



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
Executive Director

Date: May 2, 2018

Subject: Summary of the May 11, 2018 Meeting Packet

Minutes

The April 13, 2018 Commission Meeting minutes are included in your packet.

Public Development Applications

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

1. **Application Number 1982-3514.005/Pemberton Township**, Pemberton Township, Regional Growth Area, Placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek.

Waiver of Strict Compliance

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

Letter of Interpretation

No Pinelands Development Credit (PDC) Letters of Interpretations were issued since the last Commission meeting.

Off-Road Vehicle Event Route Map Approval

There were five Off-Road Vehicle Event Route Map Approvals (attached) issued since the last Commission meeting.

Planning Matters

A report on Egg Harbor Township Ordinance 35-2017 is included in the meeting packet. Ordinance 35-2017 adds assisted living facilities to the list of permitted uses in the Township's RCD (Regional Commercial) District but does not incorporate a permitted density or opportunities for the use of Pinelands Development Credits as required by the Comprehensive Management Plan. We are therefore recommending conditional certification of the ordinance.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on five ordinance amendments that we reviewed and found to raise no substantial issues with respect to CMP standards. These amendments were submitted by Buena Vista Township, Egg Harbor City, Galloway Township, Jackson Township and Mullica Township.

Other Items

A letter from the New Jersey Conservation Foundation (NJCF), requesting advancement of funding for a land acquisition project in Woodland and Southampton townships, is included in this month's packet. The CMP Policy and Implementation Committee previously allocated \$169,000 in Pinelands Conservation Fund (PCF) money to this 457-acre project, which features the Burrs Mill Brook and tributaries and naturally revegetating cranberry bogs. In accordance with the grant agreement between NJCF and the Commission, NJCF has requested advanced payment of the PCF grant in order to close on the project in late May. Normally, the CMP Policy and Implementation Committee would authorize the advanced payment; however, the Committee was unable to vote to advance the funds at its April 27, 2018 meeting due to lack of a quorum. In an effort to provide NJCF with the requested funds prior to closing on this important PCF project, we will be asking the full Commission to vote to authorize payment.

Also included is a list of pending Public Development and Waiver of Strict Compliance Applications for which public comment will be accepted at the May 11, 2018 Commission meeting.

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, May 11, 2018

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order

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

2. Adoption of Minutes

- April 13, 2018

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 1982-3514.005, Placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek in Pemberton Township)

B. Planning Matters

- Municipal Master Plans and Ordinances
 - Issuing an Order to Conditionally Certify Ordinance 35-2017, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township
 - Other Resolutions
 - None
 - CMP Amendments
 - None
5. Public Comment on Public Development Applications and Waivers of Strict Compliance (see attached list) and Resolutions ***Where the Record is Not Closed*** (to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)
 6. Master Plans and Ordinances Not Requiring Commission Action
 - Buena Vista Township Ordinance 53-2018
 - Egg Harbor City Ordinance 16-2017
 - Galloway Township Ordinance 1988-2018
 - Jackson Township Ordinance 05-18
 - Mullica Township Ordinance 5-2018
 7. 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.)
 8. 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.)
 9. Adjournment

Upcoming Meetings

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

| | |
|----------------------|--|
| Fri., May 18, 2018 | Policy and Implementation Meeting (9:30 a.m.) |
| Fri., June 8, 2018 | Pinelands Commission Meeting (9:30 a.m.) |
| Tues., June 19, 2018 | Personnel and Budget Committee Meeting (9:30 a.m.) |

Upcoming Office Closures

Monday, May 28, 2018 Memorial 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

April 13, 2018

Commissioners present

Alan W. Avery Jr., Bob Barr, Giuseppe Chila, Paul E. Galletta, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn, Richard Prickett, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Bruce Velzy. Governor's Authorities Unit representative Ed Caulfield participated by telephone.

Commissioners Absent

Candace Ashmun, Jordan P. Howell and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:31 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners who participated in the meeting.)

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

Minutes

Chairman Earlen presented the minutes from the March 9, 2018 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Barr seconded the motion.

The March 9, 2018 Commission meeting minutes were adopted by a vote of 11 to 0.

ED Wittenberg introduced Zobeida Concepcion, who was hired as the Commission's Human Resources Manager.

Chairman Earlen presented staff member Patrick Burritt with a certificate for his 10 years of service at the Commission.

Chairman Earlen noted that Commissioner Howell will be joining the Policy and Implementation Committee and Commissioner Pikolycky will be a member on the Personnel and Budget Committee.

Committee Chairs' Reports

Chairman Earlen provided an update on the March 23, 2018 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the January 26, 2018 meeting.

The Committee received an update on affordable housing in the Pinelands Area.

The Committee received an update on Plan Review Recommendations and CMP Amendments.

Commissioner Avery said the April 24, 2018 Personnel and Budget Committee meeting was canceled.

Executive Director's Reports

ED Wittenberg updated the Commission on the following:

- The Edmunds accounting software is working out well after the initial installation. Staff has been trained on the requisitions module. She said Edmunds time tracking software will be installed in the coming weeks.
- The Auditors will be ready to begin the FY 2017 Audit in early May and estimate that the Audit will be complete by the end of August.
- Commissioners must file their Financial Disclosure Statements by the May 15, 2018 deadline.
- The permitting for the Pinelands exhibit center suffered a minor setback, but currently the Department of Community Affairs is determining the permit fee. Once the fee is paid, the permit will be issued and staff will meet with the contractor to determine a new schedule.
- Staff has scheduled an internal meeting to discuss proceeding with the Katie Garden enhancement project. She said the garden was planted in memory of a

Pinelands Commission staff member who died while working in the field. An Eagleton fellow designed a larger garden to encompass native Pinelands plants. The FY 2018 budget included funds for this project.

Director Charles Horner updated the Commission on the following items:

- Staff met with an applicant and the Assistant Secretary of Agriculture regarding the establishment of a retail farm market in an existing agriculture building. During that meeting staff explained what types of development activity related to agriculture require an application and what activities are exempt.
- The New Jersey Department of Environmental Protection (NJDEP) has submitted an application for forestry activities on about 60 acres in Pemberton Township. A pre-application meeting has been scheduled.
- A call-up hearing on a mining proposal is scheduled for April 24, 2018. He said the proposed development is inconsistent with the threatened and endangered species standards. He added that threatened and endangered species are making it more challenging for mining operations to expand and in some instances to continue mining.
- The Washington Township attorney requested assistance from staff regarding an issue related to the possible clearing of a wetlands buffer.
- He mentioned that staff spend a great deal of time trying to figure out zoning changes, the Permit Extension Act and the provisions of the Municipal Land Use Law (MLUL) and how all three relate to applications that have been inactive for many years.

Commissioner Lloyd asked Director Horner to elaborate on the forestry activities proposed by the NJDEP.

Director Horner said the NJDEP is proposing selective thinning on two different parcels. He added that a previous forestry permit expired and the NJDEP is applying for renewals for some of the forestry activities.

Commissioners had a discussion about the complicated task of processing older approvals in which any of the following could have an effect on an application: zoning change, the Permit Extension Act and the MLUL. Commissioner Lloyd suggested that a case currently pending at the NJ Supreme Court related to the MLUL and Highlands regulations might be relevant.

Chief Planner Susan Grogan said municipalities have been very active with zoning changes, master plans and redevelopment plans. She said Pemberton Township is considering four different redevelopment plans: the old Burlington County Community (BCC) College, a site across the street from the old BCC, Browns Mills and the Deborah Hospital.

Chief Planner Grogan said that the Pinelands Development Credit Bank is processing a number of sales and redemptions for Pinelands Development Credits (PDCs), many of which are for projects in Atlantic County. She said because of the recent spike in

development, old projects are resurfacing, which either originally had a PDC obligation or a change in zoning now requires PDC use.

Paul Leakan updated the Commission on the following items:

- There were over 600 attendees at the 29th annual Pinelands Short Course including Congressman Donald Norcross.
- The 2nd annual summer Pinelands Short Course is scheduled for July 19, 2018 at Stockton University's Kramer Hall in Hammonton.
- The Pinelands Commission's annual orientation for newly elected officials is scheduled for July 24, 2018. The meeting is held jointly with the Pinelands Municipal Council.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the demolition of three existing toll booths and the construction of two express lanes at the New Gretna toll plaza on the Garden State Parkway.

Commissioner Barr moved the adoption of a resolution Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1997-0257.016) (See Resolution # PC4-18-11). Commissioner Pikolycky seconded the motion.

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

Chairman Earlen presented a resolution recommending approval for the construction of a pedestrian walkway and the reconstruction of a fire and rescue building in Pemberton Township.

