



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



Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
 Executive Director

Date: August 3, 2016

Subject: Summary of the August 12, 2016 Meeting Packet

Minutes

The July 8, 2016 Commission meeting minutes are included in your packet.

Public Development Applications

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

1. **CAMDEN COUNTY**, Winslow Township, Pinelands Forest Area, Installation of scour countermeasures (riprap) along the banks of the Great Egg Harbor River.
2. **BOROUGH OF MEDFORD LAKES**, Borough of Medford Lakes, Pinelands Regional Growth Area, Placement of a 1,248 square foot modular office building.
3. **SOUTHAMPTON TOWNSHIP**, Southampton Township, Pinelands Agricultural Production Area and Pinelands Village of Vincentown, Construction of a 6,000 square foot public works building and a 2,000 square foot salt storage shed.
4. **ATLANTIC CAPE COMMUNITY COLLEGE**, Hamilton Township, Pinelands Regional Growth Area, Construction of an 11,350 square foot student center building.
5. **WATERFORD TOWNSHIP**, Waterford Township, Pinelands Rural Development Area, Construction of a 100 space parking lot. (This application was originally scheduled for action at the Commission's July 8, 2016 meeting, but was not considered at that meeting based upon Commission receipt of an appeal of the Executive Director's recommendation. Please refer to the enclosed application Resolution for further information.)

Waiver of Strict Compliance

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

Letter of Interpretation

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

Off-Road Vehicle Event Route Map Approval

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

Ordinances Not Requiring Commission Action

There are no ordinances to note this month.

Other Resolutions

Included in the packet is a resolution recommending the adoption of the Pinelands Commission's Fiscal Year 2017 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund, with supporting documentation. The FY 2017 Operating Budget is \$4,641,712, which remains the same total as the FY 2016 Operating Budget. The Kirkwood Cohansey Aquifer Assessment Study's fund balance is sufficient to cover the Study's FY 2017 Budget of \$153,116. The self-supporting Pinelands Conservation Fund's FY 2017 Budget totals \$1,816,792, of which up to \$600,000 of land acquisition is anticipated.

Please take special notice of the Operating Fund's budget notes #16, #25, #28 and #37, which will authorize the Executive Director to pay certain purchases in excess of the threshold stipulated in N.J.S.A. 52:25-23 (currently \$40,000).

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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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, August 12, 2016

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order

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

2. Adoption of Minutes

- July 8, 2016

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration Where the Record is Closed

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions Applications for Public Development (Application Numbers 1983-5250.013 & 1990-1177.007)
 - Approving With Conditions an Application for Public Development (Application Number 1986-0495.008)

- Approving With Conditions an Application for Public Development (Application Number 2003-0319.002)
- Approving With Conditions an Application for Public Development (Application Number 2015-0066.001)
- Denying an Application for a Waiver of Strict Compliance (Application Number 1981-0704.001)

B. Planning Matters

- Municipal Ordinances
 - None
 - Other Resolutions
 - None
 - CMP Amendments
 - None
5. Public Comment on Agenda Items and Pending Public Development Applications (see attached list) *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*
 6. Other Resolutions
 - To Adopt the Pinelands Commission's Fiscal Year 2017 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund
 7. Ordinances Not Requiring Commission Action
 - None
 8. General Public Comment *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*
 9. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters *(The Commission reserves the right to reconvene into public session to take action on closed session items.)*
 10. Adjournment

Upcoming Meetings

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

Friday, August 26, 2016	Policy and Implementation Committee Meeting (9:30 a.m.)
Friday, September 9, 2016	Pinelands Commission Regular Monthly Meeting (9:30 a.m.)

Upcoming Office Closures

Monday, September 5, 2016 Labor 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](mailto:Info@njpines.state.nj.us) 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

July 8, 2016

Commissioners Present

Bob Barr, Bill Brown, Giuseppe Chila, Mark Lohbauer, Ed McGlinchey, Richard Prickett, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Chris Howard and Deputy Attorney General Sean Moriarty.

Commissioners participating by phone

Candace Ashmun and D'Arcy Rohan Green

Commissioners Absent

Alan W. Avery Jr., Paul E. Galletta, Joe DiBello, Jane Jannarone, Ed Lloyd and Gary Quinn.

Chairman Earlen called the meeting to order at 9:37 a.m.

DAG Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 9 Commissioners present.)

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

Election of a Vice Chairman

Commissioner McGlinchey recommended that Commissioner Galletta remain Vice-Chairman and Commissioner Brown seconded the motion.

Commissioner Ashmun said that she was nominating Commissioner Barr because it has been past practice for the Commission to always have both a Governor's appointee and a County appointee serving as Chairman and Vice-Chairman. She said currently the Chairman and Vice-Chair are County appointments.

Commissioner Prickett said he supported the importance of precedent and the nomination of Commissioner Barr for Vice-Chairman.

Ms. Wittenberg called a vote and announced that Commissioner Galletta will serve as Vice-Chairman.

Committee Assignments

Chairman Earlen said that Commissioner Prickett and Commissioner McGlinchey will rejoin the Personnel and Budget Committee.

Minutes

Chairman Earlen presented the minutes from the June 10, 2016 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the June 10, 2016 Commission meeting were adopted by a vote of 8 to 0, with Commissioner Rohan Green abstaining.

Committee Chairs' Reports

Chairman Earlen provided an update on the June 24, 2016 Policy & Implementation Committee meeting.

The Committee adopted the minutes of the May 27, 2016 meeting.

The Committee received an update on the 2015 Pinelands Conservation Fund (PCF) projects. Three projects closed, protecting 487 acres at a cost of \$243,500. Two projects were not anticipated to close by the June 30, 2016 deadline, so their allocations will be returned to the Fund. Recommendations for a new acquisition round will be considered at a future meeting.

The Committee reviewed various mapping changes proposed by Pemberton Township and recommended that the Commission certify the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, implementing the Master Plan recommendations.

The Committee received presentations on two Plan Review items, and next month staff is likely to present rule proposals regarding the protection of the Black Run in Evesham Township and revisions to the Comprehensive Management Plan (CMP) sign regulations.

Executive Director's Reports

Ms. Wittenberg provided an update on the following:

- The Science office has provided the Off-Road Vehicle (ORV) damaged GIS point data to two staff members who will be analyzing the points using aerial photography, including categorizing the points as uplands or wetlands and on- or off-road. She said that other relevant categories may be added as the analysis proceeds.
- The Commission recently hired two new employees. Ms. Wittenberg introduced Tony McNichol, who was hired as a cultural resource planner, and Dawn Holgersen, who will serve as an office assistant.

Mr. Larry Liggett updated the Commission on the following:

- The Commission is currently reviewing applications in which the applicants are proposing to close landfills without an impermeable cap. One of the applications involves redevelopment (recreational fields) on the closed landfill. Staff will use the Rapid Landfill Assessment Tool to conclude if there is enough data present or if additional testing will be required to determine the appropriate closure techniques.
- The Commission's cultural resource data including the state and federal sites have been updated to a digital format. The Commission's historic district mapping is also available digitally.
- At the last Policy & Implementation Committee, unbeknownst to staff the New Jersey Builders Association made a presentation about the proposed Pinelands Development Credit (PDC) enhancements. In the coming months there will be more presentations on the PDC program and proposed rules.

Mr. Chuck Horner updated the Commission on the following:

- Staff recently met with the Deputy Mayor of Washington Township to discuss the Lower Bank Bridge public access issue. The Township feels there is insufficient protection from the travel lanes and a barrier could potentially solve the issue. Staff plans to once again discuss the matter with Burlington County since it is a county bridge.
- The New Jersey Permit Extension Act of 2007 which expired as of December 31, 2015, has been retroactively extended from January 1, 2016 through December 31, 2016 for counties impacted by Superstorm Sandy.

Mr. Paul Leakan updated the Commission on education-related efforts:

- Commission staff member Joel Mott spent a day at the Lakewood middle school educating students who won NJDEP's 2016 Barnegat Bay Blitz Rain Barrel Challenge where he delivered six 45-minute presentations. Mr. Mott also spent the day at the Whitesbog Blueberry Festival providing visitors with Pinelands related information.

- The 2016 Pinelands Orientation for Newly Elected Officials will be held on July 28th at the Commission's headquarters.
- The Burlington County College, now known as Rowan College at Burlington County, donated items from their Pinelands collection to the Commission. He displayed a split oak basket, a cranberry scoop and photos of various glass items. Many of the articles of glass are reproductions produced by the Clevenger Brothers. The donations will be displayed in the interpretive center.
- A kick-off meeting for the interpretive center will be scheduled once the contract for the exhibit installer has been signed. The project is expected to be complete in about 7-8 months.

Public Development Projects and Other Permit Matters

Ms. Wittenberg said an appeal was received for the Waterford Township public development application originally on today's agenda; therefore it will not be voted on at this time.

Chairman Earlen presented a resolution recommending the approval of 10 acres of vegetation removal at the Hammonton Airport.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1982-3657.020)(See Resolution # PC4-16-21). Commissioner Barr seconded the motion.

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

Municipal Ordinances

Chairman Earlen said the next resolution is for Pemberton Township.

Commissioner Prickett said he would recuse himself from this matter and left the room.

Commissioner Ashmun said she is concerned about the zoning change in the vicinity of Rancocas Creek and potential for development in that area.

Commissioner Lohbauer moved the adoption of a resolution Issuing an Order to Certify Pemberton Township's 2009 Master Plan, 2014 Master Plan Reexamination Report and Ordinances 14-2014, 16-2014 and 20-2015, Amending Chapter 190 (Zoning) of the Code of Pemberton Township (See Resolution # PC4-16-23). Commissioner Brown seconded the motion.

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

Public Comment on Agenda Items and Pending Public Development Applications

Kevin Becica, Camden County Engineer, provided information about Application #2015-0066.001/ Sicklerville Road bridge. She said County plans to install re-enforcement underneath the bridge foundation to comply with the Department of Transportation (DOT)

structural bridge requirements for a Priority 1 bridge repair. Ms. Becica said DEP permits have been obtained. She described the area of disturbance for the project.

Richard Perniciaro, VP of Planning and Research at Atlantic Cape Community College, thanked the Commission for review of the College's application for a student center. He said the project is being entirely funded with tax payer money.

Charlotte Connuli of Waterford Township, NJ rose to the podium to provide comment on Waterford's application for a 100 space parking lot (Application # 2003-0319.002). However the public comment period for this application closed. The Commission has yet to vote on the matter because of an appeal that is under review. Ms. Connuli was asked not to speak at this time.

Ordinances Not Requiring Commission Action

There were no Ordinances on this month's agenda.

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

Mark Demitroff of Richland, NJ said he was asking for the advice of the Commission regarding his denied access to the Office of Administrative Law (OAL). He said he has been denied access to OAL three times by Ms. Stacey Roth, and he said that she is not permitted by law to do so. He said his property was trespassed upon. He said he suffered loss of value to his property. He said the Commission changed zoning to allow redevelopment to occur on his property. (See attached handout Mr. Demitroff passed around.)

Chairman Earlen asked for advice from counsel regarding Mr. Demitroff's claims.

DAG Moriarty said that if a member of the public disagrees with a Commission decision there is a right of appeal to the Appellate Division. He added that as long as the member of the public is not considered a third party under the Administrative Procedures Act, recourse could also be sought at OAL. He said the Commission made a determination regarding Mr. Demitroff's appeal requests in consultation with the Attorney General's (AG's) office. He said Ms. Roth appropriately communicated the Commission's determination that Mr. Demitroff lacked standing under the Administrative Procedures Act for an OAL hearing. Finally, DAG Moriarty advised that these determinations are issued by the agency not the AG's office.

Jason Howell of the Pinelands Preservation Alliance provided an update on the off-road vehicle damage he witnessed at Wharton State Forest. He said it is important to know what roads the Park Police are issuing tickets on. He said Park Police need a map designating roads so they can effectively do their job. He said the aerial view of the damage at Wharton is shocking.

Commissioner Lohbauer asked if Mr. Howell could share the aerials.

Mr. Howell said the aerials were recently updated to YouTube and he would send a link to Commissioners.

Temma Fishman of Medford Lakes, NJ said there is a stormwater basin on the corner of Route 70 and Old Marlton Pike in Medford that has become an eyesore and is filled with dark-colored water. She asked if the Commission could find out what has happened and if the problem could be resolved.

Mr. Horner said he will research the basin, which is supposed to be maintained by DOT, and provide an update at the August Commission meeting.

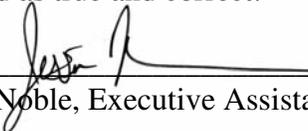
Commissioner McGlinchey said there is draft legislation proposing to strengthen existing stormwater management rules. He said the hope is that the revised rules will help with the ongoing maintenance of basins. He said DOT is still not in compliance with the first round of stormwater rules.

Adjournment

Commissioner Prickett thanked Nancy Wittenberg and Joel Mott for the presentation Mr. Mott delivered at the Whitesbog Blueberry Festival this year. He said the blueberry festival's two-day event drew 7,000 people. He said he is happy to schedule tours of Whitesbog for anyone who has an interest.

Commissioner Barr moved to adjourn the meeting. Commissioner Prickett seconded the motion. The Commission agreed to adjourn at 10:43 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: July 15, 2016



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 21

TITLE: Approving With Conditions an Application for Public Development (Application Number 1982-3657.020)

Commissioner Lohbauer moves and Commissioner DACC 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:

1982-3657.020
Applicant: Town of Hammonton
Municipality: Town of Hammonton
Management Area: Pinelands Agricultural Production Area
Date of Report: June 17, 2016
Proposed Development: Remove 10 acres of vegetation at the Hammonton Airport.

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 1982-3657.020 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

Table with 4 columns (AYE, NAY, NP, A/R) and 3 rows of names (Ashmun, Avery, Barr, Brown, Chila, DiBello, Galletta, Jannarone, Lloyd, Lohbauer, McGlinchey, Prickett, Quinn, Rohan Green, Earlen)

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 8, 2016

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

June 17, 2016

Stephen DiDonato, Mayor
 Town of Hammonton
 100 Central Avenue
 Hammonton, NJ 08037

Re: Application # 1982-3657.020
 Block 5301, Lot 31
 Block 5702, Lots 13 & 14
 Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application to remove 10 acres of vegetation at the Hammonton Airport. 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 July 8, 2016 meeting.

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

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

Sincerely,

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

- Enc: Appeal Procedure
 c: Secretary, Town of Hammonton Planning Board (via email)
 Town of Hammonton Construction Code Official (via email)
 Town of Hammonton Environmental Commission (via email)
 Atlantic County Department of Regional Planning and Development (via email)
 Dennis Yap
 Lynn Brass-Smith





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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 17, 2016

Stephen DiDonato, Mayor
 Town of Hammonton
 100 Central Avenue
 Hammonton, NJ 08037

Application No.: 1982-3657.020

Location: Block 5301, Lot 31
 Block 5702, Lots 13 & 14
 Town of Hammonton

This application proposes to remove 10 acres of vegetation at the Hammonton Airport located on the above referenced 96.74 acre parcel. Vegetation to be removed is comprised of both trees and shrubs.

The proposed vegetation removal is required to comply with the Federal Aviation Administration (FAA) Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace standards. As part of the FAA standards, the "Primary Surface" (runway) must be free and clear of any objects above the surface to allow for a safe, unobstructed and appropriate surface for aircraft landing.

This application proposes to remove vegetation within the following four areas on the airport parcel:

- Area One: Vegetation removal from 1.3 acres down to existing grade.
- Area Two: Vegetation removal from 4.7 acres down to existing grade.
- Area Three: Vegetation removal from 0.33 acres down to a height of three feet above grade; and
- Area Four: Vegetation removal from 3.77 acres to a height of 15 to 20 feet above grade.

All vegetation removal is located on the airport parcel. The proposed cutting methods are intended to minimize impacts to plant and animal species habitat. No soil disturbance is proposed as part of this application.

STANDARDS

The Commission staff has reviewed the proposed vegetation removal 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. 7:50-5.24(b)13)

The project is located in a Pinelands Agricultural Production Area. As accessory to the existing airport, the proposed vegetation removal is permitted in a Pinelands Agricultural Production Area.

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

There are wetlands located on the above referenced parcel. The proposed vegetation removal will result in the disturbance of 2.16 acres of wetlands. The CMP permits vegetation removal in wetlands and the required buffer to wetlands to accommodate accessory activities to an existing airport runway (linear facility) provided certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed vegetation removal. In addition, the proposed vegetation removal will not result in 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. The proposed vegetation removal is required to comply with FAA safety standards. The applicant has demonstrated that the need for airport safety overrides the importance of protecting the wetlands.

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

The proposed vegetation removal is limited to that which is necessary to meet FAA safety standards.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to seed the two areas proposed to be cleared to existing grade with a grass seed mixture which meets this recommendation.

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

The applicant completed a threatened and endangered (T&E) species survey for Pine Barrens treefrog and a T&E species habitat assessment for potential T&E plant and animal species. The Pine Barrens treefrog survey did not locate the concerned species within the four areas subject of vegetation removal. The habitat assessment identified a population of Little ladies tresses, a Pinelands threatened plant species on the parcel. No clearing or land disturbance is proposed in the vicinity of that population. The proposed vegetation removal is consistent with the T&E species protection standards.

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

A cultural resource survey was completed for this application. No cultural resources eligible for Pinelands designation were found within the project area.

