routes
 - Non-Motorized Routes in Wetlands/Buffers
 - Buffered Wetlands
 - Upland Forest
- 2 0 2 Miles



ROUTE ANALYSIS

Motorized Sand Routes: 201.3 mi

Motorized Paved Routes: 26.6 mi

Total Motorized Routes: 227.9 mi

Motorized Routes in Wetlands/Buffers: 80.3 mi (40%)

Non-Motorized Routes: 301.9 mi

Non-Motorized Routes in Wetlands/Buffers: 222.1 mi (74%)

Total Upland Non-Motorized Routes: 79.8 mi

NJCF Disclaimer:

While great care was taken to present the most up to date information, NJCF does not claim responsibility for spatial accuracy or timeliness of underlying data. NJCF expressly disclaims any and all responsibility for errors, omissions or other inconsistencies depicted, arising from or otherwise related to this map product.

RE: Recent Wharton Forest ORV damage locations 01.04.15 update

Michael Hogan <hoganphoto@verizon.net> Tue, Jan 5, 2016 at 9:14 AM

To: "Randazzo, Cindy" <Cindy.Randazzo@dep.nj.gov>, "THOMAS C. KECK, JR." <SRORSupt@comcast.net>, Rob Auermuller <wharton.superintendent@comcast.net>, david.glass@dep.nj.gov, Riche.Outlaw@dep.nj.gov, Bob.Martin@dep.nj.gov, John Sacco <John.Sacco@dep.state.nj.us>, John Trontis <John.Trontis@dep.state.nj.us>, Mark.texel@dep.nj.gov, Richard.Boornazian@dep.nj.gov, Lynn.Fleming@dep.state.nj.us, John Bunnell <John.Bunnell@njpines.state.nj.us>, info@njpines.state.nj.us, emcglinchey@winslowtownship.com, Paul Galletta <pg11@comcast.net>

Cc: Jaclyn Rhoads <jaclyn@pinelandsalliance.org>, emile@njconservation.org, Chris Nolan <cnolan@sjlandwater.org>, "Suzanne McCarthy (E-mail)" <mccarthysu@aol.com>, carleton <carleton@pinelandsalliance.org>, Mayor William Pikolycky <boroughofwoodbine@gmail.com>, "Chris Jage (E-mail)" <chris@njconservation.org>, Jason Howell <jason@pinelandsalliance.org>, Ryan Rebozo <ryan@pinelandsalliance.org>, Phill arsenault <pmarsenault@gmail.com>, NJPlants@aol.com, Albert Horner <albert@pinelandsimager.com>

Hi all

Below is our weekly update of our survey sites in Wharton State Forest. There has been much illegal ORV activity since last week.

I have photo-documented recent illegal ORV activity, since last week at:

- The small vernal pool along the east side of Sandy Causeway Road, no activity from last weekend, log still blocking path to pool. The paper No Motor Vehicle signs are still there.
- The path to vernal pool on west side of Sandy Causeway Road. Road is still blocked, the last paper "No Motor Vehicles" sign at Sandy Causeway Rd. has been removed. Wooden "No Motor Vehicles" still in tree.
- The vernal pool/gravel pit along Burnt Mill Rd, recent 4x4 and quad tracks from last weekend, pool is full, water in turbid/brown.
- First beach along the Mullica River downstream from Atsion, recent tracks from last weekend and erosion into the river. The paper No Motor Vehicle signs are still posted in the trees.

- First beach on Batsto River above Quaker Bridge 4x4 tracks down the slope and erosion into the river from last weekend. The paper No Motor Vehicle signs are still posted in the trees.
- First beach on Batsto River below Quaker Bridge 4x4 tracks down the slope and erosion into the river from last weekend. The paper No Motor Vehicle signs are still posted in the trees.
- The go around and large puddle on Hampton Road, past Hampton Furnace, has many new tracks from last weekend, through the large puddle and through the recently created go around/road and wetlands. The road is becoming badly rutted and much of the wetlands vegetation has been ground up. The paper No Motor Vehicle signs are still posted in the trees.
- The vernal pool along the south side of Hampton Road, before Hampton Furnace, many recent 4x4, and motorcycle tracks from last weekend.
- Recent ORV tracks up and down slope on Mullica River, just above Goshen Pond. Much erosion and growing sediment fan into Mullica River.

Respectfully Submitted

Michael Hogan/SJLWT



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-

TITLE: Approving With Conditions an Application for Public Development (Application Number 2010-0047.005)

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:

2010-0047.005

Applicant:	Egg Harbor City
Municipality:	Egg Harbor City
Management Area:	Pinelands Town
Date of Report:	January 25, 2016
Proposed Development:	Improvement to 1,325 linear feet of Diesterweg Street.

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 2010-0047.005 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				DiBello				McGlinchey				
Avery				Galletta				Prickett				
Barr				Jannarone				Quinn				
Brown				Lloyd				Rohan Green				
Chila				Lohbauer				Earlen				

* 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

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Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

January 25, 2016

Lisa Jiampetti, Mayor
Egg Harbor City
500 London Avenue
Egg Harbor, NJ 08215

Re: Application # 2010-0047.005
Diesterweg Street
Block 710, Lot 16
Egg Harbor City

Dear Mayor Jiampetti:

The Commission staff has completed its review of this application for improvement to 1,325 linear feet of Diesterweg Street between New Orleans and Bremen Avenues. 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 February 12, 2016 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, Egg Harbor City Planning Board (via email)
Egg Harbor City Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Ryan A. McGowan, PP, PE, CME (via email)





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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 25, 2016

Lisa Jiampetti, Mayor
Egg Harbor City
500 London Avenue
Egg Harbor, NJ 08215

Application No.: 2010-0047.005

Location: Diesterweg Street
Block 710, Lot 16
Egg Harbor City

This application proposes improvement to 1,325 linear feet of Diesterweg Street between New Orleans and Bremen Avenues in Egg Harbor City.