Commissioner Prickett announced he would recuse from voting on this resolution because he resides in Pemberton Township. He left the room.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1981-0586.008 & 2006-0440.002) (See Resolution # PC4-18-12). Commissioner Lohbauer seconded the motion.

Director Horner displayed a map of the proposed paved pedestrian walkway that will be constructed entirely on municipally-owned land. He said the walkway will begin on Broadway near the entrance to Burlington County's library (Pemberton Branch) and traverse through the woods to improve traffic safety in the vicinity. He said currently there is a lot of pedestrian foot traffic on the road and there are no sidewalks.

Director Horner noted that a homeowner who lives adjacent to the library has submitted an appeal to the Commission, citing environmental impacts and security because of how close the path will be to their home. Director Horner said a letter was sent to the homeowners advising them of the requirements of the formal appeal process. He also said he spoke with DAG Velzy regarding this matter and was advised that the homeowners are not an

interested party. Director Horner noted that a letter will be sent to the homeowners advising that they do not have standing.

Commissioner Lloyd asked who would be making that decision.

Director Horner said staff along with Counsel.

Commissioner Lloyd said that he disagrees with that decision and feels the homeowners do have a particularized property right. He also said he thinks the path is a great idea but was curious if it is an impermeable surface and if the Commission can suggest the applicant use a permeable type material for the path.

Director Horner said the path will be made of impermeable pavement.

Director Horner said the Comprehensive Management Plan (CMP) does not require an applicant to use a certain material. He said when staff reviews an application like this one, for example, staff makes sure that it is consistent with the stormwater management rules. However, staff can make suggestions to an applicant to consider alternate approaches.

Commissioner Barr asked why the homeowners are opposed to the pedestrian path.

Director Horner said the property owner's home fronts on an unimproved paper street that will now be developed with the pathway changing the area from wooded to cleared.

Commissioner Jannarone questioned how far the path would be from the homeowner's property line.

Director Horner estimated 20 feet from their property line.

The Commission adopted the resolution by a vote of 8 to 1. Commissioner Lloyd abstained from the vote and Commissioner Jannarone voted no.

Commissioner Prickett returned to the dais.

Public Comment on Public Development Applications and Items where the record is open
No one from the public spoke.

Ordinances Not Requiring Commission Action

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

- Lacey Township Ordinance 2018-04
- Monroe Township Ordinance O:02-2018

No members of the Commission had questions.

Presentation

Chief Planner Grogan explained the conformance process the Commission uses to review municipal master plans and land use ordinance amendments. She explained the materials that need to be submitted for review. She said after staff reviews the submitted information, a determination is made as to whether the master plan or ordinance raises a substantial issue or does not raise a substantial issue. If a master plan or ordinance raises a substantial issue, formal Commission action is required.

Link to the presentation slides:

[http://www.nj.gov/pinelands/home/presentations/2018%20Conformance%20presentation%20\(PL%20edits\).pdf](http://www.nj.gov/pinelands/home/presentations/2018%20Conformance%20presentation%20(PL%20edits).pdf)

General Public Comment

Jason Howell of the Pinelands Preservation Alliance requested that the Commission invite the Director of Parks and Forestry to provide an update on the Off Road Vehicle (ORV) situation at Wharton State Forest. He said volunteers have been building 10x10 bollards for when the time comes to place them at Wharton to protect certain areas. He said the ORV issue is about the same at Wharton.

Sharon Hobert of 2 Dover Place, Browns Mills, NJ said she has lived at the property for over 50 years. She said her house is located across from the library, which had negative impacts on the Coopers hawk population when it was built. She said the impermeable pathway will be 5 feet from her property line and will have a negative effect on the surrounding wildlife.

Leah Hackley of 35 Ogden Street, Browns Mills, NJ said the pedestrian pathway project will have a direct impact to her driveway. She also expressed concern for the wildlife, especially the breeding turtles.

Other

Director Horner said that he spoke with the homeowners adjacent to the project. He said he explained the Commission's regulations and suggested the homeowner speak to Pemberton Township officials. Director Horner said he misspoke earlier, the project is in fact 5 feet from the homeowner's property line, not 20 feet. Director Horner added that the project remains in the municipal right of way.

Commissioner Barr said he may have voted differently had he known the proposed pathway would be closer than 20 feet to the house.

Commissioner Jannarone asked if the homeowners have any recourse.

Director Horner said a municipality is entitled to develop on municipally-owned land, including right of ways.

Commissioner Barr asked what the outcome would be if the Commission did not have enough votes to pass the resolution for the pedestrian pathway.

Director Horner said the application would be sent to the Office of Administrative Law where it would be reviewed for consistency with the Commission's rules.

Commissioner Lloyd said he believes the homeowners are an interested party and doesn't agree with staff's decision.

Commissioner Lloyd asked ED Wittenberg about meeting with the NJDEP to discuss Wharton State Forest.

ED Wittenberg said she will be reaching out to the Assistant Commissioner of Natural and Historic Resources soon.

Commissioner Barr asked why the homeowners are not considered an interested party.

DAG Velzy said that under the New Jersey Administrative Procedure Act (APA), in order for someone other than the applicant to qualify for a hearing, either the Pinelands Protection Act or constitutional right must be identified. He said New Jersey Courts have interpreted that term, and just because a homeowner is adjacent to a project does not entitle them to a hearing nor does it qualify them as having a particularized property interest. He noted that there was case in the Meadowlands known as Amico/Tunnel Carwash, and the courts have been consistent with that decision.

Commissioner Lloyd asked DAG Velzy if he was applying the Commission's regulations or the Administrative Procedure Act. He said his recollection is that the Commission did not adopt the change in definition of interested party.

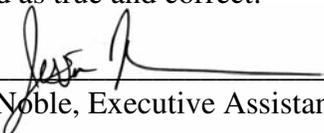
DAG Velzy said he is applying the Administrative Procedure Act. He said the statute trumps regulations.

Commissioner Lloyd said that there was one decision in the Pinelands where the Office of Administrative Law upheld the interested party status for the challenger. He said he would provide DAG Velzy with the decision. DAG Velzy said he would review that case.

Adjournment

Commissioner Barr moved to adjourn the meeting. Commissioner Chila seconded the motion. The Commission agreed to adjourn at 11:03 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: April 25, 2018



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 11

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1997-0257.016)

Commissioner Barr moves and Commissioner Pikolycky 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 be approved with conditions:

1997-0257.016

| | |
|------------------------------|---|
| Applicant: | NJ Turnpike Authority |
| Municipality: | Bass River Township |
| Management Area: | Pinelands Preservation Area District/ Parkway Overlay District |
| Date of Report: | March 22, 2018 |
| Proposed Development: | Demolition of three existing toll booths, the construction of two express toll lanes and a 342 square foot Information Technology Systems building at the New Gretna Toll Plaza within the Garden State Parkway right-of-way. |

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

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

WHEREAS, the Pinelands Commission hereby determines that the proposed public development and Certificate of Appropriateness both conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 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 1997-0257.016 for public development and a 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 | | Howell | | | X | | Prickett | X | | | |
| Avery | X | | | | Jannarone | X | | X | | Quinn | X | | | |
| Barr | X | | | | Lloyd | X | | | | Rohan Green | | | X | |
| Chila | X | | | | Lohbauer | X | | | | Earlen | X | | | |
| Galletta | X | | | | Pikolycky | X | | | | | | | | |

*A = Abstained / R = Refused

Adopted at a meeting of the Pinelands Commission

Date: April 13, 2018

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Executive Director

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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

March 22, 2018

Robert Fischer, PE
 NJ Turnpike Authority
 P.O. Box 5042
 Woodbridge, NJ 07095

Re: Application # 1997-0257.016
 Garden State Parkway
 New Gretna Toll Plaza
 Bass River Township

Dear Mr. Fischer:

The Commission staff has completed its review of this application for the construction of two express toll lanes and accessory structures within the Garden State Parkway right-of-way. Enclosed is a copy of a Public Development Application Report and 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 April 13, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Bass River Township Planning Board (via email)
 Bass River Township Construction Code Official (via email)
 Secretary, Burlington County Planning Board (via email)
 James Mellett, PE





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 Chairman

Nancy Wittenberg
 Executive Director

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

March 22, 2018

Robert Fischer, PE
 NJ Turnpike Authority
 P.O. Box 5042
 Woodbridge, NJ 07095

Application No.: 1997-0257.016
 Garden State Parkway
 New Gretna Toll Plaza
 Bass River Township

This application proposes the demolition of three existing toll booths that are 50 years old or older, the construction of two express toll lanes and a 342 square foot Information Technology Systems (ITS) building at the New Gretna Toll Plaza within the Garden State Parkway right-of-way.