PUBLIC COMMENT

The applicant provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on March 31, 2016. Newspaper public notice was completed on April 6, 2016. The application was designated as complete on the Commission's website on May 24, 2016. The Commission's public comment period closed on June 10, 2016. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed vegetation removal shall adhere to the signed, sealed but undated plan, consisting of eight sheets, prepared by DY Consultants and received by the Commission on July 25, 2013.
2. Disposal of any vegetative waste shall only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be installed prior to vegetation removal to preclude sediment from entering wetlands and shall be maintained in place until all vegetation removal has been completed and the area has been stabilized.

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 22

TITLE: Issuing an Order to Certify Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, Amending Chapter 190 (Zoning) of the Code of Pemberton Township

Commissioner Lohbauer
seconds the motion that:

moves and Commissioner Braun

WHEREAS, on June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township; and

WHEREAS, Resolution #PC4-83-52 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-52 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 July 9, 2009, the Pemberton Township Planning Board adopted a new Master Plan for the Township, including Land Use, Housing, Circulation, Utility, Community Facilities, Recreation, Conservation and Open Space, Economic, Historic Preservation, Recycling and Farmland Preservation Plan Elements; and

WHEREAS, the Township's 2009 Master Plan recommends a series of changes to Pemberton's zoning map, including establishing a Neighborhood Commercial (NC) District and expanding the General Commercial/Light Industrial (GCLI) District in the Pinelands Area; and

WHEREAS, the Pinelands Commission received an adopted copy of the 2009 Master Plan, along with the Planning Board's resolution of adoption, on February 24, 2010; and

WHEREAS, on December 16, 2009, Pemberton Township adopted Ordinance 27-2009, amending Chapter 190 (Zoning) of the Township's Code by adopting a revised Zoning Map, dated July 9, 2009, for purposes of implementing the recommendations of the 2009 Master Plan; and

WHEREAS, on September 4, 2014, the Pemberton Township Planning Board adopted a Master Plan Re-Examination Report, recommending both management area and zoning changes, as well as the creation of a new NCP (Neighborhood Commercial Pinelands) District; and

WHEREAS, the Pinelands Commission received an adopted copy of the 2014 Master Plan Re-Examination Report, along with the Planning Board's resolution of adoption, on October 10, 2014; and

WHEREAS, on December 17, 2014, Pemberton Township adopted Ordinance 14-2014, amending Chapter 190 (Zoning) by creating the Neighborhood Commercial Pinelands District; and

WHEREAS, on December 17, 2014, Pemberton Township adopted Ordinance 16-2014, amending Chapter 190 (Zoning) to require the use of Pinelands Development Credits when a variance or other approval is granted for a residential use in the TC, HD, GI, or NCP Districts or in the Regional Growth Area of the GCLI District; and

WHEREAS, the Pinelands Commission received certified copies of Ordinances 14-2014 and 16-2014 on January 6, 2015; and

WHEREAS, on March 2, 2016, Pemberton Township adopted Ordinance 20-2015, amending Chapter 190 (Zoning) by adopting a revised Zoning Map, dated December 7, 2015, that adjusts the boundaries of existing zoning districts and establishes the boundaries of a new zoning district within the Pinelands Area in response to the recommendations of the 2009 Master Plan and 2014 Master Plan Re-Examination Report; and

WHEREAS, the 2015 Zoning Map adopted by Ordinance 20-2015 supersedes that previously adopted by Ordinance 27-2009; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 20-2015 on March 18, 2016 and a copy of the adopted zoning map on March 22, 2016; and

WHEREAS, by letter dated March 31, 2016, the Executive Director notified the Township that the 2009 Master Plan, 2014 Master Plan R-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony concerning the Township's application for certification of its 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 was duly advertised, noticed and held on April 27, 2016 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 the above-referenced amendments are 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 the issuance of an order to certify that Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton Township, are 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 recommended that the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

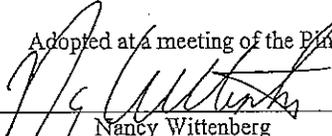
1. An Order is hereby issued to certify that Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to the 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.

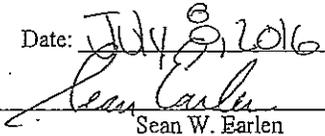
Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date: July 9, 2016

 Sean W. Earlen
 Chairman



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



Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

**REPORT ON PEMBERTON TOWNSHIP'S 2009 MASTER PLAN, 2014 MASTER PLAN RE-
 EXAMINATION REPORT AND ORDINANCES 27-2009, 14-2014, 16-2014 AND 20-2015,
 AMENDING CHAPTER 190 (ZONING) OF THE CODE OF PEMBERTON TOWNSHIP**

May 27, 2016

Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton, NJ 08068

FINDINGS OF FACT

I. Background

The Township of Pemberton is located in eastern Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Pemberton Township include New Hanover, Springfield, Southampton and Woodland Townships in Burlington County and Manchester and Plumsted Townships in Ocean County.

On June 3, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Pemberton Township.

On July 9, 2009, the Pemberton Township Planning Board adopted a new Master Plan for the Township, including Land Use, Housing, Circulation, Utility, Community Facilities, Recreation, Conservation and Open Space, Economic, Historic Preservation, Recycling and Farmland Preservation Plan Elements. The Township's 2009 Master Plan recommends a series of changes to Pemberton's zoning map, including establishing a Neighborhood Commercial (NC) District and expanding the General Commercial/Light Industrial (GCLI) District in the Pinelands Area. The Pinelands Commission received an adopted copy of the 2009 Master Plan, along with the Planning Board's resolution of adoption, on February 24, 2010.

On December 16, 2009, Pemberton Township adopted Ordinance 27-2009, amending Chapter 190 (Zoning) of the Township's Code by adopting a revised Zoning Map, dated July 9, 2009, for purposes of implementing the recommendations of the 2009 Master Plan. The Pinelands Commission received a certified copy of Ordinance 27-2009 on January 15, 2010.

On September 4, 2014, the Pemberton Township Planning Board adopted a Master Plan Re-Examination Report, recommending both management area and zoning changes, as well as the creation of a new NCP (Neighborhood Commercial Pinelands) District. The Pinelands Commission received an adopted copy of the 2014 Master Plan Re-Examination Report, along with the Planning Board's resolution of adoption, on October 10, 2014.

On December 17, 2014, Pemberton Township adopted Ordinance 14-2014, amending Chapter 190 (Zoning) by creating the Neighborhood Commercial Pinelands District. The Township also adopted Ordinance 16-2014, amending Chapter 190 (Zoning) to require the use of Pinelands Development Credits when a variance or other approval is granted for a residential use in nonresidential zoning districts in the Regional Growth Area. The Pinelands Commission received certified copies of Ordinances 14-2014 and 16-2014 on January 6, 2015.

On March 2, 2016, Pemberton Township adopted Ordinance 20-2015, amending Chapter 190 (Zoning) by adopting a revised Zoning Map, dated December 7, 2015, that adjusts the boundaries of existing zoning districts and establishes the boundaries of a new zoning district within the Pinelands Area in response to the recommendations of the 2009 Master Plan and 2014 Master Plan Re-Examination Report. The 2015 Zoning Map adopted by Ordinance 202-15 supersedes that previously adopted by Ordinance 27-2009. The Pinelands Commission received a certified copy of Ordinance 20-2015 on March 18, 2016 and a copy of the adopted zoning map on March 22, 2016.

By letter dated March 31, 2016, the Executive Director notified the Township that the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following master plan and ordinance amendments have been submitted to the Pinelands Commission for certification:

- * Planning Board Resolution PB-33-2009, adopting the 2009 Master Plan of Pemberton Township, adopted on July 9, 2009; and
- * Planning Board Resolution P-16-2014, adopting the 2014 Master Plan Re-Examination Report, adopted on September 4, 2014;
- * Ordinance 27-2009, amending Chapter 190 (Zoning) of the Code of Pemberton Township, including a Zoning Map dated July 9, 2009, introduced on November 4, 2009 and adopted on December 16, 2009 (the zoning map adopted by this ordinance was subsequently superseded by Ordinance 20-2015);
- * Ordinance 14-2014, amending Chapter 190 (Zoning) of the Code of Pemberton Township, introduced on November 14, 2014 and adopted on December 17, 2014;
- * Ordinance 16-2014, amending Chapter 190 (Zoning) of the Code of Pemberton Township, introduced on November 14, 2014 and adopted on December 17, 2014; and
- * Ordinance 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton Township, including a Zoning Map dated December 7, 2015, introduced on December 16, 2015 and adopted on March 2, 2016.

These amendments have been reviewed to determine whether they conform 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. 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**

Pemberton 2009 Master Plan

Pemberton Township's 2009 Master Plan outlines new land use policies and objectives including (1) enhancing the Browns Mills town center by creating a sense of place through new residential and commercial development and by designating the entire Browns Mills downtown as a Redevelopment area; (2) encouraging a plan that is pedestrian friendly while also providing opportunities for public transportation and public parking; (3) creating economic opportunities along the State Route 206 corridor outside the Pinelands Area; and (4) enhancing the aesthetic qualities through a downtown form-based code and improving the scenic qualities of the Township's gateways. To achieve these goals, the 2009 Master Plan recommends amendments to the zoning code and several changes to existing zoning district boundaries. The 2009 Pemberton Master Plan was adopted by the Township's Planning Board through Resolution PB-33-2009 on July 9, 2009.

Pemberton 2014 Master Plan Re-Examination Report

Pemberton Township's 2014 Master Plan Re-Examination Report reassesses the strengths and weaknesses of the Township's Master Plan, reaffirming prior goals as well as adding new objectives. These include: (1) encouraging more commercial ratables, (2) enhancing the Browns Mills town center, (3) retaining the Township's rural character and the aesthetics of arterial gateways, and (4) encouraging senior citizen focused development and zoning outside the Pinelands Area. Based on these objectives, the Master Plan Re-Examination report recommends a series of land use ordinance amendments and rezonings, one of which involves changes in Pinelands management area designations. A number of these recommendations are identical to those previously proposed by the Planning Board as part of the 2009 Pemberton Master Plan; however many of the prior recommendations were abandoned as they were believed to be incompatible with the CMP. The Re-Examination Report clarified some of the proposals to ensure all of the recommended changes are compliant with the CMP.

Pinelands Management Area Changes

As recommended in the 2014 Master Plan Re-Examination Report, Ordinance 20-2015 affects a number of zoning changes, including the rezoning of 143 acres from the R-17 (Very Low Density Single-Family Residential) District to AP (Agricultural Production) District. The R-17 District is in the Pinelands Forest Area while the AP District is in the Pinelands Agricultural Production Area. The map attached as Exhibit #1 indicates the location of this management area change. The affected area consists of 11 lots and a portion of a linear lot located along Mount

Misery Road. The primary existing use is agriculture (including cranberry bogs), with associated farm-related housing. Including the area in the Agricultural Production Area recognizes the existing agricultural operations and qualifies the properties for allocations of Pinelands Development Credits. It also recognizes the interest of the two affected property owners in participating in Burlington County's Farmland Preservation Program. In general, the County purchases farmland easements in the Pinelands Area only on properties in Pinelands Development Credit sending areas (the Agricultural Production Area, Special Agricultural Production Area and Preservation Area District).

N.J.A.C. 7:50-5.15 of the CMP provides an opportunity for municipalities to designate new Agricultural Production Areas, provided the area to be designated is primarily agricultural in use, is of a size capable of sustaining active agriculture operations and includes surrounding actively used agricultural lands. The area redesignated by Ordinance 20-2015 meets these criteria.

Other Zoning Changes

Ordinance 20-2015 also adopts several rezonings that do not involve changes in Pinelands management area designations.

First, Ordinance 20-2015 expands the GCLI (General Commercial/Light Industrial) District located along Burlington County Route 530 from a depth of 300 feet to 600 feet (see Exhibit 2). This change occurs within the Pinelands Agricultural Production Area; no change in Pinelands management areas is involved. Approximately 22 acres are rezoned from the AP District to the GCLI District. Small portions of three large lots are affected, all of which are currently split between the AP and GCLI Districts and are assessed as farms. It is worth noting that one of the affected lots is actively seeking to participate in the County's Farmland Preservation Program.

The GCLI District permits a wide variety of retail, office and light industrial uses. It was established in this portion of Pemberton's Agricultural Production Area based on N.J.A.C 7:50-5.24(b)1 of the CMP, which permits new roadside retail sales and service establishments within 300 feet of similar uses that were in existence on February 7, 1979 (prior to adoption of the CMP). The original GCLI District boundaries encompassed several pre-existing commercial uses and surrounding vacant lands in the Agricultural Production Area, and also recognized that there were pre-existing businesses located outside the Pinelands Area, across Route 530. The Township expanded the depth of the GCLI District in recognition of the impacts the ongoing widening of Route 530 is expected to have on existing businesses in the zone. Widening the GCLI District may offset the loss of property to the road widening project, thereby preserving the already limited opportunities these property owners have to expand current businesses or engage in new business opportunities. It may also allow the existing businesses to be relocated further back from the road, to the extent they have not already been acquired by the County. A strict interpretation of CMP standards would dictate that the original 300 foot depth of the GCLI District should remain; however, a commercial zone of that size in this particular location is no longer feasible. In order to preserve the commercial development opportunities of the affected properties, Pemberton has made a slight adjustment to its zoning boundaries. This is an appropriate use of the municipal flexibility afforded to Pinelands municipalities by the CMP.

Second, Ordinance 20-2015 rezones 16 acres from the R-80 (Single-Family Residential) District to the RA (Infill Residential) District (see Exhibit 3). This zoning change involves a single lot and is entirely within the Regional Growth Area; no change in Pinelands management areas is

involved. The RA zone is a zone intended for single and multiple family residential units. Planned retirement community housing is also permitted as a conditional use. The parcel is currently occupied by low- and moderate-income apartments that are a non-conforming use in the R-80 District, which only allows detached dwelling units. The rezoning recognizes the existing development on the lot and makes it a permitted, conforming use.

Third, Ordinance 20-2015 rezones 73 acres from the GCLI District to the TC (Town Center) District, within the Regional Growth Area (see Exhibit 4). The TC District permits general commercial activities (e.g. retail, restaurants, banks, offices, etc.) in the Browns Mills town center. This zoning change would extend Browns Mills' existing TC District westward along the southern side of Pemberton-Browns Mills Road. Existing uses in the rezoned area are primarily residential, with a few commercial uses.

Fourth, Ordinance 20-2015 establishes the boundaries of a Neighborhood Commercial Pinelands District (NCP), a new zoning district that was created by Ordinance 14-2014 (see *Other Amendments* for more information on the new zone). The ordinance rezones a portion of the Country Lakes neighborhood along Lakehurst Road from the GCLI District to the new NCP district (see Exhibit 5). Approximately 56 acres are affected by this zoning change. Ordinance 20-2015 also rezones two other portions of the GCLI District to the NCP district; the southern portion comprises about three acres and the northern portion comprises about nine acres (see Exhibit 6). All of these zoning changes occur within the Regional Growth Area; no change in Pinelands management areas is involved. Whereas the GCLI District permits a wide variety of commercial and industrial uses, the new NCP District is focused on small-scale retail and neighborhood service-oriented establishments.

Finally, Ordinance 20-2015 rezones approximately two acres from the R-1 District to the new NCP District (see Exhibit 6). This zoning change occurs entirely within the Regional Growth Area; no change in Pinelands management areas is involved. Four residentially-developed lots are affected by the rezoning. The existing homes will become non-conforming uses. The rezoning is intended to allow for additional commercial opportunities at a Township gateway near the recently-redesigned intersection at Hanover Street and the Pemberton Bypass.

The official Pemberton Township zoning map certified by the Pinelands Commission was created in 1983 and was subsequently updated by hand-drawn changes, as needed. The use of geographic information technologies as well as improved record keeping has enhanced the ability for the Township and the Commission to track and implement revised zoning boundaries over time. Pemberton Township and Commission staff worked together to translate the prior official zoning map to an improved GIS version. As such, a comparison of the older map against the new map will show numerous minor changes that were made where the prior zoning district boundaries were unclear due to the use of heavy black lines or when the boundaries simply did not align well with existing lot lines or roads, although that was clearly the intent. These changes are too numerous to list in this report but all are insignificant in terms of size or impact on development potential.

Exhibit 7 provides a visual overview of the proposed zoning changes adopted by Ordinance 20-2015.

Other Amendments

Ordinance 14-2014 amends Chapter 190 (Zoning) of Pemberton Township's Code to establish the Neighborhood Commercial Pinelands zoning district. The purpose of the new zone is to recognize and provide for small scale retail and neighborhood service-oriented establishments in residential neighborhoods. It is located entirely within the Regional Growth Area. As noted above, lands now included in the NCP District were previously located a different nonresidential zone (the GCLI District) or were in a residential zone (the R-1 District) where the Township is seeking to encourage the conversion of existing homes to commercial uses.

Pemberton Township's 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015 are consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

N.J.A.C. 7:50-5.28(a)5(ii)1 specifies that municipal land use ordinances must require Pinelands Development Credit (PDC) use in any instance where a variance or other municipal approval is granted that authorizes residential development in a zone in which residential development is not otherwise permitted. The number of PDCs required is determined by the number of units proposed and the acreage of the parcel in question.

Ordinance 16-2014 amends Chapter 190 (Zoning) of the Township's Code to require that when a variance or other approval is granted for a residential use in the TC, HD, GI, GCLI (only in Regional Growth Areas), or NCP zoning districts, Pinelands Development Credits (PDCs) must be used. The purpose of this ordinance is to ensure that all nonresidential zones in the Township's Regional Growth Area, including the new NCP District created by Ordinance 14-2016, are included.