The portion of Diesterweg Street proposed for improvement is an existing maintained gravel road. The existing gravel road varies between 12 and 22 feet in width. The road will be paved to a uniform width of 27 feet. This application also proposes the installation of sidewalk and curbing within the Diesterweg Street right-of-way between New Orleans and Bremen Avenues. A stormwater management basin to serve the proposed improvements will be located on Block 710, Lot 16 in Egg Harbor City.

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. 7:50-5.27(a))

The project is located in a Pinelands Town Management Area. The proposed development is a permitted land use in a Pinelands Town Management Area.

Wetlands and Linear Improvement Standards (N.J.A.C. 7:50-6.6, 6.13 & 6.14)

There are wetlands located immediately adjacent to a portion of the proposed road improvements. A 267 linear foot portion of the proposed linear road improvements will be located immediately adjacent to wetlands in the required buffer to wetlands. The CMP permits linear improvements, such as roads, in the required buffer to wetlands provided an applicant demonstrates that certain conditions are met.

The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. The 267 linear foot portion of the proposed linear road improvements that will be located in the required buffer to wetlands is necessary to connect an existing paved portion of Diesterweg Street to the existing paved Breman Avenue. These improvements will allow for safe travel of vehicles and pedestrians from the surrounding residential neighborhood to the nearby Egg Harbor City Community School. The applicant has demonstrated that the need for the proposed road improvements overrides the importance of protecting the required buffer to wetlands. The proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands.

The proposed stormwater management basin and associated vegetation clearing and land disturbance will maintain the required 110 foot buffer to wetlands.

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

The proposed road improvements will be located over an existing gravel roadway and disturbed road shoulders. The proposed stormwater management basin will be located in an existing forested area. The proposed stormwater management basin will result in the clearing of approximately 0.49 acres of forested 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. The applicant will be constructing a stormwater management basin on Block 710, Lot 16.

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 December 22, 2015. Newspaper public notice was completed on December 29, 2015. The application was designated as complete on the Commission's website on January 5, 2016. The Commission's public comment period closed on January 15, 2016. 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 9 sheets, prepared by Remington, Vernick & Walberg Engineers and dated as follows:

Sheets 1-4 & 6-9 dated October 29, 2014; revised to September 2, 2015; and Sheet 5 dated October 29, 2014; revised to December 23, 2015.

2. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
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. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
5. The proposed stormwater management basin and associated vegetation clearing and land disturbance, located on Block 710, Lot 16, shall be located at least 110 feet from wetlands.

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

Mark S. Lohbauer
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 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 within eighteen days of the date of the Executive Director's determination and must 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. PC4-16-

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1987-1185.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Waiver of Strict Compliance be approved with conditions:

1987-1185.001

Applicant: Ernest Darpino
Municipality: Borough of Medford Lakes
Management Area: Pinelands Regional Growth Area
Date of Report: January 25, 2016
Proposed Development: Single family dwelling.

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 Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 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 1987-1185.001 for a Waiver of Strict Compliance 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				DiBello					McGlinchey			
Avery				Galletta					Prickett			
Barr				Jannarone					Quinn			
Brown				Lloyd					Rohan Green			
Chila				Lohbauer					Earlen			

* 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
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Chris Christie
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Kim Guadagno
Lt. Governor

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

January 25, 2016

Ernest Darpino
137 Stokes Road
Medford Lakes, NJ 08055

Re: Application # 1987-1185.001
Block 20014, Lot 344 (formerly Lots 344-347)
Borough of Medford Lakes

Dear Mr. Darpino:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance (“Waiver”) proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 12, 2016 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling served by public sanitary sewer on the above referenced 9,122 square foot parcel in Medford Lakes Borough. The parcel is located in a Pinelands Regional Growth Area and in Medford Lakes Borough’s LR zoning district. In this zoning district, Medford Lakes Borough’s certified land use ordinances establish a minimum lot size of 10,000 square feet for a single family dwelling served by public sanitary sewer.

An application for the development of the proposed dwelling was previously completed with the Commission and an Inconsistent Certificate of Filing was issued on February 16, 1993. The Certificate of Filing noted the need for a Waiver from the minimum buffer to wetlands standard. A municipal lot size variance was issued by the Medford Lakes Borough Planning Board on May 6, 1993. On November 5, 1993, a Waiver for the development of a single family dwelling served by public sanitary sewer on this parcel was approved by the Pinelands Commission. That Waiver expired on November 5, 1998 because all necessary municipal construction permits were not issued by that date.

On March 16, 2006, the Medford Lakes Borough Planning Board approved a second municipal lot size variance for the proposed dwelling. On April 11, 2008, a second Waiver for the development of a single family dwelling served by public sanitary sewer on this parcel was approved by the Commission. As required by the Waiver, the applicant consolidated Block 20014, former Lots 344-347 into one lot, now



* 1 9 8 7 1 1 8 5 . 0 0 1 *

known as Block 20014, Lot 344. The Waiver also required the applicant to acquire and redeem 0.25 Pinelands Development Credits (PDCs). That Waiver expired April 11, 2013, because all necessary construction permits were not issued by that date.

Information was provided to the Commission staff in December of 2015 that a single family dwelling was under construction on the parcel. A subsequent site inspection by Commission staff verified that the single family dwelling was under construction on the parcel.

On December 3, 2015, a copy of the municipal construction permit for the proposed single family dwelling was submitted to the Commission. The municipal construction permit for the proposed dwelling was issued on August 19, 2015. By letter dated December 4, 2015, the Commission staff notified the owner of the parcel that the April 11, 2008 Waiver expired on April 11, 2013 and that construction of the dwelling prior to completing an application for a new Waiver constituted a violation of the Medford Lakes Borough land use ordinances and the Pinelands Comprehensive Management Plan (CMP). On January 5, 2016, an application for a new Waiver was completed with the Commission.