The applicant proposes to demolish an existing 221 square foot ITS building that is less than 50 years old. The demolition of a structure less than 50 years old does not require an application to the Commission.

The application also proposes the installation of four overhead warning and safety signs over the north bound lanes of the Parkway. The overhead signs, alerting north bound motorist to the approaching Toll Plaza, will be installed at the Toll Plaza and one-half mile, one mile and two miles before the Toll Plaza.

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)

The proposed development will be located within the existing Garden State Parkway right-of-way. The Garden State Parkway right-of-way is designated in the CMP as the Parkway Overlay District. As accessory facilities to the operation of the parkway, the proposed express toll lanes, ITS building and overhead signs are permitted land uses in the Parkway Overlay District.

Wetlands Standards (N.J.A.C. 7:50-6.13)

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in the required buffer to wetlands.

The CMP permits roads (linear improvements) and accessory improvements to roads, such as toll plazas and signs, in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to 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. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the proposed development is necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located within maintained grassed and paved areas. 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. 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 proposed development will result in a reduction of 610 square feet of paved (impervious) road surface. The applicant has demonstrated that there will be no increase in the volume and rate of stormwater runoff from the project after the development than occurred prior to the proposed development.

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

The New Jersey State Historic Preservation Office (SHPO) previously determined that the Garden State Parkway is eligible for listing on the National Register of Historic Places. In consideration of the SHPO prior determination of eligibility, the Commission staff previously concluded that the Garden State Parkway Historic District is a significant historic resource and is, therefore, eligible for Pinelands Designation in accordance with the provisions of 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 has determined that recordation is the appropriate treatment to be required for the proposed demolition of the existing toll booths. Accordingly, this Certificate of Appropriateness requires recordation of the toll booths in accordance with the CMP (N.J.A.C. 7:50-6.156(c)). As required by the CMP (N.J.A.C. 7:50-6.156(c)3.), the proposed treatment must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on December 23, 2017. The application was designated as complete on the Commission's website on February 5, 2018. The Commission's public comment period closed on March 9, 2018. 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 99 sheets, prepared by Gannett Fleming, Inc., all sheets dated November 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Prior to the demolition of any toll booths, a copy of the recordation report shall be provided to 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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Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on April 9, 2018. The appeal 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. PC4-18- 12

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1981-0586.008 & 2006-0440.002)

Commissioner Galletta moves and Commissioner Lohbauer seconds the motion that:

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

1981-0586.008

Applicant: Pemberton Township
Municipality: Pemberton Township
Management Area: Pinelands Regional Growth Area
Date of Report: March 23, 2018
Proposed Development: Construction of a pedestrian walkway and improvements to the Ogden Street right-of-way.; and

2006-0440.002

Applicant: Pemberton Township
Municipality: Pemberton Township
Management Area: Pinelands Forest Area
Date of Report: March 22, 2018
Proposed Development: Reconstruction of a 7,366 square foot fire and rescue building.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1981-0586.008 & 2006-0440.002 for public development are hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstain / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Executive Director

Date: April 13, 2018

Sean W. Earlen
Chairman



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



Philip D. Murphy
 Governor

Sheila Y. Oliver
 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

March 23, 2018

David Patriarca, Mayor
 Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton, NJ 08068

Re: Application # 1981-0586.008
 Ong's Run Road, Dover Place, Erie Street, Evergreen Boulevard & Ogden Street
 Block 267, Lot 1; Block 268, Lot 1 & Block 530, Lot 11.13
 Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for construction of a pedestrian walkway and road improvements to the Ogden Street right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 13, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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



Charles & Sarah Paul
John & Sharon Hobert
Leah Hackley



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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 23, 2018

David Patriarca, Mayor
 Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton, NJ 08068

Application No.: 1981-0586.008
 Ong’s Run Road, Dover Place, Erie Street, Evergreen Boulevard & Ogden Street
 Block 267, Lot 1; Block 268, Lot 1& Block 530, Lot 11.13
 Pemberton Township

This application proposes construction of a 970 foot long, ten foot wide, paved pedestrian walkway within the Ong’s Run Road, Dover Place and Erie Street rights-of-way and on the above referenced parcels. The proposed pedestrian path includes a 125 foot long, ten foot wide, wooden bridge.

A 115 foot long portion of Ong’s Run Road will be paved to a width of 20 feet to accommodate the proposed pedestrian path and provide motor vehicle access to existing dwellings.

The application also proposes to construct a 440 foot long, 10 foot wide, gravel road within the Ogden Street right-of-way. The proposed road improvement will provide motor vehicle access to existing dwellings.

STANDARDS

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

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

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

Wetlands Protection Standard (N.J.A.C. 7:50-6.13)

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in wetlands and the required buffer to wetlands. The proposed development will disturb approximately 1,032 square feet of wetlands.

The CMP permits pedestrian walkways and roads (linear improvements) in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to the wetlands and the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The applicant has represented that the proposed development is necessary to improve pedestrian safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located over existing gravel and grassed areas, and within existing forested land. The proposed development will disturb approximately 0.23 acres of forested land. All soil disturbance and clearing 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 area tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet these standards, the application proposes to construct three stormwater infiltration facilities.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to all land owners within 200 feet of the above referenced parcel was completed on August 29, 2017. Newspaper public notice was completed on August 30, 2017. The application was designated as complete on the Commission's website on February 27, 2018. The Commission's public comment period closed on March 9, 2018. The Commission received three written public comments (attached) regarding this application.

Public Comment One: The commenter expressed concern that the proposed development would disrupt the environment, wildlife living in the area and existing homeowners.

Staff Response: The Pinelands Commission appreciates the commenter's interest and concern for the Pinelands. The development, proposed by the Township, is a permitted land use in a Pinelands Regional Growth Management Area. In review of the application, the Commission staff determined that the proposed development met all environmental standards of the CMP, including the protection of threatened and endangered plant and animal species. The commenter may wish to discuss their concerns with an appropriate Township official.

Public Comment Two: The commenter expressed concern that the proposed development would disrupt the environment and wildlife living in the area. The commenter was also concerned that the proposed development and the associated traffic would disrupt existing homeowners.

Staff Response: The Pinelands Commission appreciates the commenter's interest and concern for the Pinelands. The development, proposed by the Township, is a permitted land use in a Pinelands Regional Growth Management Area. In review of the application, the Commission staff determined that the proposed development met all environmental standards of the CMP, including the protection of threatened and endangered plant and animal species. The CMP does not regulate traffic impacts. The commenter may wish to discuss their concerns with an appropriate Township official.

Public Comment Three: The commenter expressed concern that the proposed development would impact tree frogs breeding in an existing stormwater infiltration basin at the Pemberton Community Library.

Staff Response: The Pinelands Commission appreciates the commenter's interest and concern for the Pinelands. The Commission staff reviewed the pictures of the tree frogs submitted with the public comment and determined that the tree frogs depicted in the submitted pictures are not Pine Barrens treefrogs (threatened species) or Cope's Gray treefrogs (endangered species), but rather Northern Gray treefrogs. Northern Gray treefrogs are not a Pinelands threatened or endangered species.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 14 sheets, prepared by Adams, Rehmann & Heggan Associates and dated as follows:
 - Sheet 1 - January 2018; revised to February 22, 2018
 - Sheets 2 & 9 - August 2017; revised to January 12, 2018
 - Sheets 3 & 5-7 - August 2017; revised to February 22, 2018
 - Sheets 4 & 14 - August 2017; revised to February 6, 2018
 - Sheets 8 & 10-13 - August 2017
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. 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.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on April 10, 2018. The appeal 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.

Sept. 18, 2017

New Jersey Pinelands Commission,

I have serious concerns about the bridge & sidewalk project.

The land which is proposed to be destroyed is natural pinelands. The beauty of the woods, pine trees, cones, berries, holly, cactus & flowering mountain laurel is the home of much wildlife which is now at risk.

There are 4 houses on Ogden St. and 3 of them changed owners 1 time which was due to death. All homeowners enjoy the natural beauty of the pines, stream and wildlife in which you want to put a bridge and sidewalk.

The bridge and sidewalk will destroy the natural beauty of the pinelands and disrupt the home to the wildlife along with the resident's lives. There will be liter, cigarette butts, & trash thrown into the stream which feeds Mirror Lake and the surrounding property/properties. People will be destroying property surrounding the sidewalk and bridge which is both pinelands and private.

This project will take away the natural beauty of the pinelands & privacy in which I was raised & the reason I have remained a township resident at this location along with my neighbor/s. My children & grandchildren have also been raised with the beauty of the pinelands, I look forward to great grandchildren who will be able to do the same as I have for 64 years.