Although Ordinance 20-2015 adopts a number of zoning changes affecting land in the Regional Growth Area, the lands being rezoned are either already developed or are being changed from one nonresidential zone to another. Opportunities for the use of Pinelands Development Credits are therefore unaffected.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

The 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

The 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015, amending Chapter 190 (Zoning) of the Code of Pemberton Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

As noted previously, Ordinance 20-2015 expands the depth of an existing GCLI (General Commercial/Light Industrial) Zone in Pemberton Township's Agricultural Production Area. The

existing GCLI zoning district in Pemberton Township borders Southampton Township along Burlington County Route 530. It extends south from the road to a distance of 300 feet. Ordinance 20-2015 expands the GCLI Zone from 300 feet to 600 feet to recognize the impact of the Route 530 widening project. Directly across the Township border and adjacent to the expanded GCLI zone is Southampton Township's Agricultural Production Area. The proposed zoning change by Pemberton Township is merely an expansion of an existing zone that does not introduce new uses or bulk area requirements; nor does the rezoning impact the size or boundary of the existing Pinelands Agricultural Production Area. As such, any additional development that might occur as a result of the zone expansion would be in keeping with the rural character of the surrounding lands and no intermunicipal conflicts are anticipated.

This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Pemberton Township's application for certification of its 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 27-2009, 14-2014, 16-2014 and 20-2015 was duly advertised, noticed and held on April 27, 2016 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 were accepted through May 4, 2016; however, none were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015 comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify the 2009 Master Plan, 2014 Master Plan Re-Examination Report and Ordinances 14-2014, 16-2014 and 20-2015 of Pemberton Township.

SRG/JS/CPE
Attachments

Pemberton Township

Proposed Zoning Changes

Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 1

R-17 District

Proposed AP District

Mount Pleasant Road

P District

Preservation Area
Forest Area

Four Mile Road

Agricultural Production Area

AP District

Legend

- Proposed Area For Rezoning
- Parcel Boundary
- Zoning Boundary



Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 2

Pemberton Township

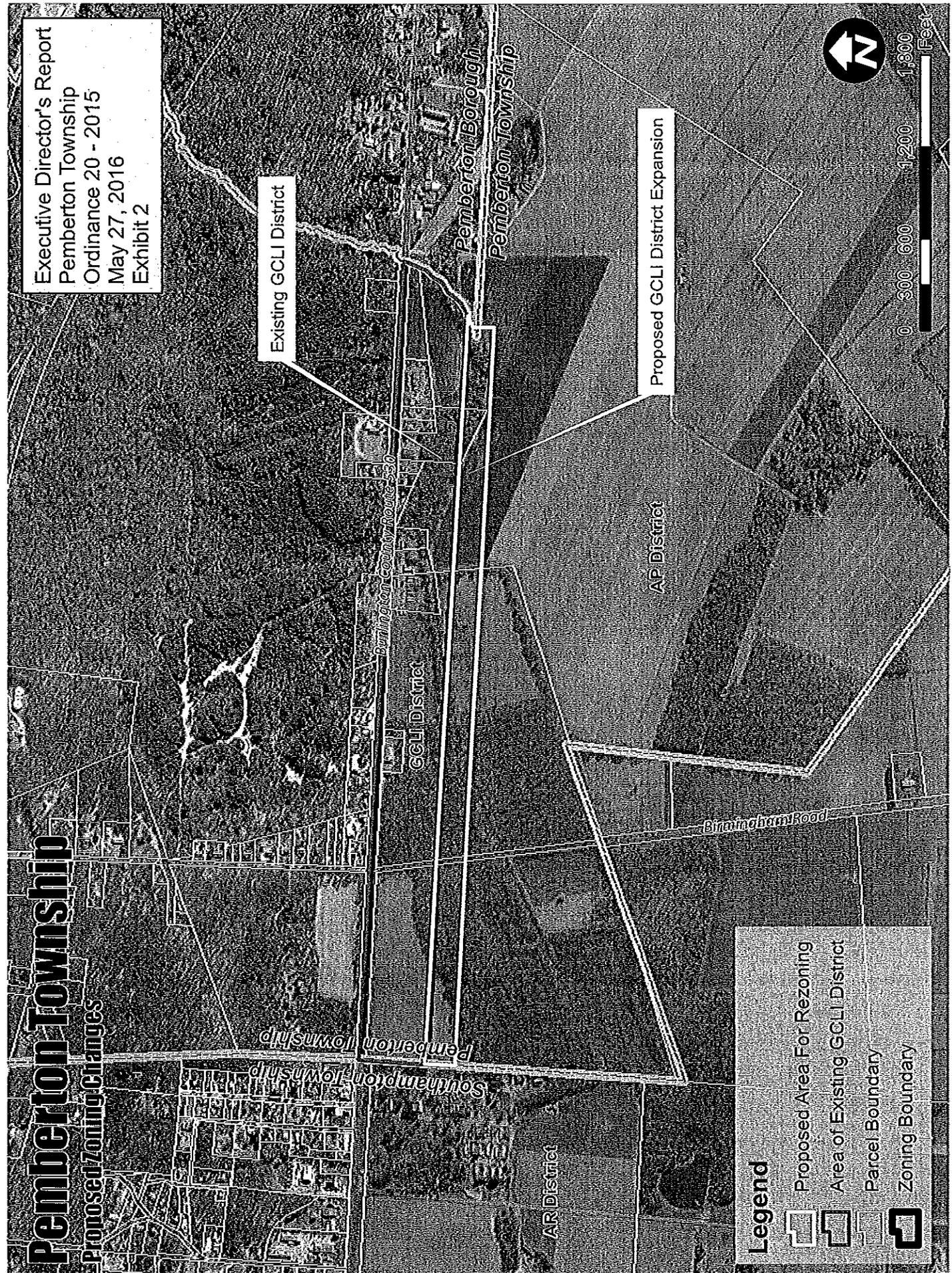
Proposed Zoning Changes

Existing GCL District

Proposed GCL District Expansion

Legend

- Proposed Area For Rezoning
- Area of Existing GCL District
- Parcel Boundary
- Zoning Boundary



Pemberton Township

Proposed Zoning Changes

Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 4

MR District

Proposed TC Rezoning

Military & Federal Installation Area

Regional Growth Area

Military & Federal Installation Area

Regional Growth Area

R-3 District

MH District

R-30 District

TC District

R-3 District

Regional Growth Area

Forest Area

R-17 District

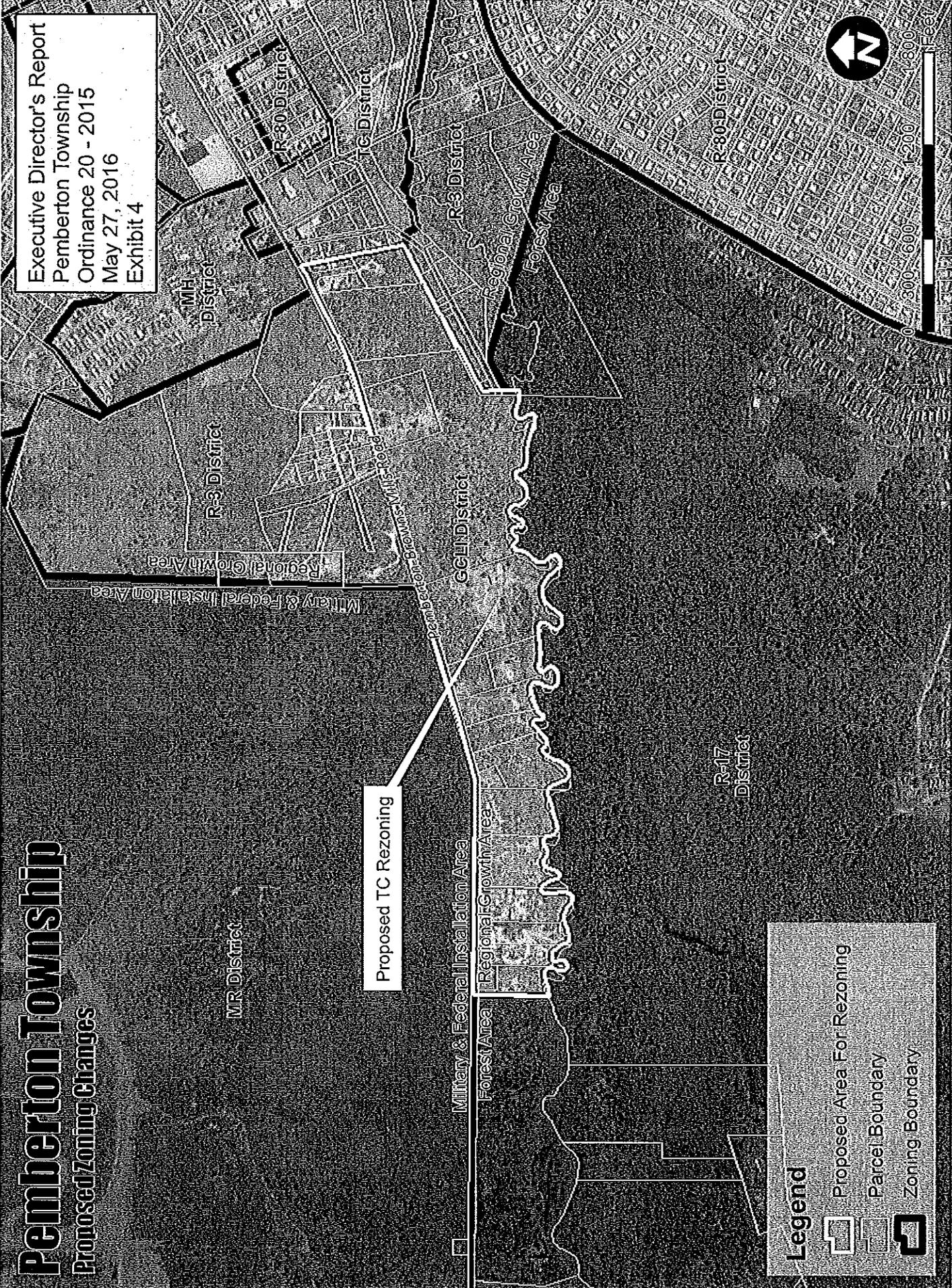
R-30 District

Legend

 Proposed Area For Rezoning

 Parcel Boundary

 Zoning Boundary



Pemberton Township

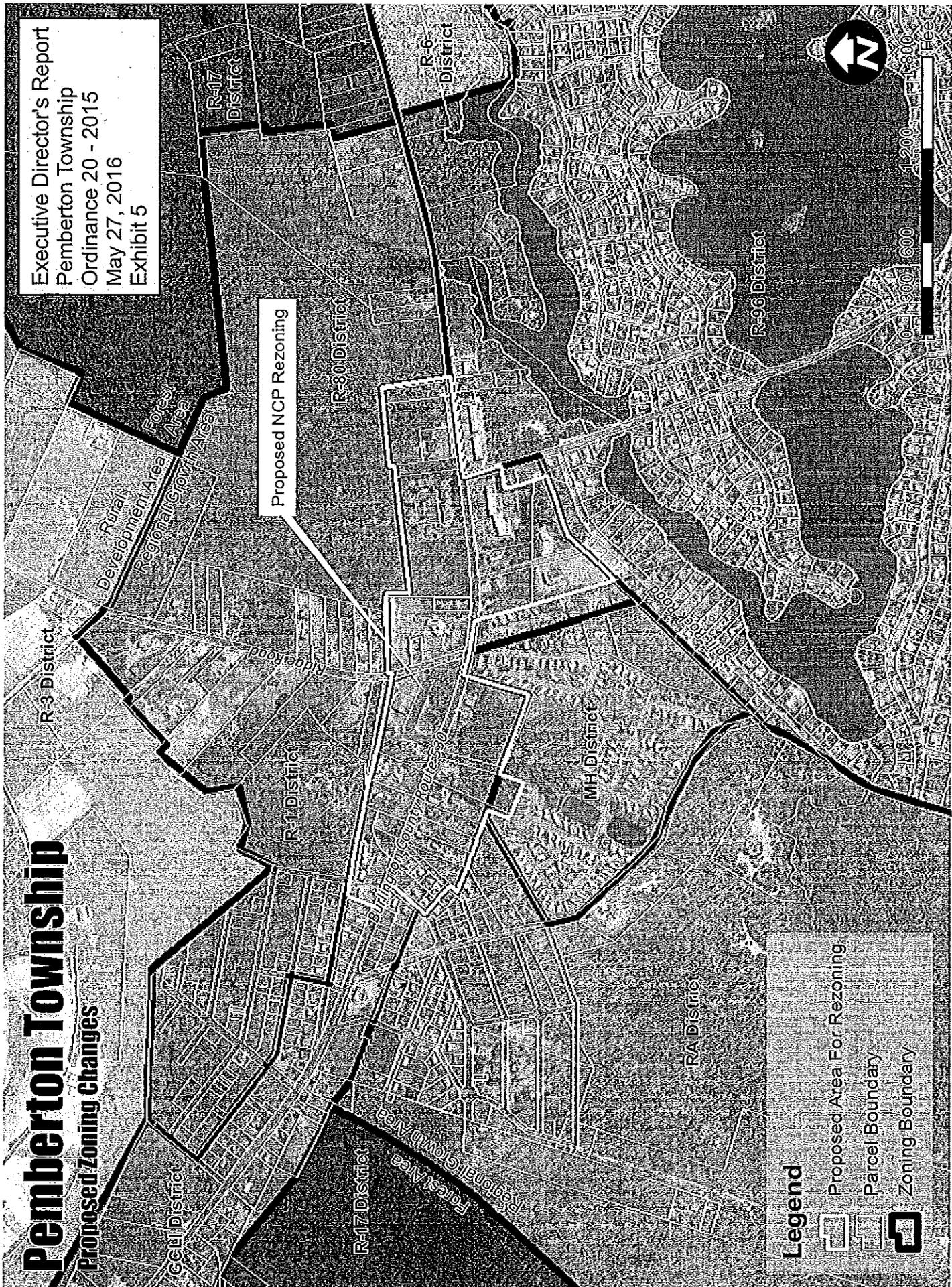
Proposed Zoning Changes

Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 5

Proposed NCP Rezoning

Legend

- Proposed Area For Rezoning
- Parcel Boundary
- Zoning Boundary



Pemberton Township

Proposed Zoning Changes

Executive Director's Report
Pemberton Township
Ordinance 20 - 2015
May 27, 2016
Exhibit 6