The parcel has been site inspected by two members of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

A portion of the parcel is a pitch pine lowland which is considered wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)3). This wetland is not an impaired wetland as defined in the CMP (N.J.A.C. 7:50-2.11). Any development of the parcel would be located within 300 feet of this wetland. The applicant has submitted no information to demonstrate that the proposed development would not cause a significant adverse impact on the wetland. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetland. The applicant has demonstrated that no development, except certain proposed linear improvements (driveway and sanitary sewer lateral), will be located in wetlands. The applicant demonstrated that the proposed linear improvements were permitted in wetlands as the improvements meet the criteria set forth in the CMP (N.J.A.C. 7:50-6.13). As the dwelling will result in a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands requirements contained in the CMP (N.J.A.C. 7:50-6.14).

PUBLIC COMMENT

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on December 29, 2015. Newspaper public notice was completed on December 30, 2015. The application was designated as complete on the Commission's website on January 5, 2016. The Commission's public comment period closed on January 15, 2016. The Pinelands Commission has received one written public comment regarding the Waiver application.

Written Public Comment #1: The commenter expressed concern regarding the dwelling's effect on the character of the neighborhood, drainage issues and the wildlife in the area.

Staff Response to Written Public Comment #1: The Commission staff appreciates the commenter's interest in the Pinelands. The applicant has demonstrated that the proposed dwelling meets the minimum CMP requirements to qualify for a Waiver. The Commission's Waiver regulations are designed to provide all property owners with at least a minimum beneficial use of their parcel consistent with constitutional requirements. To minimize impacts to wetlands, two of the recommended conditions of the Waiver require that dry wells be installed to control stormwater runoff from the dwelling and that the

driveway must be constructed of permeable material. The Commission's regulations do not require that an application for one dwelling address the CMP stormwater management standards. The commenter may wish to discuss their stormwater concerns with an appropriate municipal official.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards that must be met before a Waiver can be approved. N.J.A.C. 7:50-4.62(a) requires that to approve an application for a Waiver based on extraordinary hardship, an applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for a Waiver based on an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which will be served by a centralized waste water treatment system.

The parcel is located in a Pinelands Regional Growth Area. The applicant is proposing to develop a single family dwelling served by public sanitary sewer on the parcel. As a result, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)1.iv.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and residential density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Medford Lakes Borough's master plan and land use ordinances have been certified by the Pinelands Commission. On March 16, 2006, the applicant received the required municipal lot area variance. The application meets the condition set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b) as required by N.J.A.C. 7:50-4.63(a)5. The application meets the conditions set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all the conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

N.J.A.C. 7:50-4.62(d)1.ii requires the acquisition and redemption of any Pinelands Development Credits (PDCs) that are required pursuant to N.J.A.C. 7:50-5.27, 5.28, or 5.32. N.J.A.C. 7:50-5.28(a)4 requires that any local approval, including variances, which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling has been approved by the Commission.

N.J.A.C. 7:50-4.62(d)1.iii requires the acquisition and redemption of 0.25 PDCs whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6.

The CMP requires that for any application which requires a variance from the minimum lot size requirement and a Waiver, a total of only 0.25 PDCs must be purchased and redeemed. Pursuant to N.J.A.C. 7:50-4.62(d)1ii and N.J.A.C. 7:50-4.62(d)1iii, a condition is included to require the purchase and redemption of a total of 0.25 PDC's.

With the conditions recommended below, the applicant meets the PDC requirements contained in N.J.A.C. 7:50-4.62(d).

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by HAKS Engineers, dated October 8, 2004 and last revised January 2, 2008.
2. The proposed dwelling shall be served by public sanitary sewer.
3. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
4. No development, including clearing and land disturbance, except the proposed driveway and sanitary sewer lateral, shall extend beyond the "Waiver of Strict Compliance Wetlands Buffer" as depicted on the above referenced plan.
5. The proposed development requires a Freshwater Wetlands General Permit in accordance with the New Jersey Freshwater Wetlands Protection Act Rules. The Pinelands Commission has been authorized by the New Jersey Department of Environmental Protection (NJDEP) to issue Freshwater Wetlands General Permits in the Pinelands Area. The Commission issued a Freshwater Wetlands General Permit for the proposed driveway and sanitary sewer lateral in wetlands on April 25, 2008.
6. Prior to construction, silt fencing, hay bales or other appropriate measures shall be installed to preclude sedimentation from entering wetlands. The proposed sedimentation barrier shall be maintained in place until all development has been completed and the area has been stabilized.
7. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.

8. The driveway shall be constructed of crushed stone or other permeable material.
9. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, proof of acquisition and redemption of the requisite 0.25 PDCs must be submitted to the Pinelands Commission. The 0.25 PDCs were previously acquired and redeemed for this parcel.
10. This Waiver shall expire February 12, 2021 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after February 12, 2021 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a January 25, 2016 Pinelands Commission Report on an Application for a Waiver of Strict Compliance (“Waiver Report”) for App. No. 1987-1185.001. The deed shall indicate that the conditions previously required by the March 24, 2008 Waiver Report for App. No. 1987-1185.001, approved by the Pinelands Commission on April 11, 2008, have since expired and are superseded by the conditions required by the January 25, 2016 Waiver Report approved by the Pinelands Commission on February 12, 2016. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Medford Lakes Borough and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver of Strict Compliance subject to the above conditions.