I object to this project and feel certain that the township would be able to come up with a better solution which would work for everyone.

Please preserve and protect this section of Pinelands, thank you.

Leah Hackley, 35 Ogden St. Browns Mills

609-320-4627

APP # 19810586.008

Doc Type 100

SEP 26 2017

49 Ogden Street

Scanned

Browns Mills, NJ 08015

✓
September 19, 2017

To whom It May Concern:

I am writing you concerning case No 19810586.008

I don't approve of this application for the following reason.

It will ruin the area for the wildlife that roams her the deer, turkey and other creatures.

Also It will make the area hazardous to the people in the area.

The environment will be disturbed and there will be a disruption the older homes in their area and their land.

By that I mean the traffic

Sincerely yours.

Charles E Paul

Sarah Paul

From: Joel Mott

To: ApplInfo

Date: 9/14/2017 3:04 PM

Subject: Fwd: General Information Submissions or Questions

>>> Sharon Hobert <sahobert@gmail.com> 9/13/2017 8:25 PM >>>

Below is the result of your feedback form. It was submitted by Sharon Hobert (sahobert@gmail.com) on Wednesday, September 13, 2017 at 20:25:08

email: sahobert@gmail.com

subject: General Information Submissions or Questions

Name: Sharon Hobert

Mailing Address: PO Box 20, 2 Dover Place, Browns Mills, NJ 08016

Phone Number: 609-304-4707

Message: Dear Sirs, we would like to bring to your attention that the proposed pedestrian pathway (ARH#32-04025) may impact a tree frog breeding ground. For the last ten plus years we have had a number of tree frogs around our home. We live adjacent to the Pemberton Twp Library and hence our home fronts on the retention pond (breeding area) and proposed pathway. It is our understanding that in order to build the path, a retaining wall will need to be built inside the berm wall of the pond and filled for the ten foot walkway, which no doubt would have a serious impact on these little creatures. Thank you for your consideration and please do not hesitate to make contact if necessary. Sharon and John Hobert

Submit: Submit





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Philip D. Murphy
 Governor

Sheila Y. Oliver
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

March 22, 2018

David Patriarca, Mayor
 Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton, NJ 08068

Re: Application # 2006-0440.002
 Block 732, Lot 10
 Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for reconstruction of a 7,366 square foot fire and rescue building. 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 April 13, 2018 meeting.

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

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

Sincerely,

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

- Enc: Appeal Procedure
- 11/30/17 Public Comment
- 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)
- Burlington County Health Department (via email)
- John Helbig, PP, AICP (via email)
- Oscar James and Benita Avery (via email)





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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 22, 2018

David Patriarca, Mayor
 Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton, NJ 08068

Application No.: 2006-0440.002
 Block 732, Lot 10
 Pemberton Township

This application proposes reconstruction of a 7,366 square foot fire and rescue building located on the above referenced 3.5 acre parcel in Pemberton Township.

Based upon Township concerns with structural integrity, an existing 8,127 square foot fire and rescue building located on the parcel was demolished in 2017. That fire and rescue building was constructed in 1971. The demolition of a structure less than 50 years old does not require the completion of an application with the Commission.

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. 7:50-5.2)

The parcel is located within a Pinelands Forest Area. The CMP permits the reconstruction and continuation of a use that pre-existed the January 14, 1981 effective date of the Commission’s regulations.

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

The proposed development will be located within existing developed and maintained grassed areas. 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 area tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which

meets that recommendation.

Water Quality Standard (N.J.A.C. 7:50-6.84(a)4ii)

The applicant indicated that the proposed fire and rescue building will be serviced by an existing onsite septic system that serviced the previously existing fire and rescue building. The applicant has demonstrated that the proposed development will be consistent with the groundwater quality (septic dilution) standard of the Pemberton Township land use ordinance and the CMP.

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

The proposed development will result in a reduction of 1,700 square feet of impervious surfaces. The applicant has demonstrated that there will be no increase in the volume and rate of stormwater runoff from the parcel after development than occurred prior to the proposed development.

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 November 27, 2017. Newspaper public notice was completed on December 1, 2017. The application was designated as complete on the Commission's website on February 8, 2018. The Commission's public comment period closed on March 9, 2018. The Commission received one written public comment (attached) regarding this application.

Comment: The commenter requested a copy of the Executive Director's findings on this application.

Staff Response: The commenter is copied on this Public Development Application Report containing the Executive Director's findings.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Adams, Rehmann & Heggan Associates and dated as follows:

Sheet 1 – November 2017
Sheets 2-4 – November 2017; revised to January 26, 2018
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

APPEAL PROCEDURE

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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.

APP # 20060440.002
Doc Type 100

November 30, 2017

NOV 30 2017

Scanned _____

The Pinelands Commission

PO Box 359

New Lisbon, New Jersey 08064

TO WHOM IT MAY CONCERN:

I would like to be provided a copy of the Executive Director's Findings and Conclusion on the reconstruction of the Presidential Lakes Fire and Rescue Facility.

Oscar James & Benita Avery

309 Florida Trail

Browns Mills, NJ 08015

Tel:

Cell:856-979-9977 HM:609-893-3951

Email:aveoj@yahoo.com

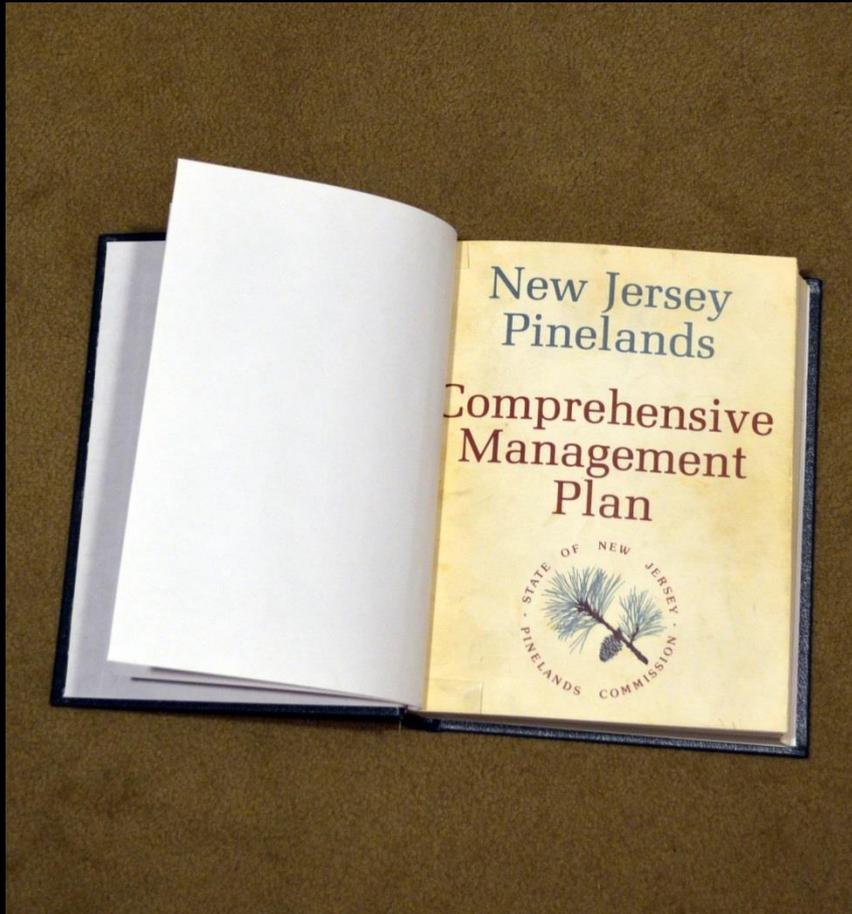
Fax:609-893-3951

Conformance in the Pinelands Area



April 13, 2018

Conformance in the Pinelands



- The Pinelands Protection Act requires that all municipalities and counties with land in the Pinelands Area revise their master plan and land use ordinances to implement the objectives and standards of the Pinelands Comprehensive Management Plan.

Conformance in the Pinelands



As of October 2013, the Commission has certified the master plans and ordinances of all 53 Pinelands municipalities and all seven Pinelands counties as being in conformance with the CMP.

Conformance in the Pinelands

- The conformance process is ongoing, because the CMP requires Commission review and approval of all master plan and land use ordinance amendments before they take effect.



What materials are submitted?