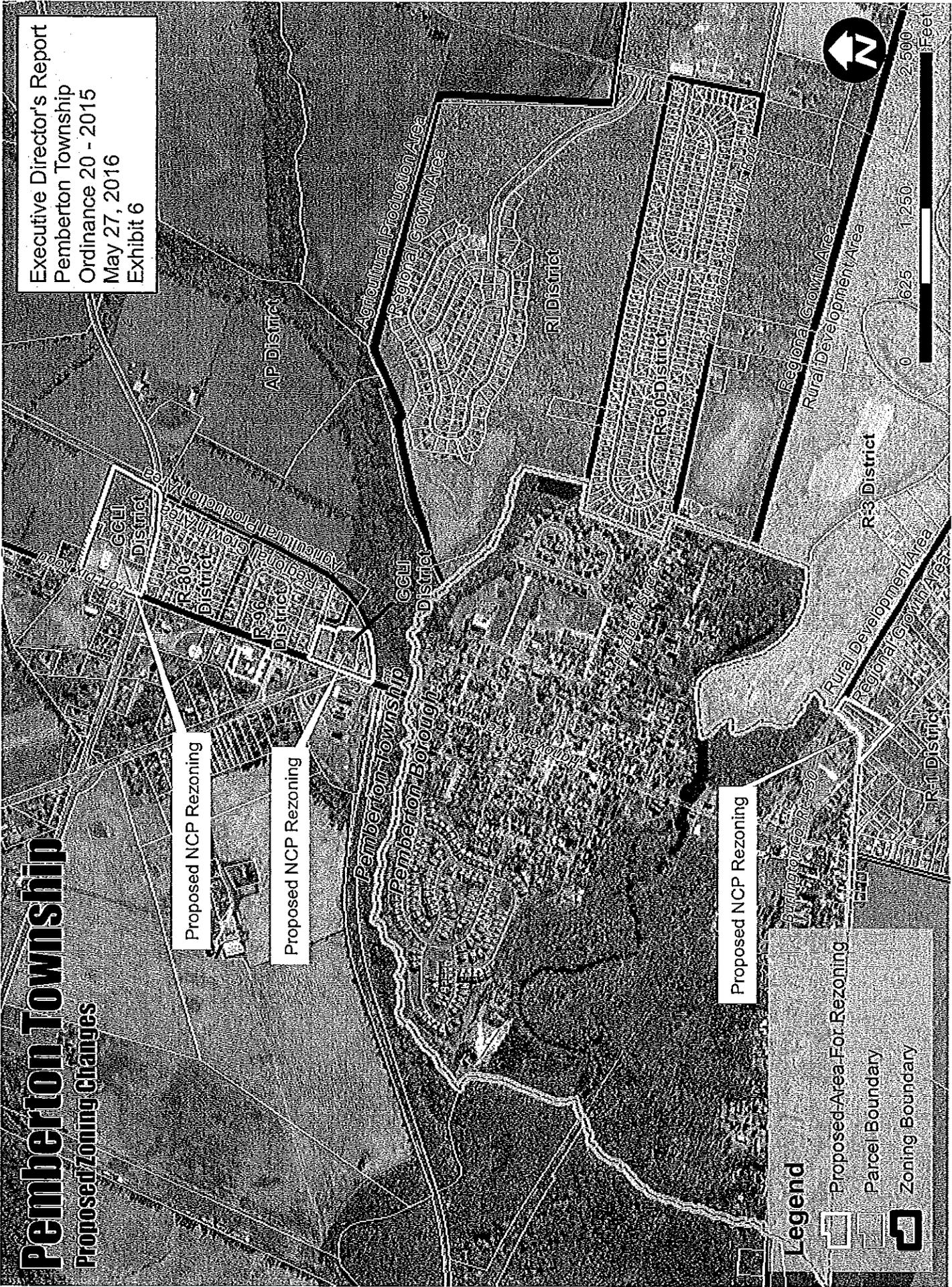
Proposed NCP Rezoning

Proposed NCP Rezoning

Proposed NCP Rezoning

Legend

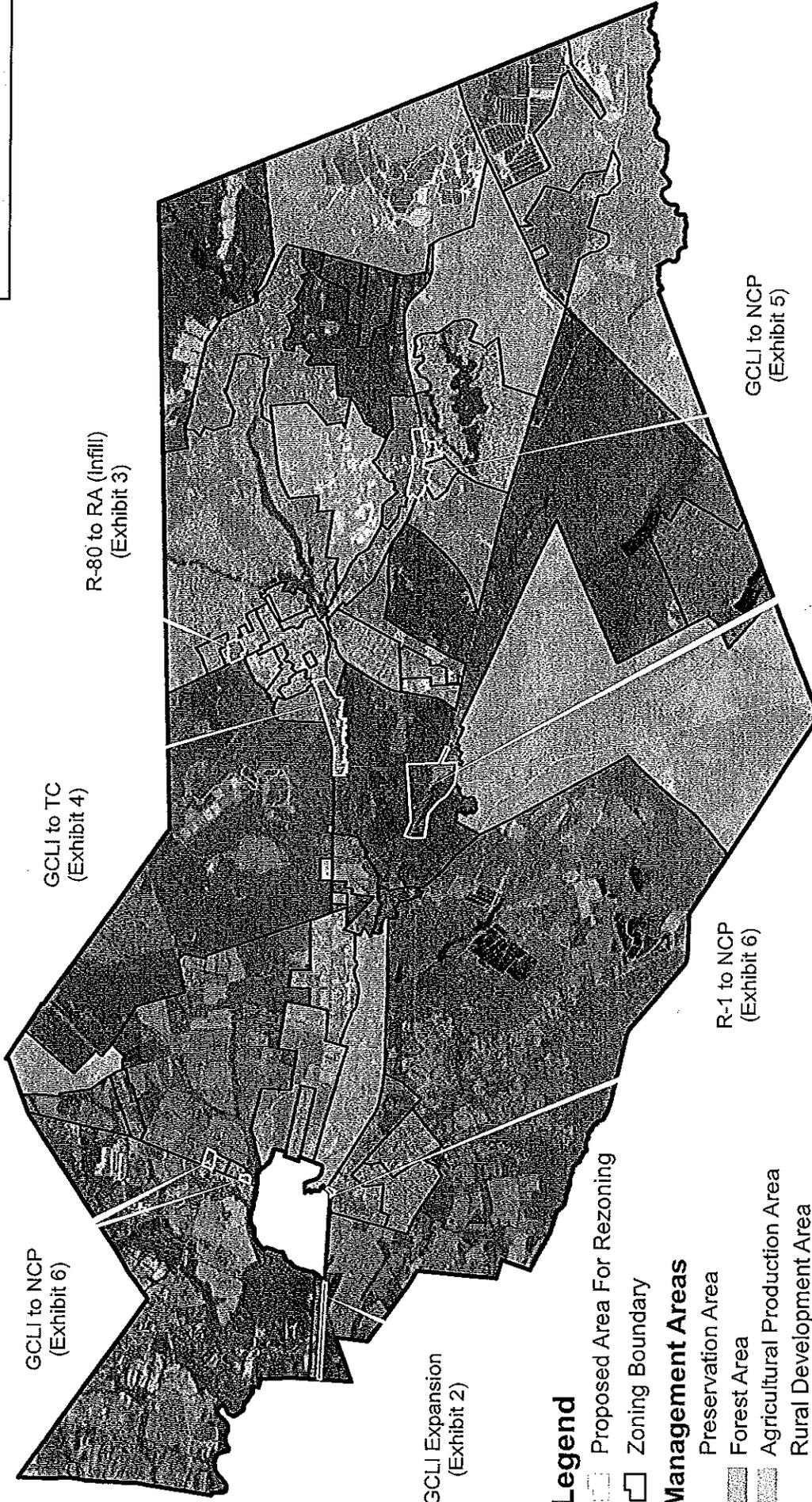
- Proposed Area For Rezoning
- Parcel Boundary
- Zoning Boundary



Pemberton Township

Overview of Proposed Zoning Changes

Executive Director's Report
 Pemberton Township
 Ordinance 20 - 2015
 May 27, 2016
 Exhibit 7



GCLI Expansion
 (Exhibit 2)

GCLI to NCP
 (Exhibit 6)

GCLI to TC
 (Exhibit 4)

R-80 to RA (Infill)
 (Exhibit 3)

R-1 to NCP
 (Exhibit 6)

R-17 to AP
 (Exhibit 1)

GCLI to NCP
 (Exhibit 5)

Legend

- Proposed Area For Rezoning
- Zoning Boundary
- Management Areas**
- Preservation Area
- Forest Area
- Agricultural Production Area
- Rural Development Area
- Regional Growth Area
- Pinelands Town
- Federal or Military Facility
- Pinelands Village
- Special Ag. Production Area

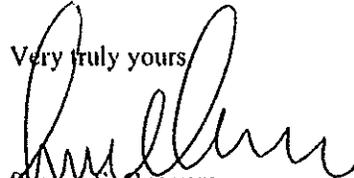


October 20, 2015

Mark Demitroff
822 Main Avenue
Vineland, New Jersey 08630-9346

Dear Mr. Demitroff:

We are in receipt of your complaint concerning Mr. Roth. The allegations raised in your complaint, however, do not fall within the State Ethics Commission's jurisdiction. Therefore, your complaint has been forwarded to the Department of Law and Public Safety for further consideration.

Very truly yours,

Susana E. Guerrero
Executive Director

*I argued Roth violated 52:17A-11.
Employment of attorneys by State
officers, departments and State of
New Jersey Executive Order #6.*

Conclusion

For the reasons discussed above, your appeal request is denied. If you wish to appeal the Commission's decision on the concerned development application, such an appeal must be filed with the Appellate Division of Superior Court within 45 days of the date of any Commission approval of the application.

May 12, 2010

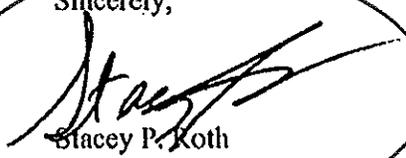
Sincerely,

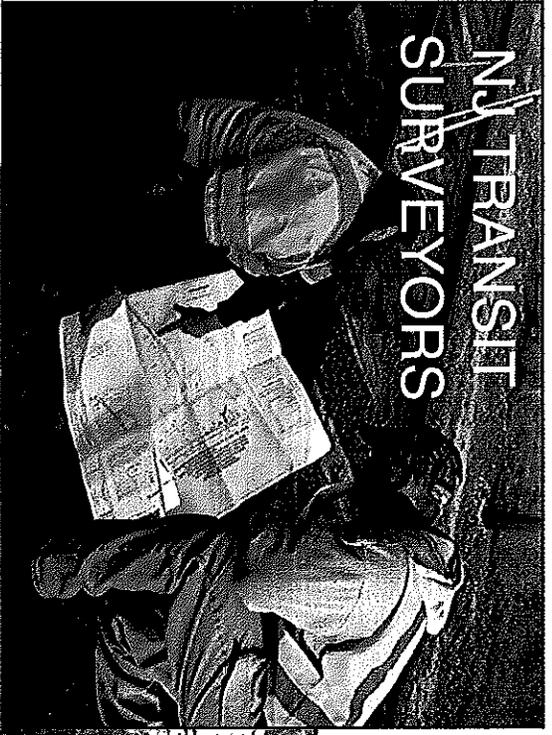
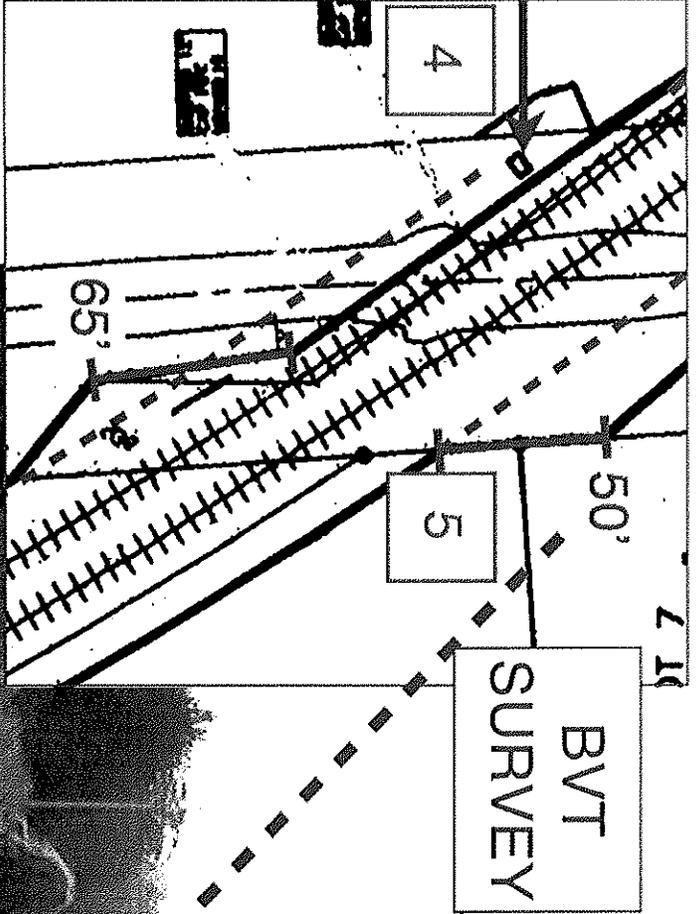
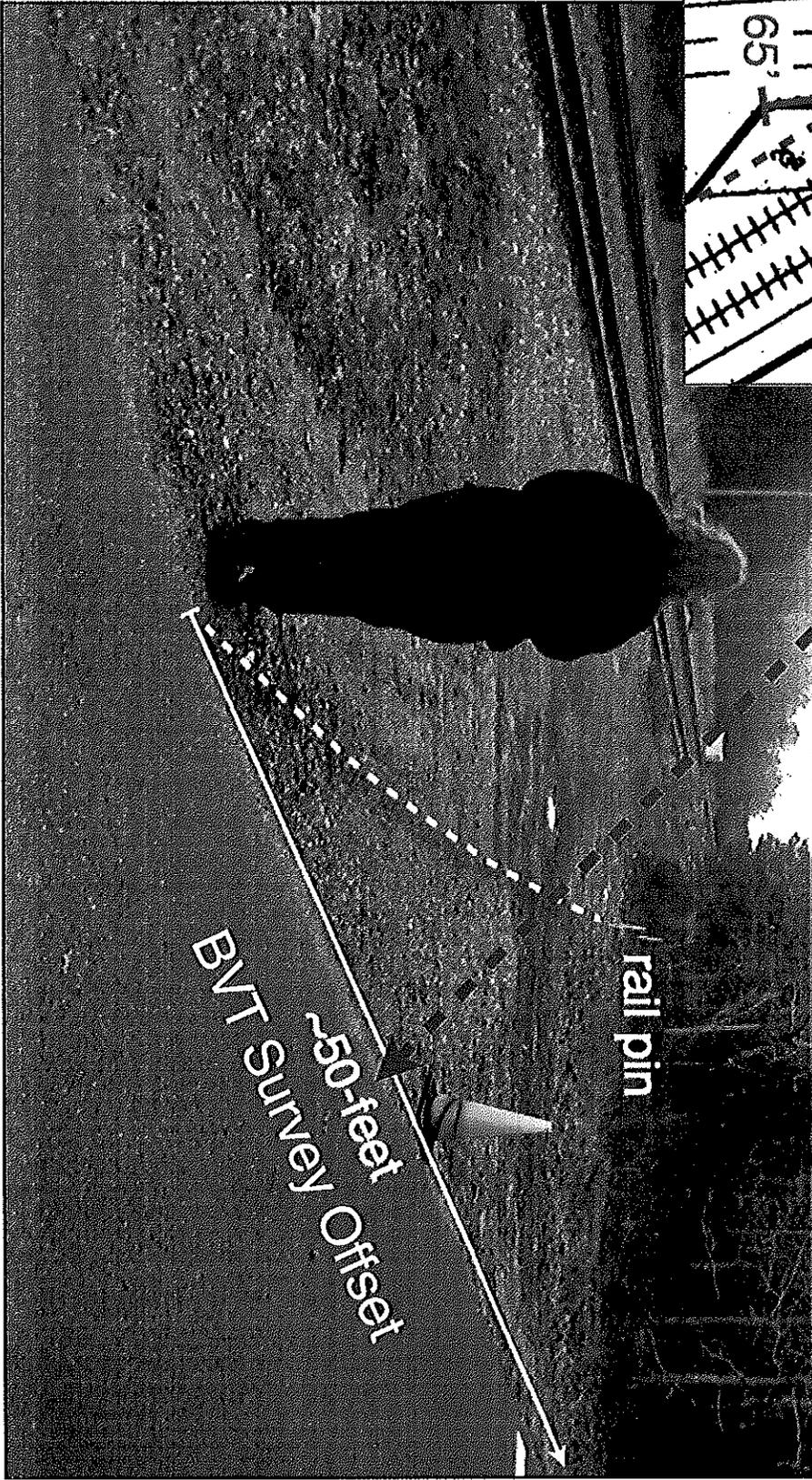
Stacey Roth, Esq.
Senior Counselor

In light of the above analysis, the issues raised by you in your April 1, 2015 appeal request and April 17, 2015 supplemental submission do not raise a particularized property interest sufficient to require a hearing on constitutional grounds. Because the Pinelands Protection Act does not afford you the right to a hearing and given that you have not demonstrated a particularized property interest sufficient to require such a hearing, your appeal request is DENIED.

April 27, 2015

**Two more requests,
on April 1 & 17**

Sincerely,

Stacey P. Roth
Senior Counselor





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1983-5250.013 & 1990-1177.007)

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 applications for Public Development be approved with conditions:

1983-5250.013

Applicant: Atlantic Cape Community College
Municipality: Hamilton Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 20, 2016
Proposed Development: Construction of an 11,350 square foot student center building; and

1990-1177.007

Applicant: Borough of Medford Lakes
Municipality: Borough of Medford Lakes
Management Area: Pinelands Regional Growth Area
Date of Report: July 19, 2016
Proposed Development: Placement of a 1,248 square foot modular office 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 1983-5250.013 & 1990-1177.007 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				DiBello				McGlinchey			
Avery				Galletta				Prickett			
Barr				Jannarone				Quinn			
Brown				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

July 20, 2016

Russel Waugh
 Atlantic Cape Community College
 5100 Black Horse Pike
 Mays Landing, NJ 08330

Re: Application # 1983-5250.013
 Block 996, Lot 26
 Hamilton Township

Dear Mr. Waugh:

The Commission staff has completed its review of this application for construction of an 11,350 square foot student center building at Atlantic Cape Community College. 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 August 12, 2016 meeting.

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

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

Sincerely

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

Enc: Appeal Procedure

c: Secretary, Hamilton Township Planning Board (via email)
 Hamilton Township Construction Code Official (via email)
 Atlantic County Department of Regional Planning and Development (via email)
 Kevin Dixon





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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 20, 2016

Russel Waugh
 Atlantic Cape Community College
 5100 Black Horse Pike
 Mays Landing, NJ 08330

Application No.: 1983-5250.013

Location: Block 996, Lot 26
 Hamilton Township

This application proposes construction of an 11,350 square foot student center building at Atlantic Cape Community College located on the above referenced 312.7 acre parcel in Hamilton Township. The proposed building will be served by public sanitary sewer.

STANDARDS

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

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

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

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the above referenced parcel. As required by the CMP, all proposed development will be located at least 300 feet from wetlands.

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

The proposed development will be located within a maintained lawn area of the existing campus. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of

droughty, nutrient poor conditions. After development, the applicant proposes to re-establish maintained lawn areas.

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet the stormwater management standards, this application proposes to construct a stormwater infiltration basin and an underground stormwater infiltration trench.

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 April 7, 2016. Newspaper public notice was completed on April 7, 2016. The application was designated as complete on the Commission's website on June 27, 2016. The Commission's public comment period closed on July 8, 2016. The Commission received one verbal public comment regarding this application.

Public Comment: The commenter expressed support for the proposed development and thanked the Commission and its staff for their support and guidance through the application process.

Staff Response: The Commission staff appreciates the comments.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 13 sheets, prepared by T&M Associates and dated as follows:
 Sheets 1, 2, 4, 5 & 7A - January 27, 2016; revised to February 25, 2016
 Sheets 3, 6, 9, 10 & 12 - January 27, 2016
 Sheets 7, 8 & 11 - January 27, 2016; revised to April 18, 2016
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. All development, including clearing and land disturbance, shall be located at least 300 feet from wetlands.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

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.