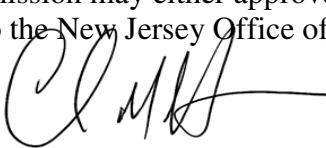
APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation 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 within eighteen days of the date of this Report 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, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: 
Charles M. Horner, P.P., Director of Regulatory Programs

Encl: 1/4/2016 Public Comment Email

c: Secretary, Borough of Medford Lakes Planning Board (via email)
Borough of Medford Lakes Construction Code Official (via email)
Borough of Medford Lakes Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Patrick McAndrew, Esq. (via email)
Kathryn J. Hoover (via email)

From: k hoover <hooverkj@msn.com>
To: <AppInfo@njpines.state.nj.us>
CC: k hoover <hooverkj@msn.com>, <pfxmlanduse@aol.com>
Date: 1/4/2016 10:35 AM
Subject: Re: application 1987-1185.001

Regarding the request for waiver for development on property at 270 Ojibway Trail, Medford Lakes NJ, Lot 344, Block 20014.

I do not approve of the development on this lot.

The neighboring houses were mostly built before The New Jersey Pinelands Commission was granted the authority to preserve this area of New Jersey through the passage of the National Parks and Recreation Act of 1978 and the New Jersey Pinelands Protection Act in 1979.

I assume that this neighborhood would look quite different if the Commission had provided guidance and the Borough of Medford Lakes and County of Burlington had been strict about compliance during development.

This lot is the last empty one in the vicinity. I have observed the standing water and abundant wildlife there during frequent walks.

The new construction has unfortunately obliterated the natural landscape and probably created drainage problems yet to be determined. This will affect any unsuspecting buyer as well as the nearby residences and users of Ojibway Trail, including trash collection, utility crews and other essentials.

The house is oversized for the lot and leaves no hope that any wildlife will call it a permanent home again.

Over many years, this lot was not developed for a number of good reasons. I don't think a fine or waiver fee paid by the developer or the small increase to Borough tax rolls can justify this construction.

Kathryn J. Hoover
homeowner
27 Shawnee Trail
Medford Lakes, NJ 08055



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-

TITLE: Denying an Application for a Waiver of Strict Compliance (Application Number 2015-0044.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Waiver of Strict Compliance be denied:

2015-0044.001

Applicant:	Gary Russo
Municipality:	Hamilton Township
Management Area:	Pinelands Forest Area
Date of Report:	January 25, 2016
Proposed Development:	Single family dwelling

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 Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver does not conform to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 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 2015-0044.001 for a Waiver of Strict Compliance is hereby **denied**.

Record of Commission Votes

AYE NAY NP A/R*

AYE NAY NP A/R*

AYE NAY NP A/R*

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

* 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

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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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

January 25, 2016

Gary Russo
1149 Viking Drive
Port Orange, FL 32129

Re: Application # 2015-0044.001
Block 593, Lot 1
Hamilton Township

Dear Mr. Russo:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance (“Waiver”) proposing development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission deny the application at its February 12, 2016 meeting.

You have expressed an interest in the New Jersey Department of Environmental Protection acquiring the parcel under the Commission’s Limited Practical Use Program (LPU). One of the requirements to qualify for the LPU Program is Pinelands Commission denial of a Waiver application.

FINDINGS OF FACT

This application is for the development of one single family dwelling, served by an onsite septic system, on the above referenced 5.98 acre parcel in Hamilton Township. The parcel is located in Hamilton Township’s FA-70 zoning district within a Pinelands Forest Area. To conform to the overall residential density requirements in the Pinelands Forest Area, Hamilton Township has established an overall residential density requirement of 1 dwelling unit per 70 acres in this portion of the Forest Area. As the proposed development is not consistent with the residential density requirement in a Pinelands Forest Area, the applicant is requesting a Waiver from the residential density requirement contained in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-5.23(c)).

The parcel has been site inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.



* 2 0 1 5 0 0 4 4 . 0 0 1 *

The CMP (N.J.A.C. 7:50-6.84 (a)4iv.) requires that if development is proposed to be served by an onsite septic system, the proposed onsite wastewater disposal field must be located in an area where the depth to seasonal high water table is at least 5 feet below the natural ground surface. The Atlantic County Soils Survey indicates that the soils on this parcel have a seasonal high water table of less than 2 feet below the natural ground surface. The applicant has submitted no information to demonstrate that the septic system could be located in an area where the seasonal high water table is at least 5 feet below the natural ground surface. Since the available information indicates the seasonal high water table on the entire parcel is less than 5 feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement for an onsite wastewater disposal field contained in the CMP (N.J.A.C. 7:50-6.84(a)4iv.)

The CMP (N.J.A.C. 7:50-6.6) prohibits most development in wetlands. The CMP (N.J.A.C. 7:50-6.14) also prohibits most development within 300 feet of wetlands unless it is demonstrated that the proposed development will not result in a significant adverse impact on wetlands. Available information indicates that the parcel is comprised entirely of a hardwood swamp and pitch pine lowland which are wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2 and 3). These wetlands do not meet the CMP definition of an impaired wetlands (N.J.A.C. 7:50-2.11). The applicant has not demonstrated that no development would be located on these wetlands. The applicant has submitted no information to demonstrate that proposed development within 300 feet of wetlands would not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands, the applicant is requesting a Waiver from the wetlands and wetlands buffer requirements contained in the CMP (N.J.A.C. 7:50-6.6 and N.J.A.C. 7:50-6.14.)

The CMP (N.J.A.C. 7:50-6.27) prohibits development unless it is designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. The CMP (N.J.A.C. 7:50-6.33) prohibits development unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of those threatened and endangered animal species designated by the New Jersey Department of Environmental Protection. The applicant has submitted no information to demonstrate that the proposed development could be designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. The applicant has submitted no information to demonstrate that the proposed development could be designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of those threatened and endangered animal species designated by the New Jersey Department of Environmental Protection. As the applicant has not demonstrated there will not be a significant adverse impact on threatened and endangered species, the applicant is requesting a Waiver from the CMP threatened and endangered species protection standards (N.J.A.C. 7:50-6.27 and N.J.A.C. 7:50-6.33).