Master plans

- Reexamination reports
- Land use elements
- Housing element and fair share plans
- Open space and recreation plans
- Public facilities plans
- Coastal resiliency plans

Master Plan Reexamination Report Addendum

Township of Manchester

Ocean County, New Jersey



February 25, 2016

Adopted by the Planning Board: _____, 2016

Prepared by:



David G. Roberts

David G. Roberts, P.P., AICP, LLA,
NJ Planner License No. 33LI00308100



Daniel N. Bloch

Daniel N. Bloch, P.P., AICP,
NJ Planner License No. 33LI00610700



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HOME / PLANNING / COUNTY AND MUNICIPAL ORDINANCES AND MASTER PLANS RECEIVED

County and Municipal Ordinances and Master Plans Received

County and Municipal Master Plans and Ordinances

The following is a list of master plans and ordinances submitted to the Commission by Pinelands counties and municipalities within the last six months. The submitted documents are in various stages of the Commission's review process. Please contact the planning staff at planning@njpines.state.nj.us for details about any particular master plan or ordinance on the list.

Barnegat Township

2018-12

Received on 3/23/2018

Adopted on

Amends Ch 55: Application Fees, Escrows, Guarantees, Inspections and On/Off-Tract Improvements

Berlin Borough

2017-15

Received on 12/26/2017

Adopted on 12/14/2017

Amends Ch. 335: implements provisions of 2017 Housing Element and Fair Share Plan and Land Use Element; adds definitions and permitted uses in PC-1 and PC-2 Zones; rezones lands outside the Pinelands Area

Buena Vista Township

53-2018

Received on 4/2/2018

Adopted on 3/26/2018

Amends Ch. 115: performance and maintenance guaranties

2018 Master Plan Revisions

Received on 2/22/2018

Received on 2/22/2018
2018 Master Plan Revisions

The Conformance Process

7:50-3.45: The ED shall determine if an amendment raises a **substantial issue** with respect to the conformance of a municipality's master plan and land use ordinances with the CMP.

- If a **substantial issue** is raised, the amendment must be formally reviewed and approved by the full Commission.
- If **no substantial issue** is raised, the ED notifies the municipality that the amendment may take effect.

2017 Conformance Activity

- In 2017, the Commission received and reviewed 140 ordinance and master plan amendments from 29 Pinelands municipalities and one county.
- Approximately 25% of the adopted master plans and ordinances raised substantial issues and required formal Commission approval.
- The remaining 75% were processed by the staff.

Ordinance Classifications

Substantial Issue:

- Changes in Pinelands management area boundaries
- Standards more restrictive than the CMP
- Creative approaches/interpretations of CMP standards
- Locally controversial amendments related to the CMP
- Amendments inconsistent with the CMP

Substantial Issue Process

- Adopted master plan or ordinance received
- Update Commission's website
- Send finding letter – 30 days
- Schedule and hold public hearing – 60 days
- Prepare report and recommendation – 100 days
- P&I Committee discussion and recommendation
- Formal Commission action – 120 days
 - Certification
 - Conditional certification – 120 days for municipal response
 - Disapproval – 120 days for municipal response
- Notify municipality
- Update zoning system and GIS maps

Barnegat Ordinance 2014-23

Adds mixed use development as a permitted use in the Neighborhood Commercial Zone

- **Adopted ordinance received 10/27/2014**
- **Substantial issue finding letter sent 10/29/2014**
- **Public hearing held 11/19/2014**
- **P&I Committee recommendation for certification 1/30/2015**
- **Pinelands Commission certification 2/13/2015**

Barnegat Crossing



Ordinance Classifications

No Substantial Issue:

- Responses to CMP amendments
- Rezoning within a Pinelands management area
- Changes in permitted uses, densities and lot area requirements that are consistent with the CMP
- Revised bulk standards
- Application checklists
- Affordable housing development fees
- Parking, lighting, sidewalk, curb and other design standards
- Planning Board/Zoning Board functions and procedures

No Substantial Issue Process

- Adopted master plan or ordinance received
- Update Commission's website with description of ordinance and date of receipt
- Send finding letter – 30 days
- Prepare memorandum and list ordinance on next Commission meeting agenda
- Update zoning system and GIS maps

Ordinance Classifications

No Issue:

- Application fees
- Escrow requirements
- Rezoning outside the Pinelands Area
- Ordinance codification
- Dog licenses

No Issue Process

- Adopted master plan or ordinance received
- Update Commission's website with description of ordinance and date of receipt
- Send finding letter – 30 days

A photograph of a wetland area. In the foreground and middle ground, there is a shallow stream or marshy area with water. The water is dark and reflects the surrounding vegetation. On the banks and in the water, there are numerous tall, green, grass-like plants. Interspersed among these plants are many small, bright yellow flowers and some white flowers. The background shows more dense vegetation, including some bare, grey branches. The overall scene is a natural, somewhat overgrown wetland environment.

Questions?



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1982-3514.005)

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:

1982-3514.005

| | |
|-----------------------|---|
| Applicant: | Pemberton Township |
| Municipality: | Pemberton Township |
| Management Area: | Pinelands Regional Growth Area |
| Date of Report: | April 20, 2018 |
| Proposed Development: | Placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek. |

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 1982-3514.005 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 | | | | Howell | | | | Prickett | | | |
| Avery | | | | Jannarone | | | | Quinn | | | |
| Barr | | | | Lloyd | | | | Rohan Green | | | |
| Chila | | | | Lohbauer | | | | Earlen | | | |
| Galletta | | | | Pikolycky | | | | | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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



Philip D. Murphy
Governor

Sheila Y. Oliver
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

April 20, 2018

David A. Patriarca, Mayor (via email)
Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1982-3514.005
Block 827.01, Lot 7.04
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek on the above referenced parcel. 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 May 11, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
John Helbig, PP, AICP (via email)
Shannon Shadman (via email)





Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

April 20, 2018

David A. Patriarca, Mayor (via email)
Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton, NJ 08068

Application No.: 1982-3514.005
Block 827.01, Lot 7.04
Pemberton Township

This application proposes placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek on the above referenced 16.23 acre parcel in Pemberton Township. The West End Park, a Township recreation area, is located on the parcel.

The placement of the gabion retaining wall will address a severe stream bank erosion problem that is resulting in a safety hazard for pedestrians utilizing the recreation area. The proposed nine foot wide gabion retaining wall will line the stream bank where the severe erosion is occurring.

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.5) provides that the Commission's Executive Director, after consultation with the Chairman of the Pinelands Commission, may authorize immediate action when it is necessary to remedy a condition dangerous to life, health or safety. On December 5, 2017, the Commission staff issued a letter authorizing the immediate placement of a gabion retaining wall to eliminate the concerned safety hazard. The Commission staff's December 5, 2017 letter required that an after-the-fact application for the proposed placement of the gabion retaining wall be completed with the Commission. This application satisfies that requirement.

STANDARDS

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

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

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

Wetlands Standards (N.J.A.C. 7:50-6.13)

The proposed development will be located in wetlands and the required buffer to those wetlands. The proposed development will disturb approximately 406 square feet of wetlands.

The CMP permits the placement of a retaining wall (linear improvement) in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to wetlands and the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The applicant has represented that the proposed development is necessary to alleviate a safety hazard for pedestrians utilizing the recreational area. The applicant had demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will occur in an unvegetated portion of the stream bank. 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 application does not propose revegetation.

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 March 16, 2018. Newspaper public notice was completed on March 19, 2018. The application was designated as complete on the Commission's website on April 3, 2018. The Commission's public comment period closed on April 13, 2018. The Commission received one public comment (attached) regarding this application.

Comment: The commenter requested a copy of the application.

Staff Response: The staff contacted the commenter and left a telephone message that there was a photocopying charge for the information and plan and offered the commenter the opportunity to review the application file. The commenter did not respond to that message. The commenter is copied on this Public Development Application Report containing the Executive Director's findings.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of one sheet, prepared by Adams, Rehmann & Heggan Associates, dated October 2017 and revised to April 3, 2018.
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. 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 applicant shall obtain a NJDEP Freshwater Wetlands Permit for the proposed development.

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.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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

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

AppInfo - Pinelands Application #1982-3514.005

From: "Shannon Shadman, LPC" <shannon@mentalmediator.com>
To: <appinfo@njpines.state.nj.us>
Date: 3/27/2018 8:51 AM
Subject: Pinelands Application #1982-3514.005

I am requesting a copy of the application in compliance with the letter sent to my address.