Chris Christie
Governor

Kim Guadagno
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 within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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



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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

July 19, 2016

Julie Horner-Keizer, Manager
Borough of Medford Lakes
1 Cabin Circle
Medford Lakes, NJ 08055

Re: Application # 1990-1177.007
Block 30058, Lot 1
Borough of Medford Lakes

Dear Ms. Horner-Keizer:

The Commission staff has completed its review of this application for placement of a 1,248 square foot modular office 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 August 12, 2016 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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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

July 19, 2016

Julie Horner-Keizer, Manager
Borough of Medford Lakes
1 Cabin Circle
Medford Lakes, NJ 08055

Application No.: 1990-1177.007

Location: Block 30058, Lot 1
Borough of Medford Lakes

This application proposes placement of a 1,248 square foot modular office building on the above referenced 2.61 acre parcel in the Borough of Medford Lakes. The proposed development will be serviced by public sanitary sewer. The Borough of Medford Lakes wastewater treatment plant is located on the parcel.

STANDARDS

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

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

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

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located within 300 feet of the proposed development. All proposed development will maintain a 50 foot buffer to wetlands. There is existing development, including buildings, located closer to the wetlands than the proposed development. As required by the CMP, the Commission staff has determined that the proposed development will not result in a significant adverse impact on the wetlands.

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

The proposed development will be located within an existing grassed and stoned area. The proposed

clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on June 16, 2016. The Commission’s public comment period closed on July 8, 2016. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of one sheet, prepared by Dante Guzzi Engineering Associates, dated October 7, 2015 and revised to June 6, 2016
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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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

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 within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1986-0495.008)

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:

1986-0495.008

Applicant:	Southampton Township
Municipality:	Southampton Township
Management Area:	Pinelands Agricultural Production Area Pinelands Village
Date of Report:	July 25, 2016
Proposed Development:	Construction of a 6,000 square foot public works building and a 2,000 square foot salt storage shed.

WHEREAS, a recreational soccer complex was established on the parcel without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, the applicant proposes to address this violation by removing the soccer complex and associated improvements by December 31, 2017; and

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 1986-0495.008 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey

THE PINELANDS COMMISSION

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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

July 25, 2016

Kathy Hoffman, Administrator
Southampton Township
5 Retreat Road
Southampton, NJ 08088

Re: Application # 1986-0495.008
Block 1502, Lot 1.01
Southampton Township

Dear Ms. Hoffman:

The Commission staff has completed its review of this application for construction of a 6,000 square foot public works building and a 2,000 square foot salt storage shed. 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 August 12, 2016 meeting.

A recreational soccer complex was developed on the parcel without completion of an application to the Pinelands Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. To address that violation, the applicant proposes to remove the soccer complex and the associated improvements by December 31, 2017.

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,

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

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

Enc: Appeal Procedure

c: Secretary, Southampton Township Planning Board (via email)
Southampton Township Construction Code Official (via email)
Southampton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Burlington County Health Department (via email)
Rakesh Darji, P.E., P.P.



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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 25, 2016

Kathy Hoffman, Administrator
 Southampton Township
 5 Retreat Road
 Southampton, NJ 08088

Application No.: 1986-0495.008

Location: Block 1502, Lot 1.01
 Southampton Township

This application proposes construction of a 6,000 square foot public works building and a 2,000 square foot salt storage shed located on the above referenced 49.83 acre parcel in Southampton Township. The Southampton Township municipal complex is located on the parcel. The existing municipal complex consists of a municipal building, public works yard, including a public works garage, and recreational facilities.

A recreational soccer complex was developed on the parcel without application to the Commission. This constitutes a violation of the application requirements of the Southampton Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). To address that violation, the applicant proposes to remove the recreational soccer complex and associated improvements by December 31, 2017.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.24(b)12)

The parcel is located partially within the Pinelands Village of Vincentown (17.61 acres) and partially within a Pinelands Agricultural Production Area (32.22 acres). The proposed development will be located entirely within the Pinelands Agricultural Production Area portion of the parcel. The existing Township public works yard is located within the Pinelands Agricultural Production Area portion of the parcel. The proposed development will replace the existing public works yard and is a permitted land use in an Agricultural Production Area as accessory to the existing Township municipal complex.

Wetlands Standards (N.J.A.C. 7:50-6.6 & 6.14)

There are wetlands located on the parcel. There is existing development, including buildings and site improvements, located immediately adjacent to these wetlands. The proposed development will be located no closer to wetlands than the existing development. The Commission staff has determined that the proposed development will not result in a significant adverse impact on the wetlands.

The existing recreational soccer complex was established in wetlands and the required buffer to wetlands. The area where the recreational soccer complex was established was a maintained grass field. The applicant proposes to remove the recreational soccer complex and associated improvements.

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

The proposed development will be located within an existing disturbed and crushed stone area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The existing municipal building, which is located in the Pinelands Village portion of the parcel, is served by public sanitary sewer. The existing public works yard is serviced by an on-site waste water disposal system.

The applicant proposes to replace the existing onsite waste water disposal system servicing the public works yard. The CMP (N.J.A.C. 7:50-4.1(a)10) provides that the repair or replacement of an existing onsite waste water disposal system does not require application to the Commission.

The proposed public works complex will be serviced by the replacement onsite waste water disposal system. The applicant has demonstrated that the proposed development will be consistent with the CMP groundwater quality (septic dilution) standard.

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

The existing Township public works yard is located on the parcel. The proposed development will result in a reduction in the area of impervious surface on the parcel. Based upon this reduction, there will be no increase in volume and rate of stormwater runoff after development than occurred prior to the proposed development. The proposed development is consistent with the stormwater management standards of the Township land use ordinance and the CMP.

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 June 3, 2016. Newspaper public notice was completed on June 8, 2016. The application was designated as complete on the Commission's website on June 28,

2016. The Commission's public comment period closed on July 8, 2016. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Environmental Resolutions, dated January 25, 2016 and last revised June 7, 2016.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. The existing recreational soccer complex and associated improvements shall be removed by December 31, 2017.

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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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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 within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-_____

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 2003-0319.002)

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:

2003-0319.002

Applicant:	Waterford Township
Municipality:	Waterford Township
Management Area:	Pinelands Rural Development Area
Date of Report:	June 20, 2016
Proposed Development:	Construction of a 100 space parking lot.

WHEREAS, the Executive Director issued a Public Development Application Report on June 20, 2016 recommending approval with conditions of App. No. 2003-0319.002; and

WHEREAS, App. No. 2003-0319.002 was scheduled for consideration at the Commission's July 8, 2016 Commission meeting; and

WHEREAS, prior to the Commission's July 8, 2016 meeting, an appeal was received requesting a hearing before the New Jersey Office of Administrative Law of the Executive Director's recommendation to approve with conditions App. No. 2003-0319.002; and

WHEREAS, based upon receipt of that appeal, App. No. 2003-0319.002 was not considered by the Commission at its July 8, 2016 meeting; and

WHEREAS, the party requesting the appeal did not demonstrate a specific property interest sufficient to require a hearing on constitutional or statutory grounds in accordance with the Administrative Procedures Act at N.J.S.A. 52:14 B-3.3(a) resulting in denial of the requested appeal; and

WHEREAS, no other 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 2003-0319.002 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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



Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

June 20, 2016

William A. Richardson, Mayor
 Waterford Township
 2131 Auburn Avenue
 Atco, NJ 08004

Re: Application # 2003-0319.002
 Block 5301, Lot 5
 Waterford Township

Dear Mayor Richardson:

The Commission staff has completed its review of this application for construction of a 100 space parking lot. 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 July 8, 2016 meeting.

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

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

Sincerely,

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

- Encls: (7)
- Appeal Procedure
 - 3/25/16 Public Comment
 - 3/25/16 Public Comment
 - 4/6/16 Public Comment
 - 4/7/16 Public Comment
 - 4/14/16 Public Comment
 - 4/15/16 Public Comment



- c: Secretary, Waterford Township Planning Board (via email)
- Waterford Township Construction Code Official (via email)
- Waterford Township Environmental Commission (via email)
- Secretary, Camden County Planning Board (via email)
- Terrence H. Combs, LLA, PP (via email)
- Frank Connuli, Sr. (via email)
- Charlotte Connuli (via email)
- Robert Trebour (via email)
- Janice Skeens (via email)
- Frankie Connuli, Jr. (via email)
- Concerned Pinelands Citizens of Waterford Township



Chris Christie
Governor

Kim Guadagno
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

PUBLIC DEVELOPMENT APPLICATION REPORT

June 20, 2016

William A. Richardson, Mayor
Waterford Township
2131 Auburn Avenue
Atco, NJ 08004

Application No.: 2003-0319.002

Location: Jackson Road
Block 5301, Lot 5
Waterford Township

This application proposes construction of a 100 space parking lot located on the above referenced 6.78 acre parcel in Waterford Township. The proposed parking lot will have a grass surface. Atco Raceway is located directly across Jackson Road from the proposed parking lot. The applicant represents that the proposed parking lot is intended to provide overflow parking for Atco Raceway. This application also proposes the removal of certain unspecified building foundations from the parcel.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26(b)11)

The proposed development is located in a Pinelands Rural Development Area. The proposed development is a permitted land use in a Pinelands Rural Development Area.

Wetlands Standards (N.J.A.C. 7:50-6.6, 6.7 & 6.14)

There are wetlands located on the parcel. The CMP prohibits most development in wetlands and requires up to a 300 foot buffer to wetlands unless it is demonstrated that a lesser buffer will not result in a significant adverse impact on wetlands. No development is proposed in wetlands. The applicant has demonstrated that the proposed 200 foot buffer to wetlands will not result in a significant adverse impact on wetlands.

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

The proposed development will be located within an oak-pine forested area. The proposed development will disturb approximately 1.4 acres of forested lands. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. All disturbed areas, including the surface of the parking lot, will utilize a seed mixture which meets that recommendation.

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on March 23, 2016. Notice to required land owners within 200 feet of the above referenced parcel was completed on May 27, 2016. The application was designated as complete on the Commission's website on May 27, 2016. The Commission's public comment period closed on June 10, 2016. The Commission received six written public comments, all enclosed, regarding this application.

Public Comment One: The commenter is opposed to the proposed development. The commenter expressed concern with public safety and security in a neighborhood adjacent to the proposed parking lot and that the Commission should be protecting the Pinelands.

Staff Response: The CMP does not contain regulations addressing public safety and security that may be raised by the proposed parking lot. The commenter may wish to discuss such public safety and security issues with an appropriate municipal official.

The Commission's regulations encourage development in certain areas of the Pinelands and discourage development in other areas of the Pinelands. The parcel proposed for development is located in the Township's Rural Residential (RR) zoning district. Although primarily a residential zoning district, the Township's land use ordinance permits public buildings as a conditional land use in the Township's RR zoning district. The commenter may wish to discuss whether a public parking lot is permitted land use in the Township's RR zoning district with an appropriate municipal official. The parcel is also located in a Pinelands Rural Development Area. A municipal parking lot is defined by the CMP as an "Institutional" use. The CMP permits "Institutional" uses in a Pinelands Rural Development Area.

All development, regardless of location, is required to meet the environmental standards of the CMP. The proposed parking lot meets the environmental standards of the CMP.

Public Comment Two: A letter/petition, containing forty-three signatures was submitted to the Pinelands Commission opposing the proposed development. Summarized, the petition indicates that the purpose of the Township's application to the Commission for the parking lot is to allow the Township to erect a cellular communications tower on the parcel. The petition requests that the Commission deny the application because the Township cannot demonstrate an actual need to develop a parking lot for a commercial use (Atco Raceway) located across the street. The petition also indicates that tree removal has begun without Pinelands approval. The petition further indicates that local residents have suffered from noise from the raceway and will continue to suffer due to increased noise exacerbated by the proposed tree clearing and development.

Staff Response : To date, the Commission staff has not received an application for a cell tower on the parcel. The staff has discussed with a potential applicant the requirements to locate a cell tower on the parcel.

Based upon the regulations contained in the CMP, the Commission staff cannot make a determination regarding the need for the proposed parking lot. The petitioners may wish to discuss the need for the parking lot with an appropriate municipal official.

Based upon a Commission staff site inspection, no apparent tree clearing has occurred on the parcel subject of this application. The Commission staff is aware of tree clearing that occurred across Jackson Road from the proposed parking lot on a parcel (Block 5402, Lot 2) that is a part of the Atco Raceway. The owner of Block 5402, Lot 2 represented to the Commission staff that the clearing was for the establishment of a blueberry agricultural use. Clearing to establish an agricultural use does not require application to the Commission.

With respect to noise from the raceway, the CMP does not regulate noise.

Public Comment Three: The commenter is opposed to the proposed development. Summarized, the commenter expressed concern that the parcel is not zoned for commercial use and that the parcel is protected "open space" under the New Jersey Green Acres Program. The commenter also expressed concern that the animals and plants, including Pink Lady Slippers, will be displaced by the proposed parking lot. The commenter further indicated that development of the parking lot will result in the loss of a wind break, the loss of privacy, an increase in traffic, trash and a loss of trees resulting in an increase in noise from the Atco Raceway. The commenter is opposed to an asphalt parking lot and the associated vehicle parking and resulting vehicle fluid leaks that may contaminate the commenter's potable water well. Lastly the commenter indicated that the proposed stormwater infiltration basin could become a breeding ground for mosquitos and a danger to children in the neighborhood.

Staff Response: The parcel is located in the Township's Rural Residential (RR) zoning district. Although primarily a residential zoning district, public buildings are a permitted

conditional use in the Township's RR zoning district. The commenter may wish to discuss permitted land use in the Township's RR zoning district with an appropriate municipal official. The parcel is also located in a Pinelands Rural Development Area. A municipal parking lot is defined by the CMP as an "Institutional" use. The CMP permits "Institutional" uses in a Pinelands Rural Development Area.

The Commission staff received a May 24, 2016 letter from the New Jersey Department of Environmental Protection (NJDEP) Green Acres Program indicating that the parcel subject of this application is not encumbered by Green Acres Program restrictions.

The CMP requires that development be carried out in a manner which avoids wildlife habitat that is essential to the continued nesting, resting, breeding and feeding of significant populations of wildlife in the Pinelands. The proposed parking lot will not impact essential wildlife habitat. The Commission staff is not aware of threatened or endangered animal or plant species on the parcel. Pink lady slipper is not listed as a threatened or endangered plant species by the CMP (N.J.A.C. 7:50-6.27(a)).

The commenter expressed concerns regarding wind, privacy, traffic and noise. The Commission does not regulate these matters. The commenter may wish to discuss these matters with an appropriate municipal official.

The proposed stormwater infiltration basin meets the safety standards for stormwater management basins contained in the NJDEP stormwater management standards (N.J.A.C. 7:8-6.2). These NJDEP stormwater management standards are included in the CMP by cross reference. The Waterford Township land use ordinance and the CMP both require that the proposed stormwater basin be designed, constructed and maintained to completely drain within 72 hours after a storm event.

Public Comment Four: The commenter is opposed to the proposed development. Summarized, the commenter expressed concerns regarding traffic, trespassers from the adjacent raceway and the cutting down of trees and the resulting loss of wildlife habitat. The commenter also expressed concern that the proposed parking lot and stormwater infiltration basin will impact their land and wells. Lastly, the commenter expressed concern regarding a Township proposal to erect a cell tower on the parcel.

Staff Response: The Commission's regulations do not regulate traffic or trespassing. The commenter may wish to discuss traffic and trespassing concerns with an appropriate municipal official.

The CMP requires that development be carried out in a manner which avoids wildlife habitat that is essential to the continued nesting, resting, breeding and feeding of significant populations of wildlife in the Pinelands. The proposed parking lot will not impact essential wildlife habitat.

With respect to the concern that the proposed parking lot and stormwater infiltration basin will impact the commenter's land and well, please refer to the Commission staff's response to Comment Three.

Lastly, regarding the Township's proposal to locate a cell tower on the parcel, please see the Commission staff's response to Comment Two.

Public Comment Five : The commenter recommended that the Commission deny the application for the proposed parking lot because the parcel is mapped as wetlands by the NJDEP and there are protected endangered species on the parcel.

Staff Response: There are wetlands located on the parcel proposed for development. No development is proposed in wetlands and all proposed development will maintain a 200 buffer to wetlands. With respect to the presence of endangered species on the parcel, please see the Commission staff's response to Comment Three.

Public Comment Six: The commenter raised concerns regarding the parcel subject of this application being mapped as wetlands by NJDEP and the clearing of trees that occurred across Jackson Road from the proposed parking lot, adjacent to Atco Raceway. The commenter also expressed concerned with the loss of wildlife habitat for protected species.

Staff Response: With respect to wetlands, please see the Commission staff's response to Comment Five. With respect to tree clearing that occurred across Jackson Road from the proposed parking lot, please see the Commission staff's response to Comment Two. With respect to loss of wildlife habitat for protected species, please see the staff's response to Comment Three.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 6 sheets, prepared by Valore, LLC, all sheets dated March 15, 2016 and revised to May 26, 2016
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. All development, including clearing and land disturbance, shall be located at least 200 feet from wetlands.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
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 within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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

From: Robert Trebour <flip_eight@yahoo.com>
To: <ApplInfo@njpines.state.nj.us>
Date: 3/25/2016 3:48 AM
Subject: Waterford Township letter concerning parking lot on 985 Jackson Rd

To whom it may concern, I live on Atsion Rd and wanted to express my displeasure with the proposed application for a parking lot being built for the Atco Raceway as I understand it. A few years back we basically had people from the ghetto parading up and down our street on Atsion Rd off of Tremont which was incredibly unnerving. Also, we have just had a series of our resident's garages broken into and I believe that these are the people that the raceway attracts and we do not need that close to us. I believe the Pinelands Commission would never have allowed anything like this to take place five or ten years ago and your agency is too quick to sell the "protected" pinelands. The commission, while once being associated with restriction of development, is now known as a pinelands auction for industry purposes. I understand compatible development but removing more small pockets of land all of a sudden is not what that is.