PUBLIC NOTICE

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on November 23, 2015. Newspaper public notice was completed on December 11, 2015. The application was designated as complete on the Commission's website on December 30, 2015. The Commission's public comment period closed on January 15, 2016. No public comment regarding this application was submitted to the Commission.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. N.J.A.C. 7:50-4.62(a) requires that for a Waiver to be approved based on extraordinary hardship, an applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth **five conditions** which must be met for an applicant to qualify for a Waiver based on an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in the CMP (N.J.A.C. 7:50-6) for certain specified types of development. The development of a single family dwelling in a Forest Area that needs a Waiver from the residential density requirement contained in the CMP (N.J.A.C. 7:50-5.23 (c)) is not one of the specified categories of development. The application does not meet the condition contained in N.J.A.C. 7:50-4.63(a)1.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous lands, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling would be the sole principal use on the parcel, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Hamilton Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances require a municipal lot area or density variance. No such variance has been obtained. The application does not meet the condition set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) provides that the following circumstances will result in substantial impairment of the resources of the Pinelands Area and do not comply with N.J.A.C. 7:50-4.65(a):

N.J.A.C. 7:50-4.65(b)5

The development of a single family dwelling and associated improvements in wetlands unless that wetland is an impaired wetland;

N.J.A.C. 7:50-4.65(b)6

The development of a single family dwelling and associated improvements within 50 feet of any wetland unless the wetland is either an impaired wetland or located in a Regional Growth Area, Pinelands Town or Pinelands Village;

- | | |
|------------------------|---|
| N.J.A.C. 7:50-4.65(b)7 | Any development which will violate the threatened and endangered species protection requirements contained in N.J.A.C. 7:50-6.27 and 6.33; and |
| N.J.A.C. 7:50-4.65(b)8 | Any development which will require the location of an onsite wastewater disposal field in an area where the seasonal high water table is within 2 feet of the natural ground surface. |

The proposed development is not permitted in wetlands. The wetlands on the parcel do not meet the CMP definition of “impaired wetlands.” The applicant has not demonstrated that proposed development will not be located on wetlands as required by N.J.A.C. 7:50-4.65(b)5. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)5.

The parcel is located in a Pinelands Forest Area. The applicant has not demonstrated that the proposed development could be located at least 50 feet from wetlands. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)6.

The applicant has not demonstrated that the proposed development could be designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. The applicant has not demonstrated that the proposed development could be designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of those threatened and endangered animal species designated by the New Jersey Department of Environmental Protection. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)7.

The applicant has not demonstrated that a proposed onsite wastewater disposal field will not be located in an area where the seasonal high water table is within 2 feet of the natural ground surface. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)8.

The application does not meet the condition set forth in N.J.A.C. 7:50-4.63(a)5.

As the application does not meet all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant does not qualify for a Waiver pursuant to that subsection.

N.J.A.C. 7:50-4.63(b) sets forth **four conditions** which must be met for an applicant to qualify for a Waiver based on an extraordinary hardship pursuant to that subsection.

The first condition is that the parcel includes all contiguous lands in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. As concluded above, the concerned parcel includes all contiguous lands that were in common ownership on or after January 14, 1981. The application meets the condition contained in N.J.A.C. 7:50-4.63(b)1.

The second condition is that the parcel includes all contiguous land with no substantial improvements which is available for purchase at fair market value, including lands which are contiguous as a result of the acquisition of other contiguous lands. There is vacant land bordering the concerned parcel. The applicant has not demonstrated that the vacant land is not available for purchase at fair market value. The application does not meet the condition set forth in N.J.A.C. 7:50-4.63(b)2.

The third condition is that the parcel, including all contiguous lands which are available pursuant to N.J.A.C. 7:50-4.63(b)1 and 2, may not have a beneficial use considering five factors.

The first factor to be considered is the value of any existing development or use of the overall parcel, including any allocation of Pinelands Development Credits (PDCs). The overall parcel is vacant and no use has been established on the parcel. PDCs are not allocated to lands in a Forest Area.

The second factor to be considered is the value of any use or development of the parcel that is authorized by the provisions of the CMP. The applicant has submitted no information to address the value of any use or development of the parcel that is authorized by the provisions of the CMP.

The third factor to be considered is the ability of the property owner to sell the parcel to the owner of a contiguous parcel, any governmental agency or to a nonprofit conservation group for its fair market value. The applicant has submitted no information to demonstrate that the parcel cannot be sold for its fair market value to any other governmental agency or to a nonprofit conservation group for its fair market value.

The fourth factor is the ability of the property owner to either buy noncontiguous land or to sell the concerned parcel to a noncontiguous property owner under a residential density transfer provision contained in a certified municipal land use ordinance or pursuant to the CMP (N.J.A.C. 7:50-5.30). Hamilton Township's certified land use ordinances contain a residential density transfer provision which applies to lands in Hamilton Township's FA-70 zoning district. The applicant has submitted no information to demonstrate that this parcel could not be sold to the owner of a non-contiguous parcel located in the FA-70 zoning district in the Forest Area. The applicant has submitted no information to demonstrate that there is no non-contiguous land available to be purchased in the FA-70 zoning district to meet the 70 acre residential density requirement.