Shannon Shadman

Shannon Shadman, LPC, MMHC, NCC, M.Ed.
[484.515.6125](tel:484.515.6125) Phone
Shadman0929 Skype
[Book a meeting with me](#)
www.facebook.com/sesolutionsinc
www.mentalmediator.com

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The information here is to be considered Confidential



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Issuing an Order to Conditionally Certify Ordinance 35-2017, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, on October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township; and

WHEREAS, Resolution #PC4-93-139 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-93-139 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on November 29, 2017, Egg Harbor Township adopted Ordinance 35-2017, amending Chapter 225 (Zoning) of the Township's Code by adopting definitions and adding adult day care health facilities and assisted living facilities as permitted uses in the RCD (Regional Commercial Development) District; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 35-2017 on December 4, 2017; and

WHEREAS, upon review of Ordinance 35-2017, Commission staff advised the Township that the ordinance would require amendment for purposes of consistency with Comprehensive Management Plan standards for assisted living facilities in the Regional Growth Area; and

WHEREAS, the Township initially indicated, via email dated January 3, 2018, that it would request an extension of the Commission's review period for Ordinance 35-2017 to provide an opportunity for discussion and adoption of the necessary ordinance amendments; and

WHEREAS, the Township subsequently notified the Commission that it would not be requesting such an extension and instead asked the Commission to proceed with its formal review process; and

WHEREAS, by letter dated February 7, 2018, the Executive Director notified the Township that Ordinance 35-2017 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 35-2017 was duly advertised and noticed and scheduled to be held on March 7, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, due to inclement weather and the closure of all State offices on March 7, 2018, the public hearing had to be canceled and rescheduled; and

WHEREAS, a public hearing to receive testimony on Ordinance 35-2017 was duly advertised, noticed and held on March 28, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 35-2017 is not fully consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify with conditions that Ordinance 35-2017, amending Chapter 225 (Zoning) of the Code of Egg Harbor, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Ordinance 35-2017 be conditionally certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 35-2017 and has reviewed the Executive Director’s report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify with conditions that Ordinance 35-2017, amending Chapter 225 (Zoning) of the Code of Egg Harbor, is in conformance with the Pinelands Comprehensive Management Plan. To obtain full certification of Ordinance 35-2017, Egg Harbor Township must amend Chapter 225 of its Code in accordance with Attachment A of this Order. The Township need not adopt the conditions in Attachment A verbatim; revisions comparable thereto or consistent therewith in intent may also be acceptable.
2. Egg Harbor Township shall have until September 8, 2018 to adopt and submit the revisions to Chapter 225 (Zoning) of its Code to the Pinelands Commission for approval pursuant to N.J.A.C. 7:50-3.45 and Attachment A hereto.
3. If the Township fails to submit the revisions to Chapter 225 (Zoning) pursuant to N.J.A.C. 7:50-3.45 and Attachment A hereto by September 8, 2018, or if such a submission is not fully certified by the Pinelands Commission, Ordinance 35-2017 shall be disapproved.
4. Any additional amendments to Egg Harbor Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

**ATTACHMENT A TO EXECUTIVE DIRECTOR'S APRIL 27, 2018 REPORT
ON EGG HARBOR TOWNSHIP ORDINANCE 35-2017**

Adoption of the following amendments, or comparable revisions, to Chapter 225 (Zoning) of the Code of Egg Harbor Township will make Ordinance 35-2017 consistent with the Pinelands Comprehensive Management Plan:

1. Section 225-38A(18) is hereby amended to read as follows:
 - (18) Adult day health care facilities.

2. Section 225-38A is hereby amended by adding the following:
 - (19) Assisted living facilities, at a maximum density of 8.0 units per acre. When a variance of density requirements is granted by the Township, Pinelands Development Credits shall be used for all assisted living facility units in excess of that otherwise permitted without the variance.



Philip D. Murphy
Governor
Sheila Y. Oliver
Lt. Governor

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Sean W. Earlen
Chairman
Nancy Wittenberg
Executive Director

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

**REPORT ON ORDINANCE 35-2017, AMENDING CHAPTER 225 (ZONING)
OF THE CODE OF EGG HARBOR TOWNSHIP**

April 27, 2018

Township of Egg Harbor
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

FINDINGS OF FACT

I. Background

The Township of Egg Harbor is located in the southeastern Pinelands in Atlantic County. Pinelands municipalities adjacent to Egg Harbor Township include the Townships of Galloway and Hamilton and Estell Manor City in Atlantic County, as well as Upper Township in Cape May County.

On October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township.

On November 29, 2017, Egg Harbor Township adopted Ordinance 35-2017, amending Chapter 225 (Zoning) of the Township's Code by adopting definitions and revising permitted uses in two nonresidential zoning districts, one of which, the RCD (Regional Commercial Development) District, is located in the Pinelands Regional Growth Area. Ordinance 35-2017 adds adult day care health facilities and assisted living facilities as permitted uses in the RCD District. The Pinelands Commission received a certified copy of Ordinance 35-2017 on December 4, 2017.

Upon review of Ordinance 35-2017, Commission staff advised Egg Harbor Township that the ordinance would require amendment for purposes of consistency with Pinelands Comprehensive Management Plan (CMP) standards for assisted living facilities in the Regional Growth Area. The Township initially indicated, via email dated January 3, 2018, that it would request an extension of the Commission's review period so that the necessary amendments could be discussed and adopted. Subsequently, however, the Township notified the Commission that it would not be requesting such an extension. The Township instead asked that the Commission proceed with its formal review process for Ordinance 35-2017.

By letter dated February 7, 2018, the Executive Director notified the Township that Ordinance 35-2017 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance 35-2017, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, introduced on November 1, 2017 and adopted on November 29, 2017

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

1. **Natural Resource Inventory**

Not applicable.

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

Ordinance 35-2017 amends Chapter 225 (Zoning) of the Code of Egg Harbor Township by adopting a definition for “Adult Day Health Care Facility” and permitting such facilities in the RCD (Regional Commercial Development) District. Ordinance 35-2017 also adds assisted living facilities as a permitted use in the RCD District. A portion of the RCD District is located in the Pinelands Regional Growth Area, with the remainder of the zone outside the Pinelands Area. As depicted on the attached map (see Exhibit #1), the RCD District is situated along the Garden State Parkway and is bisected by the Black Horse Pike (Route 322). Prior to the amendments adopted by Ordinance 35-2017, only non-residential uses were permitted in the RCD District, including offices, shopping centers, restaurants, schools, banks, gas stations, commercial recreation, warehouses and research laboratories.

Within Regional Growth Areas, the CMP provides that Pinelands municipalities may permit any use, with the exception of certain waste management facilities, provided residential density and opportunities for the use of Pinelands Development Credits are appropriately accommodated. The CMP also expressly authorizes assisted living facilities as a permitted use in Regional Growth Areas pursuant to N.J.A.C. 7:50-5.34, which sets forth specific standards for such uses. Among these standards is the establishment of a permitted residential density applicable to assisted living facilities, as well as a requirement for the use of Pinelands Development Credits when that permitted density exceeds eight units per acre. Egg Harbor Township Ordinance 35-2017 does not incorporate any density standards or PDC requirements for assisted living facilities in the RCD District; therefore, the ordinance is inconsistent with CMP standards.

In order to make Ordinance 35-2017 consistent with N.J.A.C. 7:50-5.34 of the CMP, Egg Harbor Township will need to amend Chapter 225 (Zoning) of its code to establish a permitted density of no more than eight units per acre for assisted living facilities in that portion of the RCD District located in the Pinelands Area. Additional ordinance amendments will be necessary to make clear that a density in excess of eight units per acre may be permitted only through the use

of PDCs. The necessary ordinance language is included in the conditions for certification set forth in Attachment A to this report.

Ordinance 35-2017 is not consistent with the development standards set forth in the Comprehensive Management Plan. However, with the adoption of the amendments set forth in Attachment A, or comparable revisions, this standard for certification will be met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinance 35-2017 amends Chapter 225 (Zoning) of the Code of Egg Harbor Township by adding assisted living facilities as a permitted use in the RCD District, a portion of which is located in the Pinelands Regional Growth Area. As detailed in section 2, however, Ordinance 35-2017 does not establish a permitted density for such facilities and does not require the use of PDCs for densities in excess of eight units per acre, both of which are required by N.J.A.C. 7:50-5.34 of the CMP. Therefore, Ordinance 35-2017 is not consistent with Comprehensive Management Plan standards.

The conditions for certification set forth in Attachment A to this report contain the language necessary to make Ordinance 35-2017 consistent with the CMP. These conditions include establishment of a maximum permitted density of eight units per acre for assisted living facilities in the RCD District, with the use of PDCs required for projects that exceed that permitted density. The Township could consider a number of alternatives, including the establishment of a higher permitted density, exemption of affordable units, required PDCs for a minimum

percentage of units or a different density structure entirely. The amendments set forth in Attachment A are the minimum necessary for conformance with N.J.A.C. 7:50-5.34(a)2 of the CMP.