APP # 20030319.002
Doc Type 100

APR 8 2016

**CONCERNED PINELANDS CITIZENS
OF WATERFORD TOWNSHIP**

1045 Atsion Road
Atco, New Jersey 08004



March 25, 2016

New Jersey Pinelands Commission
P.O. Box 359
New Lisbon, New Jersey 08064

Re: Township Of Waterford "Application For Public Development" Pertaining To
A "Planned Overflow Parking Lot And Stormwater Management Facility";
985 Jackson Road; Block 5301, Lot 1 (Waterford Township Tax Map)

Dear Pinelands Commission Members And Staff:

The undersigned are residents, property owners and/or interested parties in Waterford Township. Recently, we were notified that Waterford Township is seeking Pinelands Commission approval to create an "overflow parking lot" and a "drainage facility" **on wooded land located across Jackson Road from the Atco Dragway property.** [See Exhibit "A"]. We have been informed that the parking lot and drainage basin will require extensive tree removal and soil disturbance in what has always been a forest area.

However, after further inquiry, we have been told that the **ACTUAL** reason for the Township's application is to allow the Township to erect a commercial cellular communications tower **(for which the Township had already begun tree removal without Pinelands approval).** This information was confirmed in a letter from the Office Of Township Mayor Bill Richardson. [See, attached Exhibit "B"].

We are now asking the Pineland's Commission to **DENY** the Township's Application, as it obviously is a phony pretense that contradicts the intent and purpose of the Pinelands Comprehensive Management Plan. The Township has not, and cannot demonstrate an actual need to create a parking lot for commercial users of the Atco Dragway. On the very few occasions each year when existing parking at the Dragway might be insufficient, Dragway patrons have utilized the cleared right-of-way under the adjacent high tension lines, or have otherwise used existing parking areas located throughout the Township. Furthermore, as you are aware, local residents have suffered and will continue to suffer from greatly increased noise caused by massive tree clear-cutting that has occurred at properties near the Dragway.

The New Jersey Pinelands Commission
March 25, 2016
Page 2

Finally, the Township has not and cannot establish a need or reason to place a cell tower in the middle of a large wooded area, when the Dragway or other nearby existing and developed sites can provide a much more suitable location, and will not require any drainage facility, nor disturb the soil, nor effect groundwater percolation.

WE URGE THE PINELAND COMMISSION TO HELP PROTECT OUR COMMUNITY FROM NEEDLESS DEVELOPMENT AND UNJUSTIFIED DISTURBANCE TO OUR NEIGHBORHOOD FOREST. WE BELIEVE THAT THE TOWNSHIP OF WATERFORD MUST BE REQUIRED TO FOLLOW THE SAME RULES AND REGULATIONS THAT WE MUST FOLLOW.

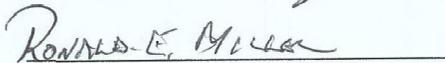
Thank you.

Very truly yours,

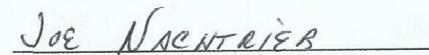
Concerned Pinelands Citizens Of Waterford Township

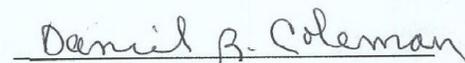
(Name and Signature)

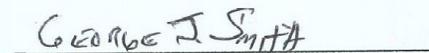
Jess J. Miller 

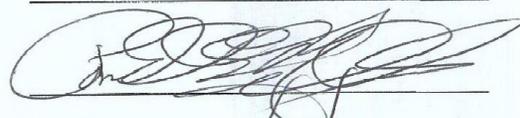
Ronald E. Miller 

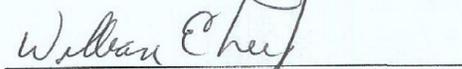
Bill Lee 

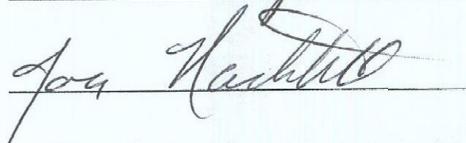
Joe NACHTRIEB 

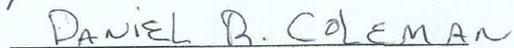
Daniel B. Coleman 

George J. Smith 



William Chey 

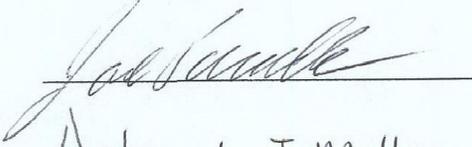
Joe Nachtrieb 

DANIEL B. COLEMAN 



(Name and Signature)

JUNEANN K SMITH

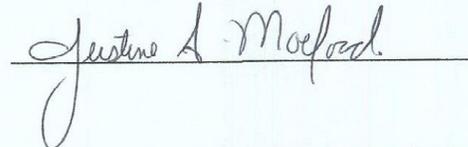
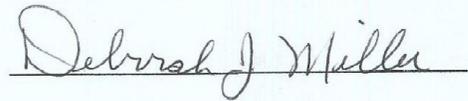


Deborah J. Miller

Justine Maxford

Juneann K Smith

JACK PASSARELLA



arh
ENGINEERS
SURVEYORS
PLANNERS

adams, rehmann & heggan
associates, inc.

March 23, 2016

CERTIFIED RETURN RECEIPT

Debra L. Shaw-Blomings, CMR, Clerk
Township of Waterford
2131 Auburn Avenue
Ateo, NJ 08004-1900

Re: Notice of Public Development Application
Planned Overflow Parking Lot AND Stormwater Management Facility
Block: 5301, Lot: 5 - 985 Jackson Road
(Pinelands Rural Development Management Area)
Waterford Township, Camden County
ARH #50-52474

TO WHOM IT MAY CONCERN:

This letter is to provide you with legal notification that the Township of Waterford has applied to the New Jersey Pinelands Commission for approval of an Application for Public Development. The proposed public development is to authorize the construction of a publicly owned and maintained overflow parking area and associated drainage facility, as well as legitimize previous demolition activities on Block 5301, Lot 5. This property is wooded and known as 985 Jackson Road, situated approximately ±750 LF east of Tremont Avenue.

The application is on file and available for inspection by appointment at the Pinelands Commission Office. Interested persons may comment to The Pinelands Commission within ten (10) days of the date of this Notice. Comments may be sent via the following:

Mail: The Pinelands Commission
PO Box 359
New Lisbon, New Jersey 08064

FAX: (609) 894-7331

E-Mail: AppInfo@nipines.state.nj.us

Any person who provides comments or requests a copy of the Executive Director's Findings and Conclusions shall be provided a copy of said Findings and Conclusions. Any interested person who is aggrieved by said determination is entitled to a Hearing by appealing the determination.

This Notice is sent to you as an Owner of property within two hundred feet (200') of the subject property.

Agent For Applicant:

Adams, Rehmann & Heggan Associates, Inc.
850 South White Horse Pike
PO Box 579
Hammonton, New Jersey 08037-2019

w:\microom\hq\5032474\placortl_adjmmer.docx

850 south white horse pike, po box 579, hammonton, nj 08037-2019 tel 609.561.0482 fax 609.567.8909
www.arh-us.com

EXHIBIT "A"

Township of Waterford

Communication from Office of the Mayor ~

Residents who live within 200' of a Township owned property located off of Jackson Road have received a letter from Adams, Rehman and Heggan regarding Notice of Public Development Application. It has come to our attention that this letter has spurred many incorrect assumptions on several non-township facebook pages.

For clarification purposes, the letter sent to these residents is NOT regarding a large parcel of land owned by the raceway that was cleared last summer. That parcel of land, to the best of the Township's knowledge, is still being planned for the planting of blueberries.

The letter received by the residents is for a small piece of Township owned land, across from the raceway, that the Township has entered into an agreement to have a cellular communication tower constructed on. This tower will enhance emergency and cellular communications in an area that is notorious for spotty coverage at best.

Should you have any questions, please contact our Township Administrator, Susan Danson or our Zoning Official Ed Toussaint at 856.768.2300.

arh *adams, rehmann & heggan*
 ENGINEERS
 SURVEYORS
 PLANNERS
 associates, inc.

March 13, 2014

CONTROLLER BETTINE HANCOCK
 1100 L. Shaw-Hendricks, Clerk, Clerk
 Township of Waterford
 2117 Auburn Pike
 Ann, NJ 08604-4300

Re: Public Development Application
 Proposed Greenbelt Parking Lot and Stormwater Management Facility
 Block 3209, Lot 4 - 203 Jackson Road
 (Waterford Rural Development Management Area)
 Waterford Township, Camden County
 ARH 14-0149

TO WHOM IT MAY CONCERN:

This letter is to provide you with legal notification that the Township of Waterford has applied to the New Jersey Pinelands Commission for approval of an Application for Public Development. The proposed public development is to include the construction of a publicly owned and maintained parking area and associated drainage facility, as well as legitimate previous demolition activities on Block 3209, Lot 4. This property is owned and known as 203 Jackson Road, situated approximately 9751 LF and of Tract 01000.

The application is on file and available for inspection by appointment at the Pinelands Commission Office. Interested parties may comment to The Pinelands Commission within 30 days of the date of this Notice. Comments may be sent via the following:

MAIL: The Pinelands Commission **FAX:** (609) 884-7331
 PO Box 377
 New Jersey, New Jersey 08021-0377
 E-Mail: arh@arhplanning.com

Any person who provides comments or requests a copy of the Executive Director's Findings and Conclusions shall be provided a copy of said Findings and Conclusions. Any interested person who is aggrieved by said determination is entitled to a hearing by appealing the determination.

This Notice is sent to you as an Owner of property within two hundred feet (200') of the subject property.

Actual For Applicant:
 Adams, Rehman & Heggan Associates, Inc.
 130 South White Horse Pike
 PO Box 377
 Haddonfield, New Jersey 08033-0378

EXHIBIT "B"

APR 8 2016

The New Jersey Pinelands Commission
March 25, 2016
Page 2

Finally, the Township has not and cannot establish a need or reason to place a cell tower in the middle of a large wooded area, when the Dragway or other nearby existing and developed sites can provide a much more suitable location, and will not require any drainage facility, nor disturb the soil, nor effect groundwater percolation.

WE URGE THE PINELAND COMMISSION TO HELP PROTECT OUR COMMUNITY FROM NEEDLESS DEVELOPMENT AND UNJUSTIFIED DISTURBANCE TO OUR NEIGHBORHOOD FOREST. WE BELIEVE THAT THE TOWNSHIP OF WATERFORD MUST BE REQUIRED TO FOLLOW THE SAME RULES AND REGULATIONS THAT WE MUST FOLLOW.

Thank you.

Very truly yours,

Concerned Pinelands Citizens Of Waterford Township

(Name and Signature)

Traci Taglienti
Charlotte Connuli
Charlotte Bonnuli

Frank Connuli

Lawrence Day
Lawrence Day

Michael L. Armor

Devise E. Armor

Traci Taglienti
Charlotte Bonnuli

Frank Connuli

Lawrence Day
Michael L. Armor

Devise E. Armor

APR 8 2016

The New Jersey Pinelands Commission
March 25, 2016
Page 2

Finally, the Township has not and cannot establish a need or reason to place a cell tower in the middle of a large wooded area, when the Dragway or other nearby existing and developed sites can provide a much more suitable location, and will not require any drainage facility, nor disturb the soil, nor effect groundwater percolation.

WE URGE THE PINELAND COMMISSION TO HELP PROTECT OUR COMMUNITY FROM NEEDLESS DEVELOPMENT AND UNJUSTIFIED DISTURBANCE TO OUR NEIGHBORHOOD FOREST. WE BELIEVE THAT THE TOWNSHIP OF WATERFORD MUST BE REQUIRED TO FOLLOW THE SAME RULES AND REGULATIONS THAT WE MUST FOLLOW.

Thank you.

Very truly yours,

Concerned Pinelands Citizens Of Waterford Township

(Name and Signature)

JULIA ANN LEVICH - Ann Levich Paul Flemings Paul Flemings

Gill Campbell Bill Neilson E Campbell

Jeanie Neilson Jeanie Neilson Michael W. W. W.

Kate H. Day Justin H. Day Joseph D. ... Joseph D. ...

Ryan J. Stevenson Katherine C. Paulose

Linda Butenis-Vorse Linda Mary K...

Butenis-Vorse

APR 8 2016

The New Jersey Pinelands Commission
March 25, 2016
Page 3

(Name and Signature)

Robert E. Tabor

Ron Tabor Jr.

Kami Tabor

Ronald Tabor

Eric Tabor

Linda Chew

The New Jersey Pinelands Commission
March 25, 2016
Page 2

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Concerned Pinelands Citizens Of Waterford Township

(Name and Signature)

[Handwritten Signature]

James Hamilton

[Handwritten Signature]

Timothy McBride

Michael McBride

Mark McBride

[Handwritten Signature]

Jay B. Mumme

Kevin Trebour

Kevin Trebour

Martha Kian

MARTHA KIAN

From: mavstang <mavstang@comcast.net>
To: <ApplInfo@njpines.state.nj.us>
Date: 4/6/2016 9:52 AM
Subject: Waterford Twp Block 5301, Lot 5

Dear Ronda,

I am responding to a notification that directly affects me, my family and community in a negative way. Waterford Twp has hired Adams Rehmann and Heggan to develop Block 5301, Lot 5 into a parking lot and drainage facility. Myself my family and community are opposed to this development because :

1. This land is not Zoned Commercial I believe It is Zoned for Open Air use Green Acres funded, recreational center /park. The most recent use of the land which was more than 20 years ago, was as a town baseball field. It has never been totally cleared only the area where the Baseball field was located was cleared. The Baseball field area has long since grown back as a thriving Pineland woods. This double plot of land is part of the original Pinelands that have been in this area for hundreds of years. Many plants (Pink Lady Slippers which are endangered) very old Pine, Oak, wild blueberries, ect. and animals deer, snakes, lizards, tree frogs birds, wild turkey, squirrels, Chipmunks ect. have been using this land for hundreds of years. This land is protected by the Pineland Commission and should be considered as a Pine Forrest and wet lands.

2. I do not want to lose the privacy that this Pineland provides between the homes.

3. I do not want to lose the wind brake it provides for my home.

4. I do not want more noise from Atco Raceway. This plot of land insulates/ buffers the noise from Atco raceway.

4. I do not want a parking lot that will bring more traffic (that will endanger the children in the neighborhood) noise and trash .

5. I do not want asphalt with automobiles parked on top of it next to my home. Automobiles leak toxic fluids, oil, transmission fluid, anti freeze ect. which will drain into the drainage facility and potentially contaminate my well.

6. I do not want a drainage facility this brings potential for children drowning to our neighborhood .

7. I do not want a drainage facility due to the fact it can potentially become a mosquito breeding ground. Mosquitos carry many diseases which we don't want. We already deal with tic born diseases that are ramped in this area. The township dose not treat any areas for these know disease carrying insects. I am sure they won't for mosquitos either.

Thank you for your consideration on these concerns,
Frank Connuli Sr. Charlotte Connuli Frankie Connuli Jr.

From: [REDACTED]
To: <APPINFO@NJPINES.STATE.NJ.US>
Date: 4/7/2016 12:24 PM
Subject: WATERFORD TWP

Dear Commissioners,

I am writing to you in hope that you will not approve the parking lot that the Twp Of Waterford has applied for. I believe the address is 985 Jackson Rd Waterford NJ.

This piece of property goes from Jackson Rd to Atsion Rd. This is a residential street already loaded with problems.

The residents on this street do not need anymore issues with traffic. That point be made, the cutting down of more trees is totally uncalled for. The track already cut down almost 60 acres of woods. Why on Earth put a parking lot on a residential street when the track has an open lot.

We all have wells out here and are scared that any parking lot/drainage pit will harm our land and wells. The type of cars that frequent the track are race cars and alot are cars that leak fluids that will drain into the parking lot and drainage ditch. Those fluids will penetrate the ground just a few feet away from our wells here. That will not be healthy for us or the wildlife here.

The town wants to also put up a Cell tower on this land, which is not wide enough to handle that type of tower. Any cell tower will also cause issues with the environment here. We love the animals and wooded life here. I do not understand how more trees could be torn down in this area to make way for a parking lot that will be overrun with pollutants, which could in turn damage our area, wildlife and our only source for drinking water.

In the past, I have had to go to the back of my wooded yard to get people from the track off my property. They were causing damage to my land with setting up tents, starting fires and such.

This is not an appropriate place to cut down our trees to make way for some parking that will cause more traffic, damage our land, contaminate our wells, dislocate more animals from their homes. There are hundreds of animals that were already displaced with the 60 acres across the street being cut down. Now more animals will lose there habitat.

The Pineland Commission is here to protect our forest. Please protect this piece of land. It is crucial that it be left alone. The 60 acres that was torn down across the street devastated wildlife. No more trees should come down for a senseless parking lot. This will endanger more animals being misplaced, issues with our wells and drinking water and more traffic.

I would appreciate you keeping my name quiet. You can read this email but please leave my name out of it.

From: mavstang <mavstang@comcast.net>
To: <ApplInfo@njpines.state.nj.us>
Date: 4/14/2016 1:59 PM
Subject: Re: Rhonda request for estimate of Application 2003-0319.002

Hello Rhonda,

The recent application submitted by ARH regarding the proposal of a parking lot and drainage facility located on Block 5301, lot 5 should be denied. The NJ Department of Environmental Protection (NJDEP.Geoweb) has in fact determined that this land is considered wetlands and has protected endangered species living in this habitat.