The fifth factor to be considered is whether any inability to have a beneficial use relates to or arises out of the characteristics of the concerned parcel and results from unique circumstances peculiar to the parcel which are not the result of any personal situation of the applicant and are not the result of any action or inactions by the application or any predecessor in title. The residential density, minimum depth to seasonal high water table for an onsite septic system wastewater disposal field, threatened and endangered species protection requirements and wetland protection requirements apply to all other vacant parcels in the area. Any hardship which does exist is a result of the applicant's personal circumstances and their actions and inactions.

Based on these five factors, the application does not meet the condition set forth in N.J.A.C. 7:50-4.63(b)3.

The fourth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). As concluded above, the applicant has not demonstrated that a single family dwelling can be developed on the concerned parcel without violating N.J.A.C. 7:50-4.65(b)5, 6, 7 and 8. As a result, the applicant does not meet the condition contained in N.J.A.C. 7:50-4.63(b)4.

As the applicant does not meet all the conditions for demonstrating extraordinary hardship contained in N.J.A.C. 7:50-4.63(b), the applicant does not qualify for a Waiver pursuant to that subsection.

As N.J.A.C. 7:50-4.63(a) and (b) are the exclusive means of establishing extraordinary hardship, the applicant does not qualify for a Waiver.

As a result, it is recommended that the Pinelands Commission **DENY** the requested Waiver of Strict Compliance.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation 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 within eighteen days of the date of this Report and must include the following information:

- A. the name and address of the person requesting the appeal;
- B. the application number;
- C. a brief statement of the basis for the appeal; and
- D. 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, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by:



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

- c: Secretary, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Atlantic County Division of Public Health (via email)
Anthony E. Russo, Esq. (via email)
Betsy Piner



State of New Jersey

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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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #261 (Second Amendment)

December 28, 2015

John C. Visco
240 Stockton Bridge Road
Pemberton, NJ 08068

Re: Application # 1983-9423.001
Block 838, Lot 14
Stockton's Bridge Road
Pemberton Township

FINDINGS OF FACT

The applicant owns the above referenced 31.7 acre lot in Pemberton Township. This acreage is based on the municipal tax map. The lot 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 (PDCs) which are allocated to this lot.

On March 31, 1986, the Commission issued Amended LOI #261 allocating 1.0 PDCs to the lot. That LOI expired on March 31, 1988. The applicant is requesting a new LOI reflecting the current ownership of the lot. This Amended LOI utilizes currently available mapping technology to determine the acreage of uplands and wetlands. This Second Amendment LOI #261 replaces the 1986 Amended LOI #261.

The lot consists of 5.56 acres of uplands and 0.47 acres of wetland soils in active field agriculture. The remaining 25.67 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). The active field agriculture in wetland soils was established prior to February 7, 1979. The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the lot. There are two structures accessory to an agricultural use and a single family dwelling on the lot. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the CMP.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in an 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.



* 1 9 8 3 9 4 2 3 . 0 0 1 *

The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50 5.43(b)2). Two 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 Plan; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 5.56 acres of uplands, the applicant would be entitled to 0.29 PDCs. For the 0.47 acres of wetland soils in active field agriculture, the applicant would be entitled to 0.02 PDCs. For the 25.67 acres of other wetlands, the applicant would be entitled to 0.13 PDCs.

Not considering the existing single family dwelling, there would be 0.44 PDCs allocated to this lot. However, N.J.A.C. 7:50 5.43(b)3ii requires that the PDC entitlement for the parcel be reduced by 0.25 PDCs for each existing dwelling unit on the lot. There would be 0.19 PDCs allocated to this lot.

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 838, Lot 14.

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, 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)
Susan R. Grogan, Executive Director, PDC Bank (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

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan *S.R.G.*
Chief Planner

Date: January 29, 2016

Subject: No Substantial Issue Findings

During the past month, we reviewed seven master plan and ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These amendments were:

Hammonton Town Ordinance 20-2015 - adopts a Redevelopment Plan for a portion of the Gateway Area/White Horse Pike. This Redevelopment Area consists of four lots (Block 3502, Lots 1 and 2; and Block 3607, Lots 2 and 3) with a combined size of approximately 2.50 acres. All four lots are located in the preexisting GW-3 (Gateway Crossroads) zoning district, within a Pinelands Town management area. Permitted uses in the Redevelopment Area include banks, offices, civic uses, local retail and service establishments and restaurants, as well as convenience stores with gasoline filling stations on Block 3502, Lots 1 and 2. The Redevelopment Plan specifies that it will act as an overlay to the existing zoning and supersede the existing zone plan for this Redevelopment Area, while not replacing the current zoning requirements. As is explicitly indicated in the Redevelopment Plan, all development in the Gateway Area/White Horse Pike Redevelopment Area is subject to the rules and regulations of both the Township's Land Development Ordinance (Ch. 175) and the Pinelands CMP.

Pemberton Township's December 2015 Housing Element and Fair Share Plan – contains updated data and analysis pertaining to the Township's current and projected demographic, housing, and employment characteristics. It also contains an updated analysis of the impact of existing conditions on affordable housing opportunities and an updated Fair Share Compliance Plan. The Township's Fair Share Compliance Plan indicates: a present need of ten units, which has already been met via a housing rehab program through the 2010 Small Cities Program; a prior obligation of zero units; and a Prospective Need of zero units, because the Township is a designated Urban Aid community. The Township's amended Housing Element and Fair Share Plan does not contain any recommended changes to the Township's zoning or land use ordinances.

Stafford Township Ordinance 2015-15 - approves an amendment to the Redevelopment Plan for Stafford Business Park. This amendment, referred to as the Fourth Amendment, provides for a change in the anticipated nonresidential uses to be developed in the Commercial Zone delineated in the Redevelopment Plan. Specifically, three office buildings totaling 58,600 square feet and one child care facility building of 5,100 square feet are to be permitted in the Commercial Zone instead of the originally anticipated 65,925 square foot ice rink and 25,000 square feet of office space. The Stafford Business Park Redevelopment Area is located in a Pinelands Regional Growth Area. Development in the Redevelopment Area is largely governed by a 2006 Memorandum of Agreement amongst the Commission, the Township and Ocean County. That Memorandum of Agreement authorized a maximum of 650,000 square feet of commercial space in the Redevelopment Area. Even with conversion of the anticipated ice rink to office space, the amount of commercial development constructed, approved and envisioned in the Fourth Amendment does not exceed 650,000 square feet.