Ordinance 35-2017 is not consistent with CMP standards for the accommodation of PDCs. However, with the adoption of the amendments set forth in Attachment A, or comparable revisions, this standard for certification will be met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 35-2017 is fully not consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

With the adoption of the amendments set forth in Attachment A, or comparable revisions, this standard for certification will be met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

No special issues exist relative to the Federal Act. However, Ordinance 35-2017 is not consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

With the adoption of the amendments set forth in Attachment A, or comparable revisions, this standard for certification will be met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Egg Harbor Township's application for certification of Ordinance 35-2017 was duly advertised, noticed and scheduled to be held on March 7, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. However, due to inclement weather and the closure of all State offices on March 7, 2018, the public hearing was canceled and rescheduled. The hearing was subsequently duly advertised, noticed and held on March 28, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 35-2017 were accepted through April 4, 2018. However, no written comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 35-2017 is not fully consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to conditionally certify Egg Harbor Township Ordinance 35-2017.

SRG/CEH
Attachments

**ATTACHMENT A TO EXECUTIVE DIRECTOR'S APRIL 27, 2018 REPORT
ON EGG HARBOR TOWNSHIP ORDINANCE 35-2017**

Adoption of the following amendments, or comparable revisions, to Chapter 225 (Zoning) of the Code of Egg Harbor Township will make Ordinance 35-2017 consistent with the Pinelands Comprehensive Management Plan:

1. Section 225-38A(18) is hereby amended to read as follows:
 - (18) Adult day health care facilities.

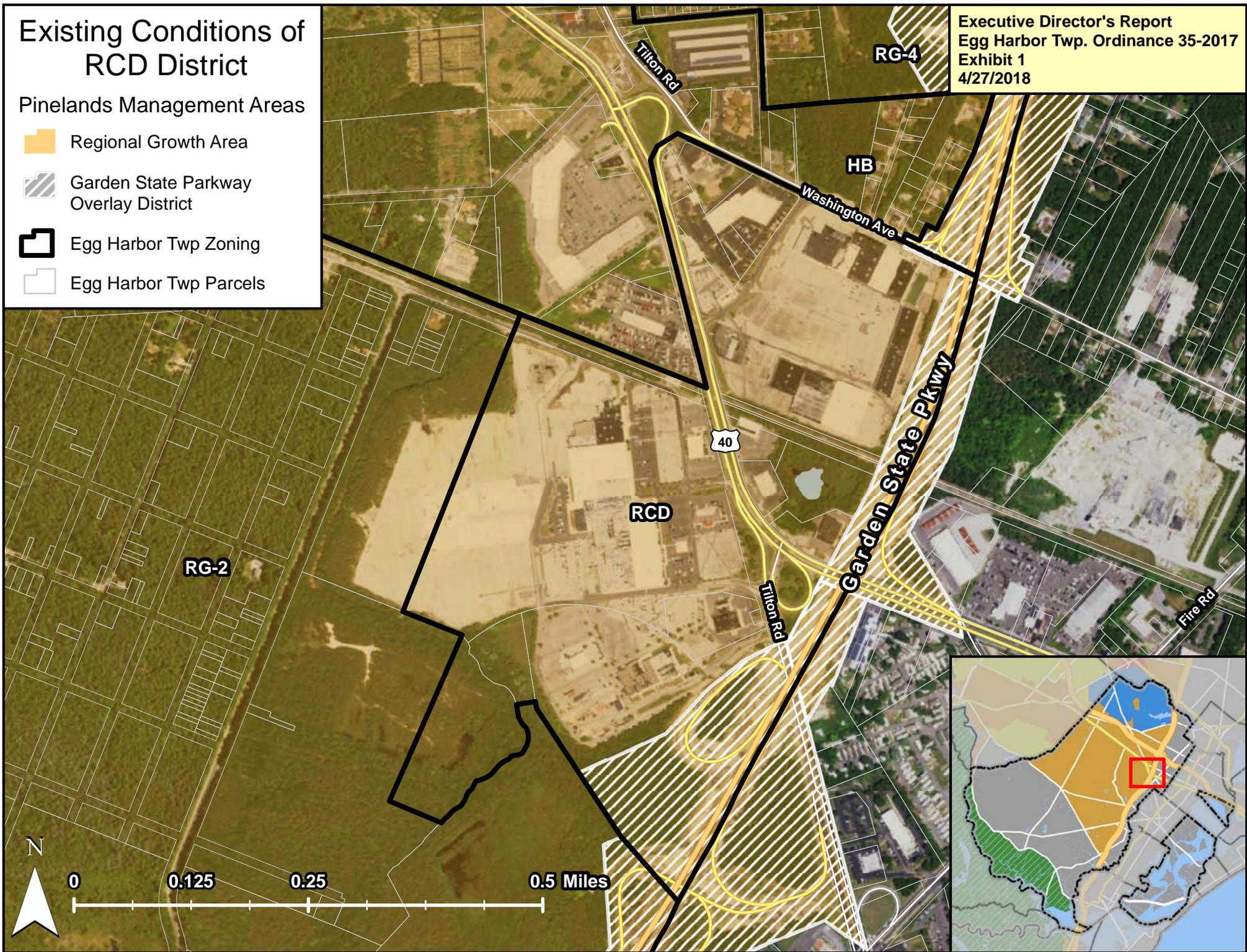
2. Section 225-38A is hereby amended by adding the following:
 - (19) Assisted living facilities, at a maximum density of 8.0 units per acre. When a variance of density requirements is granted by the Township, Pinelands Development Credits shall be used for all assisted living facility units in excess of that otherwise permitted without the variance.

Existing Conditions of RCD District

Pinelands Management Areas

-  Regional Growth Area
-  Garden State Parkway Overlay District
-  Egg Harbor Twp Zoning
-  Egg Harbor Twp Parcels

Executive Director's Report
Egg Harbor Twp. Ordinance 35-2017
Exhibit 1
4/27/2018



RG-2

RCD

RG-4

HB

40

Fire Rd

N

0

0.125

0.25

0.5 Miles



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



Philip D. Murphy
Governor

Sheila Y. Oliver
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

Pending Public Development and Waiver of Strict Compliance Applications
accepting public comment at the May 11, 2018 Commission Meeting

Public Development Applications

Application No. 1981-0556.051 – Evesham Township School District

Received on: August 30, 2016

Project: Installation of a ground mounted solar array

Municipality: Evesham Township

Block 51, Lot 3

Waiver of Strict Compliance Applications

None



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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

April 6, 2018

Mike Bradway (via email)
Tri-County Sportsmen Motorcycle Club, Inc.
1040 N. Brewster Road
Vineland, NJ 08360

Re: Application # 1988-0757.060
Greenbriar Hare Scramble
April 7th and 8th, 2018
Maurice River Township

Dear Mr. Bradway:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

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

Enc: Off-Road Vehicle Event Route Map Approval

c: Maurice River Township Clerk (via email)



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Governor

Sheila Y. Oliver
Lt. Governor

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1320

Application #: 1988-0757.060

Applicant: Tri-County Sportsmen Motorcycle Club, Inc.

Event Name: Greenbriar Hare Scramble

Event Date: April 7th and 8th, 2018

Municipality: Maurice River Township

Block 247, Lots 26, 31 - 33, 37, 38 & 44; Block 263, Lot 1

Management Area: Forest Area, Rural Development Area

Lands Utilized

Whibco property

Approved Route Map

Received in electronic format on February 13, 2018

for Charles M. Horner, P.P.