Thank You,
Charlotte Connuli

> On Apr 6, 2016, at 12:38 PM, mavstang <mavstang@comcast.net> wrote:
>
> Hi Rhonda,
>
> I am requesting an estimate for copies of Application from Waterford Twp to the Pineland Commission, The Plans, and the Storm Water Report and The Cover Letter form March 17th 2016. The file # is 2033-0319.002.
>
> Thank You,
>
> Charlotte Connuli
>
>

From: Janice Skeens <barngoddess01@gmail.com>
To: <appinfo@njpines.state.nj.us>
Date: 4/15/2016 6:28 PM
Subject: Waterford Twp parking lot/ cell tower application

Dear Jessica Patterson,

Thank you so much for taking the time to speak with me last week According to the NJDEP.Geoweb map that displays the Protected Wetlands, block 5301 lot 5 is included in the protected area. There have been several acres cleared by Atco Raceway and continuing to be cleared, that are also in the protected area. It is my understanding that there are several species that are also protected under Federal Law.

Is there a recent study, that includes the displacement of wildlife from the massive and continuing clearing adjacent to Atco Raceway, to determine the negative affect of the protected species and the surrounding habitat?. Please let me know that you received this.

--

Have a great day!

Janice Skeens

<http://janice.vibrantscents.com/>

janiceskeens@mar <janiceskeens@marketingscents.com>ketingscents.com



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 2015-0066.001)

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:

2015-0066.001

Applicant: Camden County
Municipality: Winslow Township
Management Area: Pinelands Forest Area
Date of Report: July 22, 2016
Proposed Development: Installation of 3,920 square feet of scour countermeasures (rip-rap) along the banks of the Great Egg Harbor River.

WHEREAS, two gravel spillway areas and gabions associated with an existing dam occurred on the parcel without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, to address this violation, Camden County will complete an application for the two gravel spillway areas and gabions within 90 days of the date of Commission action on Application No. 2015-0066.001; and.

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 2015-0066.001 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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



Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

July 22, 2016

Kevin Becica, PE
 Camden County
 2311 Egg Harbor Road
 Lindenwold, NJ 08021

Re: Application # 2015-0066.001
 Sicklerville Road Bridge
 (C.R. 536 over Great Egg Harbor River)
 Block 4201, Lot 1
 Block 4307, Lot 1
 Block 5302, Lots 1 & 2.01
 Winslow Township

Dear Ms. Becica:

The Commission staff has completed its review of this application for installation of scour countermeasures (rip-rap) along the banks of the Great Egg Harbor River under the Sicklerville Road bridge. 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 August 12, 2016 meeting.

Two gravel spillway areas and gabions associated with an existing dam were developed on the parcel prior to completion of an application with the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. To resolve the violation, the applicant proposes to complete an application for that development within 90 days of the date of Commission action on App. No. 2015-0066.001.

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,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Winslow Township Planning Board (via email)
Winslow Township Construction Code Official (via email)
Winslow Township Environmental Commission (via email)
Secretary, Camden County Planning Board (via email)
David N. Murray, P.E.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 20, 2016

Kevin Becica, PE
Camden County
2311 Egg Harbor Road
Lindenwold, NJ 08021

Application No.: 2015-0066.001

Location: Sicklerville Road Bridge
(C.R. 536 over Great Egg Harbor River)
Block 4201, Lot 1
Block 4307, Lot 1
Block 5302, Lots 1 & 2.01
Winslow Township

This application proposes installation of 3,920 square feet of scour countermeasures (rip-rap) along the banks of the Great Egg Harbor River under the Sicklerville Road Bridge. The proposed development is located within the Sicklerville Road right-of-way and on the above referenced 266.21 acre parcel in Winslow Township.

Two gravel spillway areas and gabions associated with an existing dam were developed on the above referenced parcel prior to completion of an application with the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). To resolve the violation, the applicant proposes to complete an application for the two gravel spillway areas and gabions associated with the existing dam within 90 days of Commission action on App. No. 2015-0066.001.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.2(b))

The proposed development is located in a Pinelands Forest Management Area. The proposed installation of scour countermeasures (rip-rap) to protect a bridge is a permitted use.

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

There are wetlands located within the project area. The CMP prohibits most development in wetlands and requires a buffer to wetlands of up to 300 feet. The proposed scour countermeasures (rip-rap) will disturb 0.082 acres of wetlands.

The CMP permits linear improvements, such as roads and associated bridges, in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in wetlands and required buffers to wetlands or that will result in a less significant adverse impact to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures are being taken to mitigate the impact on wetlands and the required buffer to wetlands. The applicant has indicated that the proposed bridge scour countermeasures (rip-rap) are necessary for bridge integrity. 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 open waters and existing grass 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 a seed mixture which meets that recommendation.

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

The applicant submitted an unsolicited survey for Swamp pink. The survey found that the project area does not contain any local population of Swamp pink. An assessment performed by the applicant determined that the project area did not contain suitable habitat for any other CMP designated threatened or endangered plant species.

Based upon the proposed limits of disturbance, the location of existing development and a review of available information, the Commission staff determined that a survey for the presence of threatened or endangered animal species was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on January 23, 2016. The application was designated as complete on the Commission's website on June 23, 2016. The Commission's public comment period closed on July 8, 2016. The Commission received one verbal public comment regarding this application.

Public Comment: The commenter indicated that the County was applying to the Commission for placement of 77 square feet of rip-rap and 88 square feet of riparian repair. The commenter emphasized the need for the County to protect its bridges from undermining and expressed support for the proposed bridge scour countermeasures.

Staff Response: The Commission staff recommends approval of the proposed development.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 13 sheets, prepared by HNTB Corporation and dated as follows:

Sheets 2 & 4-13 - May 2015
Sheets 1 & 3 - May 2015; revised May 2016
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. 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.
6. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
7. The applicant must complete an application for development of the gravel spillway areas and gabions within 90 days of the date of Commission action on App. No. 2015-0066.001.

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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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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

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 within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-_____

TITLE: Denying an Application for a Waiver of Strict Compliance (Application Number 1981-0704.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1981-0704.001

Applicant: Giuseppe Scanga
Municipality: Mullica Township
Management Area: Pinelands Village
Date of Report: July 20, 2016
Proposed Development: Single family dwelling.

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver does not conform to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1981-0704.001 for a Waiver of Strict Compliance is hereby **denied**.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

July 20, 2016

Giuseppe Scanga
 428 Buffalo Avenue
 Egg Harbor City, NJ 08215

Re: Application # 1981-0704.001
 Block 5903, Lot 4
 Mullica Township

Dear Mr. Scanga:

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

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

FINDINGS OF FACT

This application is for the development of one single family dwelling, served by an onsite septic system, on the above referenced 2.55 acre parcel in Mullica Township. The parcel is located in Mullica Township’s Sweetwater Village (SV) zoning district within a Pinelands Village Management Area. To conform to the overall residential density requirements in a Pinelands Village Management Area, Mullica Township has established an overall residential density requirement of 1 dwelling unit per 1.0 acre.

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

The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.84 (a)4iv.) requires that, if development is proposed to be served by an onsite septic system, the proposed onsite wastewater disposal field must be located in an area where the depth to seasonal high water table is at least 5 feet



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

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

The CMP (N.J.A.C. 7:50-6.27) prohibits development unless it is designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the NJDEP as endangered plant species and those plants designated in the CMP as threatened or endangered (T&E). The CMP (N.J.A.C. 7:50-6.33) also prohibits development unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of those T&E animal species designated by the NJDEP. There are known populations of T&E plants and known habitats that are critical to the survival of local populations of T&E animal species, both in the vicinity of the parcel subject of this application. The applicant has submitted no information to demonstrate that the proposed development could be designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the NJDEP as endangered plant species and those T&E plants designated in the CMP. The applicant has submitted no information to demonstrate that the proposed development could be designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of those T&E animal species designated by the NJDEP. As the applicant has not demonstrated there will not be a significant adverse impact on T&E species, the applicant is requesting a Waiver from the CMP T&E species protection standards (N.J.A.C. 7:50-6.27 and N.J.A.C. 7:50-6.33).

To qualify for a Waiver, the 2.55 acre parcel subject of this application must include all contiguous land in common ownership on or after January 14, 1981(N.J.A.C. 7:50-4.63(a)&(b)).

By letter dated March 24, 1982, the Commission staff denied a Waiver application to develop one single family dwelling on 5.0 acre original Block 1189, Lot 577 in Mullica Township. The owner of original Block 1189, Lot 577 (5.0 acres) was Francis Sutter. Original Block 1189, Lot 577 (5.0 acres) included the 2.55 acres subject of the current Waiver application.

Subsequent to the March 24, 1982 Waiver denial letter, the Township reassigned tax map block and lot numbers for original 5.0 acre Block 1189, Lot 577 in apparent recognition that the original 5.0 acre parcel was bifurcated by the Pleasant Mills-Weekstown Road right-of-way. The Township tax map currently identifies original 5.0 acre Block 1189, Lot 577 as Block 5903, Lot 4 (2.55 acres) and Block

5904, Lot 1 (1.52 acres). The remaining acreage from original 5.0 acre Block 1189, Lot 577 is contained within the Pleasant Mills-Weekstown Road right-of-way.

Based upon available information, Block 5903, Lot 4 (2.55 acres) was sold by Francis Sutter to the current Waiver applicant, Giuseppe Scanga, in 1988. Block 5904, Lot 1 (1.52 acres) was sold by Francis Sutter to Alan and Beverly MacFarland in 1991.

The CMP definition of “contiguous lands” includes lands divided by a public road right-of-way, unless the public road is paved. Pleasant Mills-Weekstown Road is a paved public road that divides Block 5903, Lot 4 from Block 5904, Lot 1. Although Block 5903, Lot 4 and Block 5904, Lot 1 were in common ownership on or after January 14, 1981, they are not defined as contiguous by the CMP.

PUBLIC NOTICE

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on April 27, 2016. Newspaper public notice was completed on May 4, 2016. The application was designated as complete on the Commission’s website on June 13, 2016. The Commission’s public comment period closed on July 8, 2016. No public comment regarding this application was submitted to the Commission.

CONCLUSION

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

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

The first condition is that the only relief sought is from one or more of the standards contained in the CMP (N.J.A.C. 7:50-6) for certain specified types of development. A single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and will not be served by a centralized wastewater treatment system is one of the specified categories of development. As the parcel contains 2.55 acres in a Pinelands Village that will not be served by a centralized wastewater treatment system, the application meets the condition set forth in N.J.A.C. 7:50-4.63 (a)1(v.).

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Mullica Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances do not require a municipal lot area or density variance. The application meets the condition set forth in N.J.A.C. 7:50-4.63(a)4.

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

- | | |
|------------------------|---|
| N.J.A.C. 7:50-4.65(b)5 | The development of a single family dwelling and associated improvements in wetlands unless that wetland is an impaired wetland; |
| N.J.A.C. 7:50-4.65(b)7 | Any development which will violate the threatened and endangered species protection requirements contained in N.J.A.C. 7:50-6.27 and 6.33; and |
| N.J.A.C. 7:50-4.65(b)8 | Any development which will require the location of an onsite wastewater disposal field in an area where the seasonal high water table is within 2 feet of the natural ground surface. |

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

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

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

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

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

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

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

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

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

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

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

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

The fourth factor is the ability of the property owner to either buy noncontiguous land or to sell the concerned parcel to a noncontiguous property owner under a residential density transfer provision contained in a certified municipal land use ordinance or pursuant to the CMP (N.J.A.C. 7:50-5.30). Mullica Township's certified land use ordinance does not permit residential density transfer in the Township's SV zoning district.

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

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

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

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

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

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

APPEAL

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

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

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

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

- c: Secretary, Mullica Township Planning Board (via email)
Mullica Township Construction Code Official (via email)
Mullica Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Atlantic County Division of Public Health (via email)
Betsy Piner



State of New Jersey
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

Public Development Application

Application No. 2006-0054.004 – Buena Vista Township

Received on: June 2, 2016

Completed on: July 22, 2016

Project: Reconstruction of a 1,500 square foot commercial building

Municipality: Buena Vista Township

Block 4527, Lot 4 (application may include additional lots)

Application No. 2010-0080.001 – Medford Township

Received on: May 21, 2010

Completed on: July 29, 2016

Project: Construction of a bike path

Municipality: Medford Township

Application No. 2016-0001.001 – Buena Vista Township

Received on: January 5, 2016

Completed on: July 7, 2016

Project: Two lot resubdivision and the development of one single family dwelling

Municipality: Buena Vista Township

Block 4502, Lot 2 (application may include additional lots)

Waiver of Strict Compliance Applications

Application No. 1996-1374.001 – Mandel

Received on: July 15, 1996

Completed on: July 19, 2016

Project: Single family dwelling

Municipality: Manchester Township

Block 63.03, Lot 11 (application may include additional lots)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-_____

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2017 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with the continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, the State of New Jersey has appropriated \$2,649,000 to support the Commission's operations during Fiscal Year 2017; and

WHEREAS, the Department of the Treasury informed the Commission that \$687,000 of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY 2017; and

WHEREAS, the Commission anticipates that additional funding sources of \$935,270 will be available to further support the Commission's operations; and

WHEREAS, the FY 2017 Operating Budget anticipates a \$370,442 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Commission is adopting an Operating Budget for FY 2017 totaling \$4,641,712; and

WHEREAS, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and

WHEREAS, the Kirkwood Cohansey Aquifer Assessment Study Fund budget for FY 2017 recommends expenditures of \$153,116, which will be drawn from the Fund Balance for this project; and

WHEREAS, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005, and revised in August 2009, and revised again in August 2014; and

WHEREAS, during FY 2017, the budget for the Land Acquisition program totals \$638,987; and

WHEREAS, the FY 2017 budget for the Conservation Planning and Research program totals \$591,962; and

WHEREAS, the FY 2017 budget for the Community Planning and Design program totals \$110,980; and

WHEREAS, the FY 2017 budget for the Education and Outreach program totals \$474,863; and

WHEREAS, the total budget for the Pinelands Conservation Fund during FY 2017 totals \$1,816,792; and

WHEREAS, copies of the Operating Budget, the Kirkwood Cohansey Aquifer Assessment Study Fund Budget and the Pinelands Conservation Fund Budget, dated July 21, 2016, were provided to the Personnel and Budget Committee for review, and those Committee members present at the Committee's August 2, 2016 meeting recommended Commission approval of the budgets; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts the attached Fiscal Year 2017 Budgets for the Operating Fund totaling \$4,641,712; the Kirkwood Cohansey Aquifer Assessment Study Fund totaling \$153,116; and the Pinelands Conservation Fund totaling \$1,816,792.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2017**

Revenue Source	FY2014 Audited	FY2015 Budget	FY2016 Budget	FY2017 Anticipated	Notes
State Appropriation	2,469,000	2,469,000	2,499,000	2,649,000	1
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	709	500	300	300	
Interest Income	1,732	1,500	1,500	2,000	3
MTMUA Hydrologic Monitoring	4,150	16,500	0	0	
CCMUA Hydrologic Monitoring	6,310	16,500	17,952	16,500	4
EPA Buffer Grant	5,513	41,500	0	0	
NPS - Long Term Environmental Monitoring	111,502	178,820	181,277	118,000	5
NPS - Long Term Economic Monitoring	92,198	105,280	106,723	37,000	5
Stockton College MOA	0	0	20,000	20,000	6
Vehicle Auction Proceeds	0	2,000	2,000	0	
Wetlands Permitting	2,640	3,000	200	200	7
Pinelands Application Fees	253,042	253,000	425,000	500,000	8
Utility Companies ROW Program	59,200	59,200	59,200	59,200	9
TOTAL REVENUE	3,692,996	3,833,800	4,000,152	4,089,200	
Microfilm Reserve Anticipated	3,700	13,650	3,650	3,650	10
Computer Reserve Anticipated	14,300	21,600	21,600	18,420	11
Vehicle Reserve Anticipated	20,000	0	0	0	
Fenwick Manor Painting Reserve Anticipated	0	0	40,000	80,000	12
Administrative Assessment (Pnlds. Conserv. Fund)	80,000	80,000	80,000	80,000	13
Undesignated Fund Balance Anticipated	0	366,482	496,310	370,442	14
TOTAL OTHER INCREASES	118,000	481,732	641,560	552,512	
TOTAL REVENUE AND OTHER INCREASES	3,810,996	4,315,532	4,641,712	4,641,712	

**PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2017**

Expenditure Account	FY2014 Audited	FY2015 Budget	FY2016 Budget	FY2017 Anticipated	Notes
PERSONNEL					
Salaries & Wages	2,368,743	2,452,800	2,473,705	2,540,554	15
Fringe Benefits	1,139,035	1,353,650	1,539,755	1,448,268	16,37
TOTAL PERSONNEL	3,507,778	3,806,450	4,013,459	3,988,822	
SUPPLIES					
Printing & Office Supplies	18,090	26,982	15,500	19,505	17
Vehicular Supplies	7,023	6,000	7,200	6,250	18
Household Supplies	6,727	4,200	6,000	7,800	19
Fuel & Utilities	38,931	39,000	41,100	42,150	20
Other Supplies	2,972	5,500	5,461	4,430	21
TOTAL SUPPLIES	73,744	81,682	75,261	80,135	
SERVICES					
Travel	-7,552	5,900	8,000	8,610	22
Telephone	22,800	21,400	22,000	22,305	23
Postage	5,851	6,400	7,000	7,000	24
Insurance	38,883	40,800	43,900	45,800	25,37
Information Processing	32,719	63,400	69,500	94,780	26
Household Services	1,827	2,000	2,150	2,250	27
Professional Services	88,595	129,500	235,000	284,465	28,37
Other Services	14,118	17,900	21,679	23,075	29
TOTAL SERVICES	197,241	287,300	409,229	488,285	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	10,417	50,000	57,300	34,000	30
Maintenance - Equipment	4,304	17,000	25,500	15,100	31
Maintenance - Vehicular	5,715	3,350	6,000	5,750	32
Rent - Other	6,150	5,150	7,400	7,400	33
TOTAL MAINTENANCE & RENT	26,586	75,500	96,200	62,250	
IMPROVEMENTS & ACQUISITIONS					
Improvements - Buildings & Grounds	8,900	11,600	0	0	
Acquisitions - Vehicles	26,477	27,000	0	0	
Acquisitions - Equipment	1,719	4,400	3,563	3,800	34
Acquisitions - Information Processing Equipment	17,955	21,600	44,000	18,420	35
TOTAL IMPROVEMENTS & ACQUISITIONS	55,051	64,600	47,563	22,220	
TOTAL EXPENDITURES	3,860,401	4,315,532	4,641,712	4,641,712	36

**PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2017 NOTES
July 21, 2016**

1. The Governor's budget includes a FY 2017 State Appropriation to the Commission in the amount of \$2,649,000. This amount is an increase from the FY2016 Appropriation.
2. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury has agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$838,218 in FY 2012, \$837,927 in FY 2013, \$844,809 in FY 2014 and \$840,455 in FY 2015 but was only approved to receive \$687,000. In FY 2016, only \$687,000 was received and this amount will remain consistent for FY 2017.
3. Interest Income is earned in the Commissions checking account and the cash management fund designated for general use. Interest income for the Kirkwood Cohansey Aquifer Study and the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have fluctuated in recent years and have greatly affected interest income over several years and will continue to do so in FY 2017.
4. Monitoring for the Camden County MUA hydrologic projects will continue into FY 2017. Anticipated revenue is calculated using the amount to be paid to the USGS for this monitoring.
5. The Commission is entering its 23rd year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year, which are reimbursed in full.
6. In November 2014, the Commission authorized the execution of a Memorandum of Agreement with Richard Stockton College (now University) to establish an alternative permitting process MOA. In accordance with Paragraph III.A.10., Stockton University is obligated to reimburse the Commission for staff costs associated with the development of the MOA and application fees for the review of any development projects conducted under the terms of the MOA.
7. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.
8. Application Fees of \$500,000 are anticipated to be received during FY 2017. This important component of the Commission's Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.