Upper Township Ordinance 002-2013 - amends Chapters 18 (Flood Damage Control) and 20 (Zoning) of the Township's Code regarding flood hazard protection. Ordinance 002-2013 also adopts a revised definition of "building height", establishing flood protection elevation as the base from which building height is to be measured in Special and Advisory Flood Hazard Areas. Ordinance 002-2013 further amends Chapter 20 by Pleakaneliminating a differentiation between portions of the F25 Zone east and west of Woodbine Road, so that residential development will now be permitted pursuant to the density transfer program on any existing undersized lot in the F25 Zone. The F25 Zone is a residential zone in the Pinelands Forest Area.

Upper Township Ordinance 004-2015 – amends Chapter 17 (Construction of Bulkheads) of the Township's Code by adopting revisions to the permitting requirements and technical construction and performance standards for bulkheads. Ordinance 004-2015 also amends Chapter 20 (Zoning) by adding or replacing eight definitions (building, habitable space, impervious coverage, mezzanine, monument sign, habitable story, tree preservation, and waterfront property), eliminating the definition of flag lot and revising standards related to residential buffers, landscaping, bulkheads, used clothing containers, penalties for violations and flag lots. Ordinance 004-2015 also adds "outside sales display area" as a permitted use in the CMP (Commercial District Pinelands) Zone. In addition, Ordinance 004-2015 specifies that more than one principal use per lot may be permitted in the CMP Zone. The CMP Zone is a commercial zone located in the Rural Development Area.

Weymouth Township Ordinance 543-2015 - amends Chapter 155 (Land Use) of the Township's Code to empower the existing Planning Board to exercise, to the same extent and subject to the same restrictions, all the power of a Zoning Board of Adjustment as well as to terminate the existing Zoning Board of Adjustment of the Township of Weymouth.

Weymouth Township Ordinance 545-2016 – amends Chapter 155 (Land Use) by providing the Weymouth Township Planning Board four alternate members.



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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

List of Pending Public Development and Waiver of Strict Compliance Applications Accepting Public Comment at the February 12, 2016 Commission Meeting

Public Development Applications

Application No. 1981-0837.028 – Clean Energy/Borough of Woodbine

Received on: November 10, 2014

Completed on: January 11, 2016

Project: Construction of a compressed natural gas fueling station

Municipality: Borough of Woodbine

Block 123, Lot 1 (application may include additional lots)

Application No. 1983-5837.059 – South Jersey Transportation Authority

Received on: March 23, 2015

Completed on: January 11, 2016

Project: Widening of an existing aircraft taxiway at the Atlantic City International Airport

Municipality: Egg Harbor Township

Block 101, Lot 9 (application may include additional lots)

Application No. 1991-0820.103 – North Hanover Township School District

Received on: January 30, 2015

Completed on: February 2, 2016

Project: Demolition of three schools, 50 years old or older, and the construction of a 145,114 square foot school

Municipality: North Hanover Township

Block 802, Lot 2 (application may include additional lots)

Waiver of Strict Compliance Applications

None



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-_____

TITLE: To Authorize the Executive Director to Enter Into a Contract for the Fabrication and Installation of Exhibits at the Richard J. Sullivan Center for Environmental Policy and Education

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, in 1994, the Pinelands Commission adopted resolution PC4-94-96, which authorized the Pinelands Interpretive Plan; and

WHEREAS, the Pinelands Interpretive Plan calls for implementing a series of measures that raise awareness and appreciation of the Pinelands National Reserve, including the creation of a designated Pinelands Visitor Center where the public can learn about the region's natural, cultural and historic resources; and

WHEREAS, in 2009, the National Park Service (NPS) provided \$50,000 to fund the planning and design of Pinelands-themed exhibits for a Pinelands Visitor Center that will be housed in the Richard J. Sullivan Center for Environmental Policy and Education (RJS Center) in Pemberton Township, NJ; and

WHEREAS, the Pinelands Commission used a portion of the funds to hire Krista Kovach-Hindsley, an Exhibit Planner with the NPS Harpers Ferry Center, to prepare an Exhibit Assessment in May 2009; and

WHEREAS, in 2010, the Commission used the remaining funds to hire Content Design Collaborative of Scituate, Massachusetts to complete a comprehensive exhibit design plan; and

WHEREAS, in 2014, the Commission amended its policies for the use and management of the Pinelands Conservation Fund (PCF). The revised policies established a new objective to fund education and outreach initiatives, including the completion of the Pinelands Visitor Center; and

WHEREAS, a Request for Proposals (RFP) dated September 2, 2015 to procure the services to fabricate and install exhibits and complete all other work needed to convert existing space in the RJS Center into a Pinelands Visitor Center was prepared and advertised in the official newspapers of the Commission, and was posted on the Commission's website; and

WHEREAS, the RFP was mailed to 20 prospective bidders, and the Commission received four proposals prior to the receipt deadline of 3:00 p.m. on October 14, 2015; and

WHEREAS, a five-member evaluation committee composed of four members of the Pinelands Commission's staff and a representative from the Commission's Pinelands Educational Advisory Council met on October 19, 2015 and agreed to interview all of the prospective firms. The evaluation committee completed the interviews on November 19, 2015; and

WHEREAS, the evaluation committee met on November 25, 2015 to discuss the bids and interviews; and

WHEREAS during that time, the committee identified its top two candidates; and

WHEREAS, after a check of references and upon receipt of a Best and Final Offer from the top two candidates, the committee reconvened on December 15, 2015 to submit their evaluation scores; and

WHEREAS based on the firm's overall proposal and the responses from references, the committee recommended that the contract be awarded to Drill/Split Rock Studios of West Orange, NJ, in the amount of \$368,849; 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 Executive Director is authorized to enter into a contract with Drill/Split Rock Studios of 80 Main Street, Suite 570, West Orange, NJ, 07052 in the amount of \$368,849 to fabricate and install exhibits and to complete all other work necessary to create a Pinelands Visitor Center in the Richard J. Sullivan Center for Environmental Policy and Education.