April 6, 2018

Date

BACKGROUND

- ♦ One route beginning and ending at the "100 Foot Hill Pit" located on Hunters Mill Road
- ♦ 15 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



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Philip D. Murphy
Governor

Sheila Y. Oliver
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

April 12, 2018

Vicki Lange (via email)
Pine Barons Enduro Riders
16 Mills Brook Lane
Shamong, NJ 08088

Re: Application # 1982-3054.075
PBER Clock Run
April 15, 2018
Pemberton, Tabernacle, Washington
& Woodland Townships

Dear Ms. Lange:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

for Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Off-Road Vehicle Event Route Map Approval

c: Pemberton Township Clerk (via email)
Tabernacle Township Clerk (via email)
Washington Township Clerk (via email)
Woodland Township Clerk (via email)
Robert Auermuller, Superintendent, NJ DEP Division of Parks and Forestry (via email)
Tom Keck, Regional Superintendent, NJ State Park Service - Southern Region (via email)





Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

New Jersey Pinelands Commission
PO Box 359
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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1327

Application #: 1982-3054.075

Applicant: Pine Barons Enduro Riders

Event Name: PBER Clock Run

Event Date: April 15, 2018

Municipalities: Pemberton, Tabernacle, Washington & Woodland Townships

Management Area: Forest Area, Infill Development Area, Pinelands Village, Preservation Area District, Special Agricultural Production Area

Lands Utilized

Brendan T. Byrne and Wharton State Forests

Approved Route Map

Received in electronic format on April 11, 2018

April 12, 2018

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

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ One route beginning and ending at the intersection of County Route 563 and Savoy Road in Chatsworth
- ♦ 85 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



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Philip D. Murphy
Governor

Sheila Y. Oliver
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

April 17, 2018

Eugene Jost
Competition Dirt Riders, Inc.
5386 Route 49
Millville, NJ 08332

Re: Application # 2005-0459.027
Ormond Farms Hare Scramble
April 21 & 22, 2018
Maurice River Township

Dear Mr. Jost:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

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

Enc: Off-Road Vehicle Event Route Map Approval

c: Maurice River Township Clerk (via email)
Eugene Jost (via email)
Dave Bostrom (via email)





Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1328

Application #: 2005-0459.027
Applicant: Competition Dirt Riders, Inc.
Event Name: Ormond Farms Hare Scramble
Event Date: April 21 & 22, 2018
Municipality: Maurice River Township
Block 117, Lots 13, 17.01 & 38
Management Area: Forest Area, Pinelands Village

Lands Utilized

Ormond Farms located on Hesstown Road

Approved Route Map

Received on February 20, 2018

April 17, 2018

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

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ Two Routes
- ♦ 8 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



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Philip D. Murphy
Governor

Sheila Y. Oliver
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

April 17, 2018

Jack O'Connor (via email)
Pine Barrens Adventure Camp, LLC
321 Osborn Avenue
Point Pleasant, NJ 08742

Re: Application # 1982-3054.076
Pine Barrens Adventure Camp
April 21 and 22, 2018
Bass River, Little Egg Harbor,
Mullica, Stafford
& Washington Townships

Dear Mr. O'Connor:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

for Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Off-Road Vehicle Event Route Map Approval

c: Mullica Township Clerk (via email)
Bass River Township Clerk (via email)
Washington Township Clerk (via email)
Little Egg Harbor Township Clerk (via email)
Stafford Township Clerk (via email)
Robert Auermuller, Superintendent, NJ DEP Division of Parks and Forestry (via email)
Tom Keck, Regional Superintendent, NJ State Park Service - Southern Region (via email)





Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1329

Application #: 1982-3054.076

Applicant: Pine Barrens Adventure Camp, LLC

Event Name: Pine Barrens Adventure Camp

Event Date: April 21 and 22, 2018

Municipalities: Bass River, Little Egg Harbor, Mullica, Stafford & Washington Townships

Management Area: Agricultural Production Area, Forest Area, Pinelands Village, Preservation Area District, Special Agricultural Production Area

Lands Utilized

Bass River, Penn and Wharton State Forests

Approved Route Map

Received in electronic format on April 12, 2018

April 17, 2018

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

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ One route beginning and ending at 3616 Nesco Road
- ♦ 60 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



State of New Jersey

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Philip D. Murphy
Governor

Sheila Y. Oliver
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

April 26, 2018

Jack O'Connor (via email)
Pine Barrens Adventure Camp, LLC
321 Osborn Avenue
Point Pleasant, NJ 08742

Re: Application # 1982-3054.077
Pine Barrens Adventure Camp
April 28 and 29, 2018
Bass River, Little Egg Harbor,
Mullica, Stafford
& Washington Townships

Dear Mr. O'Connor:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

for Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Off-Road Vehicle Event Route Map Approval

c: Mullica Township Clerk (via email)
Bass River Township Clerk (via email)
Washington Township Clerk (via email)
Little Egg Harbor Township Clerk (via email)
Stafford Township Clerk (via email)
Robert Auermuller, Superintendent, NJ DEP Division of Parks and Forestry (via email)





Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1330

Application #: 1982-3054.077

Applicant: Pine Barrens Adventure Camp, LLC

Event Name: Pine Barrens Adventure Camp

Event Date: April 28 and 29, 2018

Municipalities: Bass River, Little Egg Harbor, Mullica, Stafford & Washington Townships

Management Area: Agricultural Production Area, Forest Area, Pinelands Village, Preservation Area District, Special Agricultural Production Area

Lands Utilized

Bass River, Penn and Wharton State Forests

Approved Route Map

Received in electronic format on April 12, 2018

April 26, 2018

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

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ One route beginning and ending at 3616 Nesco Road
- ♦ 60 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



State of New Jersey
THE PINELANDS COMMISSION
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
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

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: April 30, 2018

Subject: No Substantial Issue Findings

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

Buena Vista Township Ordinance 53-2018 - amends Chapter 115 (Development Regulations) of the Township's Code by revising provisions related to performance guarantees, maintenance guarantees and fees for municipal inspections of required improvements.

Egg Harbor City Ordinance 16-2017 - adopts a revised Redevelopment Plan for the Gateway Rehabilitation Area, which consists of four lots within the Pinelands Town area. The revised redevelopment plan permits a variety of uses including assisted living facilities, shopping centers, professional offices, institutional uses, retail stores, fast food restaurants and multi-dealer automobile facilities. The redevelopment plan establishes bulk standards, as well as standards related to parking and circulation, landscaping, utilities and architectural controls. Notably, the redevelopment plan indicates that all Pinelands environmental standards and application procedures contained in Articles V, VI and VIII of Chapter 170 (Land Use and Development) of the City's code will continue to apply to all development in the Gateway Rehabilitation Area.

Galloway Township Ordinance 1988-2018 - adopts a Redevelopment Plan for the White Horse Pike Corridor Phase II – Pomona Road Portion of Tract 3 (Block 529, Lots 7.01, 7.02 & 7.03). The Redevelopment Area includes three contiguous lots that total approximately 1.2 acres. The lots are located in the Pinelands Village of Pomona, within the Township's HC-2 (Highway Commercial) Zone. Permitted uses in the new Redevelopment Area are the same as those permitted in the HC-2 zone, but with modified regulations related to bulk standards, buffer requirements, design, parking, and signage. The Redevelopment Plan explicitly acknowledges that all redevelopment must comply with Pinelands CMP requirements.

Jackson Township Ordinance 05-18 - amends Chapter 244 (Land Use and Development Regulations) of the Township's Code by revising the inspection fee schedule for on-site and off-site improvements as well as provisions for the replenishment of escrow accounts for the payment of inspection fees. Ordinance 05-18 also revises provisions related to performance and maintenance guarantees.

Mullica Township Ordinance 5-2018 – amends Chapter 144 (Land Development) of the Township's Code for purposes of implementing the Township's affordable housing program. Ordinance 5-2018 establishes a new Section 144-80.1, Affordable Housing, which includes: definitions; inclusionary development requirements for residential development of five or more units; guidelines for new construction that include affordable housing; occupancy standards; provisions related to price control and eligibility requirements; as well as program administration, enforcement, and appeals. Ordinance 5-2018 also establishes Section 144-80.2, Affordable Housing Development Fees, which includes: applicable non-residential development fees; collection procedures; the establishment of the Township's Affordable Housing trust fund and uses of the fund; and monitoring requirements of fee collection activities. Finally, the ordinance establishes Section 144-123MM, Affordable Housing Requirements, which requires that any residential development of five or more units provide a 20 percent set-aside for affordable housing and that all non-residential development pay an affordable housing development fee.

BAMBOO BROOK
170 LONGVIEW ROAD
FAR HILLS, NJ 07931
908-234-1225
908-234-1189 (FAX)
info@njconservation.org
www.njconservation.org



New Jersey Conservation
F O U N D A T I O N

April 12, 2018

Ms. Nancy Wittenberg, Executive Director
Pinelands Commission
P.O. Box 359
15 Springfield Road
New Lisbon, NJ 08064

Dear Ms. Wittenberg,

New Jersey Conservation Foundation is appreciative of the Pinelands Commission's commitment of \$169,000 from the Pinelands Conservation Fund toward the acquisition of the Thompson/Wright property.

I am writing to request an advance of funding, as we anticipate needing the grant amount of \$169,000 on or before the closing of the property. While the closing is not yet scheduled, we estimate that it will occur around May 29, 2018 or within a few weeks of that date.

Thank you for your consideration. Please let me know if you need any additional information at this time.

Sincerely,

A handwritten signature in blue ink that reads "Greg Romano". The signature is fluid and cursive, with the first name "Greg" being larger and more prominent than the last name "Romano".

Greg Romano
Assistant Director & Director of Statewide Land Acquisition