9. In October 2009, the Commission adopted the New Jersey Pinelands Electric Transmission Right-of-Way Maintenance Plan that authorizes the Utility Companies to maintain electric transmission rights-of-way without applying to the Commission. According to the Memorandum of Agreement, the companies pay an annual fee to cover the Commission's inspection and monitoring expenses.

10. The \$3,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long term records management project.

11. The FY 2017 anticipated revenue from the Computer Reserve estimated at \$18,420 for Replacement Computers and Monitors, Replacement Laser Printer and a Web Security Gateway Server – Information Processing Equipment account.

12. The Fenwick Manor Painting Reserve has been established to earmark funds for the future painting of Fenwick Manor. Funds will be added annually until the project is complete. The current total consists of \$40,000 from FY15 and \$40,000 from FY16. The Commission will also seek grant possibilities as an additional source of funding.

13. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund. Included in the plan is an annual assessment of \$20,000 from each of the four programs (see Pinelands Conservation Fund budget note #5). This \$80,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.

14. The projected amount needed from the Undesignated Fund Balance to balance the FY2017 budget deficit is \$370,442. Traditionally, the actual amount drawn from the fund balance at the fiscal year end is lower than anticipated. The amount in the Commission's fund balance is sufficient to cover the \$370,442 while leaving enough money to fund unforeseen expenses, emergencies and a similar budget deficit in the next few years.

15. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 23 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2017 salaries and wages budgets (Operating, Kirkwood Cohansey Study and Pinelands Conservation Fund) finance only 42 of the 66 authorized full time equivalent positions.

16. The fringe benefits budget includes expenditures for the employer's share of Social Security (\$175,000), Medicare (\$45,000), disability insurance (\$2,000), flexible savings accounts (\$1,000) and miscellaneous administrative charges (\$600). The employer liability of pension related funds is estimated at \$365,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,195,000 with a \$150,000 reduction for coinsurance payments from

staff members. Also included is \$12,244 for dental insurance premiums and \$675 for participation in the Employee Advisory Service. Lastly, \$200,194 of the total fringe benefits budget is projected to be funded by the Kirkwood Cohansey Study \$17,066) and the Pinelands Conservation Fund (\$183,128) as shown in those budgets.

Upon Commission approval of the FY 2017 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$220,000.

17. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and service awards. Grant-related expenses account for \$4,400 of this budget.

18. The majority of the vehicular supplies budget covers gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits. In FY 2010, the Commission's fleet was reduced from seven to five vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

19. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$1,000 and other operating supplies.

20. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer. During the latter part of FY 2016, the Commission was accepted into the State's cooperative purchasing for electricity and heating fuel. The cooperative began in January 2016, so it is too early to determine cost savings.

21. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 84 %) of this account, totaling \$3,730 for FY2017.

22. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances. The majority of the travel budget is used to reimburse Commissioners for business mileage and tolls.

23. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges. The Commission has saved money by changing methods of placing conference calls.

24. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically including public outreach.

25. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers and the umbrella liability policy. Through the years, the Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commission's buildings under the States property insurance.

Upon Commission approval of the FY 2017 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$50,800.00 to cover the Commission's insurance premiums (\$45,800 from the Operating Budget and \$5,000 from the Pinelands Conservation Fund for related Visitor's Center policies).

26. The FY 2017 budget for information processing includes \$28,665 for software maintenance agreements and data purchases, \$4,000 for payroll processing, \$2,000 for database administration services, \$15,000 for a new accounting software and \$1,000 for online legal services and \$1,000 for hardware maintenance and \$34,065 for NJOIT services related to the Interactive Map and Pinelands Site Evaluator. Over \$10,050 of this budget is reimbursable through grants or special revenue.

27. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.

28. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$75,000 for legal fees associated with DAG-services, \$150,000 for labor counsel and \$10,350 for litigation, \$2,000 for the Office of Administrative Law assessment fees. Grant related technical services totaling \$9,215 are budgeted. Also included is \$5,000 for accounting services and \$32,900 for temporary staffing services.

29. Expenditures in the other services budget include annual subscriptions (\$1,450), required memberships (\$1,880), and meeting expenses (\$850); advertising (\$3,560), research related fees (\$400), training (\$11,022), and banking fees (\$1,000).

30. The maintenance buildings and grounds budget for FY 2017 includes a major maintenance project estimated at an amount of \$20,000 to prepare and paint all or part of the exterior of the Fenwick Manor building. The remaining \$14,000 is available for minor maintenance services (plumbing, electrical, HVAC, etc.).

31. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment. Included is \$8,600 for the buildings' systems (fire equipment, elevator, security, and access), \$3,000 for office equipment, and \$2,000 for scientific equipment and \$1,500 for maintenance equipment.

32. The maintenance vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work not performed by the Commission's Maintenance Technician.

33. Since FY 2011, several changes in the rent other budgets have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. The FY 2017 budget includes \$1,000 for the postage meter, \$6,100 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$200 for the safe deposit box.

34. The acquisitions - equipment budget contains \$3,800 for scientific equipment supporting the long term environmental monitoring program funded by the National Park Service.

35. The acquisitions - information processing equipment budget includes the replacement of five computers (\$11,000), four replacement monitors (\$1,900), Web Security Gateway (\$3,020) and a replacement Laser Printer (\$2,500).

36. The total estimated Operating Budget expenditures for FY 2017 equal \$4,641,712. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund, Kirkwood-Cohansey Study and the Pinelands Conservation Fund do not exceed \$2,975,759.

37. Several expenditure account budgets include funding for various services and benefits that are reimbursed to the State of New Jersey and are over the Executive Director's authorized contracting limit of \$40,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

Upon Commission approval of the FY 2017 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.

**PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT STUDY
FISCAL YEAR 2017 BUDGET**

	FY2014 Audited	FY2015 Budget	FY2016 Budget	FY2017 Anticipated	Notes
REVENUE PROJECTIONS					
Interest Income	181	150	150	300	1
Total Revenue	181	150	150	300	
K/C Study Fund Balance Anticipated	41,718	239,600	225,815	152,816	2
Total Revenue/Reserve Anticipated	41,899	239,750	225,965	153,116	

Expenditure Account	FY2014 Audited	FY2015 Budget	FY2016 Budget	FY2017 Anticipated	Notes
PERSONNEL					
Salaries & Wages	27,454	25,000	31,490	37,100	3
Fringe Benefits	13,947	12,750	17,475	17,066	4
TOTAL PERSONNEL	41,401	37,750	48,965	54,166	
SUPPLIES					
Printing & Office Supplies	-	1,500	1,500	500	5
Vehicular Supplies	-	-	-	-	
TOTAL SUPPLIES	-	1,500	1,500	500	
SERVICES					
Travel	48	50	50	50	
Telephone	-	-	-	-	
Information Processing	450	450	450	400	
Professional Services	-	200,000	175,000	98,000	6
Other Services	-	-	-	-	
TOTAL SERVICES	498	200,500	175,500	98,450	
Total Expenditures	41,899	239,750	225,965	153,116	

PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT FUND
FISCAL YEAR 2017 BUDGET NOTES
July 21, 2016

1. The funds provided from the Water Supply Fund to prepare the Kirkwood Cohansey Aquifer Assessment and Report are kept in a separate cash account. The interest income estimated at \$300 stays within the program and is available to help fund the project. This amount is an increase from the last few years due to interest rates slowly rising. The cumulative interest earnings are accounted for as Fund Balance.
2. It is likely that any remaining Fund Balance existing at the end of the fiscal year will be used to support the Commission's development of water supply policies and/or regulations.
3. The FY 2017 salaries and wages budget finances salary expenses of employees who spend time working on this project and are estimated at \$37,100.
4. The fringe benefits budget represents the chargeable benefits calculated using the OMB issued "Employee Benefit" reimbursement rates for FY 2015. (Rates for FY16 have been made available in Circular Letter 16-14-OMB).
5. The printing and office supplies budget of \$500 represents the estimated cost to print and publish the final report.
6. The professional services budget of \$98,000 represents the continued work of USGS needed in preparation of the final report and associated Programming Services.

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2017 BUDGET**

Revenue Source	FY2014 Audited	FY2015 Budget	FY2016 Budget	FY2017 Anticipated	Notes
EPA Grant - Intermittent Ponds	124,745	84,000	84,000	0	1
EPA Grant - Natural and Created Wetlands	121,417	83,000	83,000	0	2
Interest Income - Land Acquisition	770	700	650	1,500	3
Interest Income - Conservation Planning & Research	2,757	2,700	2,300	4,000	3
Interest Income - Community Planning & Design	2,170	2,100	1,200	1,500	3
Interest Income - Education & Outreach	0	0	440	1,000	3
Total Revenue	251,859	172,500	171,590	8,000	
Cancellation of Prior Year Encumbrances	0	0	0	0	
Reserves for Pinelands Conservation Activities	1,165,419	1,461,673	1,840,204	1,808,792	4
Total Revenue/Other Sources Anticipated	1,417,278	1,634,173	2,011,794	1,816,792	

Expenditure Account	FY2014 Audited	FY2015 Budget	FY2016 Budget	FY2017 Anticipated	Notes
<u>Land Acquisition</u>					
Salaries & Wages	43,780	45,000	84,029	12,320	
Fringe Benefits	22,249	23,000	42,380	5,667	
Information Processing	931	816	1,600	1,000	
Professional Services	32,258	25,000	25,000	0	
Land Acquisition	544,138	797,598	750,000	600,000	
Administrative Assessment	20,000	20,000	20,000	20,000	5
Total Land Acquisition Expenditures	663,355	911,414	923,009	638,987	6

<u>Conservation Planning and Research</u>					
Salaries & Wages	316,605	213,000	222,629	284,785	
Fringe Benefits	160,803	108,630	113,704	131,001	
Printing & Office Supplies	257	300	100	700	
Household Supplies (clothing)	837	730	1,300	1,100	
Other Supplies	4,259	4,259	1,844	1,526	
Travel	10,982	350	9,000	7,150	
Information Processing	4,969	16,000	5,700	7,000	
Technical Services	0	61,600	70,000	136,600	
Professional Services	0		100,000	0	
Other Services	180	2,250	2,000	2,100	
Acquisitions - Equipment					
Acquisitions - Information Processing Equipment					
Administrative Assessment	20,000	20,000	20,000	20,000	5
Total Conservation Planning/Research Expenditures	518,891	427,119	546,277	591,962	7

<u>Community Planning and Design</u>					
Salaries & Wages	93,871	111,000	62,217	61,000	
Fringe Benefits	47,693	56,610	31,910	28,060	
Printing & Office Supplies	458	50	150	100	
Other Supplies	0				
Travel	50	100	100	50	
Postage	0	250	250	250	
Information Processing	1,751		2,570	1,370	
Other Services	509	150	150	150	
State Aid and Grants	70,701	26,250			
Administrative Assessment	20,000	20,000	20,000	20,000	5
Total Community Planning/Design Expenditures	235,032	214,410	117,347	110,980	8

<u>Education and Outreach</u>					
Salaries & Wages	0	23,000	34,749	40,000	
Fringe Benefits	0	11,730	17,791	18,400	
Printing & Office Supplies	0	1,000			
Other Supplies	0	0	2,500	1,500	
Information Processing	0	25,000			
Other Services	0	500	350,121	394,963	
Administrative Assessment	0	20,000	20,000	20,000	5
Total Education and Outreach	0	81,230	425,161	474,863	9

Total Expenditures	1,417,278	1,634,173	2,011,794	1,816,792	
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**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2017 BUDGET NOTES
July 21, 2016**

1. In November 2011, the Commission accepted a multi-year grant from the U.S. Environmental Protection Agency to conduct a study titled “Assessing the Ecological Integrity of Intermittent Ponds and Their Vulnerability to Land-use Impacts”. Revenue was based upon grant-related expenditures and is reimbursed at the 75% level. All funds will be disbursed at the end of FY 2016.
2. In November 2012, the Commission accepted a multi-year grant from the U.S. Environmental Protection Agency to conduct a study titled “Comparing the Functional Equivalency of Natural and Created Wetlands”. Revenue is based upon grant-related expenditures and is reimbursed at the 75% level. All funds will be disbursed at the end of FY 2016.
3. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in four separate cash accounts, one for each program of the Fund. The FY 2017 estimated interest income totals \$8,000 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects.
4. The difference between the revenues and expenditures for the year, estimated at \$1,808,792 is financed from the Reserves for Pinelands Conservation Activities. Each of the four programs (Land Acquisition, Conservation Planning and Research, and Community Planning and Design, Education and Outreach) has its own reserve account.
5. The financial plan that designated the three original programs within the Fund (Land Acquisition, Conservation Planning & Research and Community Planning & Design) was approved by the Commission in April 2005 and includes a \$20,000 annual assessment from each program to cover administrative expenses as described in Operating Budget note #13. The Commission amended the PCF policies in 2014 to include a fourth program, Education & Outreach, from which a \$20,000 annual administrative assessment is also drawn.
6. The Land Acquisition program budget for FY 2017 totals \$638,987. Personnel costs (salaries/wages and fringe benefits) are estimated at \$17,987 in support of the land acquisition and permanent land protections initiative. Land acquisitions could total up to \$600,000. Software maintenance supporting the land acquisition program is anticipated to be \$1,000. Rounding out the budget is the \$20,000 administrative assessment mentioned above.
7. The Conservation Planning and Research program budget for FY 2017 totals \$591,962. Personnel costs (salaries/wages and fringe benefits) are estimated at \$415,786 to support the following initiatives and special projects: implementation of the rapid landfill assessment, implementation of the

comprehensive Hammonton wastewater management/water supply plan, implementation of the alternate septic system pilot program / septic system management, the roadside plants management project, management of threatened and endangered species data, rulemaking for Black Run watershed, maintenance of the permanent land protection database and the two EPA research projects on intermittent ponds and natural / created wetlands. Also included in this year's budget is \$136,600 for technical services from the USGS associated with the natural / created wetlands study, Kirkwood Cohansey Study and miscellaneous expenses (software, mileage, reference books, training, and scientific supplies and equipment) supporting the conservation planning and research program equal \$19,576. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

8. The Community Planning and Design program budget for FY 2017 totals \$110,980. Personnel costs (salaries/wages and fringe benefits) are estimated at \$89,060 to support the following initiatives and special projects: implementation of the clustering ordinances, the Pinelands Development Credit and density rules, and administrative responsibilities supporting the Pinelands Development Credit Bank. Miscellaneous expenses (software, postage, printing, meeting expenses and legal advertisements) supporting the program equal \$1,920. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

9. The Education and Outreach program budget for FY 2017 totals \$474,863. Personnel costs (salaries/wages and fringe benefits) are estimated at \$58,400 to support the installation and fabrication of exhibits in the Richard J. Sullivan Center and the opening/operation of the Visitors Center. The cost of the Exhibit Center is estimated at \$389,849. Miscellaneous expenses (printing, permits and other services) supporting the program equal \$6,614. Rounding out the budget is the \$20,000 administrative assessment mentioned above.