Record of Commission Votes

AYE NAY NP A/R*

AYE NAY NP A/R*

AYE NAY NP A/R*

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

RECOMMENDATION FOR CONTRACT AWARD
Interpretive Exhibit Fabrication and Installation for the Pinelands Visitor Center
Request for Proposal Number RFP-16-101
Released on September 2, 2015

I. Recommendation

The Evaluation Committee recommends that the contract be awarded for all of the services specified in the September 2, 2015 Request for Proposal (RFP) to the firm of Drill/Split Rock Studios of 80 Main Street, Suite 570, West Orange, NJ, 07052

II. Background

A. Bid Responses

The Pinelands Commission received 4 bids by the closing date of October 14, 2015. All bids were deemed responsive and submitted to the Evaluation Committee for review.

The 4 bidders were:

<u>FIRM</u>	<u>PRICE</u>
Frederick G. Wohlgemuth	\$433,583
Dimensional Communications	\$352,000
Drill/Split Rock Studios	\$368,849
Lynch Exhibits	\$390,736

B. The members of the Evaluation Committee are:

Paul Leakan	Pinelands Commission
Joel Mott	Pinelands Commission
Donna Graham	Pinelands Commission
Ed Wengrowski	Pinelands Commission
Melanie Reding	JCNERR

Though not a member of the Evaluation Committee, Dawn Rago, RPPO was present at the meetings to facilitate, guide and take notes to document the meetings.

III. Evaluation

The Committee members evaluated the proposals using a 0-10 point system, with 10 being the highest score, for each of the three qualitative criteria included in the RFP. The criteria and their weights were as follows:

<u>Criteria</u>	<u>Weight</u>	<u>Calculation of Score</u>
Approach	60 %	Points x 6
Personnel Credentials/Qualifications	30 %	Points x 3
Cost	10 %	Points x 1

The Evaluation Committee met on October 19, 2015 to discuss the responses to the RFP and decided to conduct interviews with all of the prospective firms. The interviews were conducted on the following dates: Dimensional Communications on November 2, 2015, Wohlgemuth on November 17, 2015 and Drill/Split Rock Studios and Lynch on November 19, 2015.

A. Total Scores of the Proposals

Committee members were asked to report the total scores they calculated for each of the prospective firms. The results of the total scores are contained in Table 1.

Table 1: Total Scores of the Proposals

Firm	Committee Members Total Score for Each Proposal					Aggregate Score
Drill/Split Rock Studios	98	74	82	89	99	442
Lynch Exhibits	97	70	78	77	93	415
Frederick G. Wohlgemuth, Inc.	64	66	68	79	66	343
Dimensional Communications, Inc.	40	63	53	75	34	265

B. Separate Evaluation Criteria

Table 2 summarizes the members' scoring of each firm's approach to the project.

Table 2: Project Approach

Firm	Approach Score					Aggregate Score
Drill/Split Rock Studios	60	42	48	54	60	264
Lynch Exhibits	60	42	48	48	54	252
Frederick G. Wohlgemuth, Inc.	42	42	42	48	42	216
Dimensional Communications, Inc.	18	36	30	42	6	132

Table 3 summarizes the members' scoring of each firm's personnel credentials and qualifications

Table 3: Personnel Credentials/Qualifications

Firm	Personnel Credentials/Qualifications Score					Aggregate Score
Drill/Split Rock Studios	30	24	27	27	30	138
Lynch Exhibits	30	21	24	24	30	129
Frederick G. Wohlgemuth, Inc.	21	18	21	24	21	105
Dimensional Communications, Inc.	12	18	15	24	18	87

Table 4 summarizes the members' scoring of each firm's cost for the project

Table 4: Cost

Firm	Cost Score					Aggregate Score
Drill/Split Rock Studios	8	8	7	8	9	40
Lynch Exhibits	7	7	6	5	9	34
Frederick G. Wohlgemuth, Inc.	1	6	5	7	3	22
Dimensional Communications, Inc.	10	9	8	9	10	46

IV. Final Review and Conclusion

The Evaluation Committee completed the bidder interviews on November 19, 2015. On November 25, 2015 the members discussed their overall reactions to the interviews and proposals. It was concluded that the two top candidates were Drill/Split Rock and Lynch Exhibits. At this time, the members requested that Dawn Rago contact the references for these 2 firms and also send them a request for a Best and Final Offer. Once this was completed, the references and Best and Final Offer responses were distributed to the members for review.

In response to the request for a Best and Final Offer, Lynch Exhibits reduced their fee to \$379,014 and Drill/Split Rock reaffirmed its original bid of \$368,849.

The Evaluation Committee reconvened on December 15, 2015 to submit their individual evaluation scores and discuss the results.

Based on the firm's overall proposal and the responses from references, the Committee recommended that the contract be awarded to Drill/Split Rock Studios.

Prepared by: Dawn M. Rago
Dawn Rago, Business Specialist

Date: 1-5-16

Approved: Nancy Wittenberg
Nancy Wittenberg, Executive Director

Date: 1/5/16