



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-16- 39

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1985-0023.003)

Commissioner Lohbauer moves and Commissioner Galletta 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:

**1985-0023.003**  
**Applicant:** Solar City, Inc., on behalf of the Folsom Borough Board of Education  
**Municipality:** Borough of Folsom  
**Management Area:** Pinelands Village  
**Date of Report:** November 18, 2016  
**Proposed Development:** Construction of a 1.66 acre ground mounted solar array.

**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 1985-0023.003 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				DiBello	X				McGlinchey	X			
Avery	X				Galletta	X				Prickett	X			
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

Date: December 9, 2016

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Sean W. Earlen  
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

November 18, 2016

Renaldo Torres  
 Solar City, Inc.  
 100 N. 18th Street, Suite 1900  
 Philadelphia, PA 19103


Re: Application # 1985-0023.003  
 Block 801, Lot 9  
 Borough of Folsom

Dear Mr. Torres:

The Commission staff has completed its review of this application for construction of a 1.66 acre ground mounted solar array on the above referenced parcel. The proposed solar array will be an accessory use to an existing elementary school located on the parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 9, 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
- Copy of 9/16/16 Public Comment
- c: Secretary, Borough of Folsom Planning Board (via email)
- Borough of Folsom Construction Code Official (via email)
- Borough of Folsom Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Beth-Ann Grasso, PE, PP, CME (via email)
- John Zvanya (via email)





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Chris Christie  
 Governor

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 Lt. Governor

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

Sean W. Earlen  
 Chairman

Nancy Wittenberg  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

November 18, 2016

Renaldo Torres  
 Solar City, Inc.  
 100 N. 18th Street, Suite 1900  
 Philadelphia, PA 19103

Application No.: 1985-0023.003  
 Block 801, Lot 9  
 Borough of Folsom

This application proposes the construction of a 1.66 acre ground mounted solar array located on the above referenced 25 acre parcel in the Borough of Folsom. The proposed solar array will be an accessory use to the existing Folsom Elementary School that is located on the parcel.

The proposed solar array will provide eighty percent of the of the total electricity usage demand of the Folsom Elementary School. The proposed solar array will be ground mounted in an existing stormwater management basin on the parcel. The solar panels will be elevated a minimum of two feet above the bottom of the stormwater basin.

**STANDARDS**

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

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

The proposed development is located in the Pinelands Village of Folsom. The proposed development is a permitted land use in a Pinelands Village Management Area.

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

The proposed development will be located within an existing grassed stormwater management basin. 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 the disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

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

On April 22, 2010, Public Law 2010, c.4 went into effect. Chapter 13:18A-5.2 of that law prohibits the Pinelands Commission from including solar panels in any stormwater management calculation of impervious surface or impervious cover that may be required for an application for development in the Pinelands Area. While the elevated solar panels will occupy 1.66 acres of the parcel, the proposed solar panel mounting posts will disturb less than 5,000 square feet. Therefore, the application was not required to address the CMP stormwater management standards.

The Commission previously approved the construction of a 22,799 square foot building addition to the existing school (App. No. 1985-0023.002). The existing stormwater infiltration basin was designed and constructed to meet the stormwater standards of the CMP for that development. The Commission staff has determined that existing stormwater infiltration basin will continue to meet the stormwater standards after the development of the proposed solar array.

### **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 October 11, 2016. Newspaper public notice was completed on October 14, 2016. The application was designated as complete on the Commission's website on October 24, 2016. The Commission's public comment period closed on November 4, 2016. The Commission received one written comment regarding this application.

Public Comment: The commenter requested a copy of the Executive Director's findings and conclusions. The commenter inquired as to the location and height of the proposed solar array, whether security fencing would be installed and expressed a concern regarding the electrical safety of the proposed solar array.

Staff Response: The commenter will receive a copy of this Executive Director's Report. The proposed solar array will be located in an existing stormwater management basin on the parcel. The applicant has represented that proposed solar array will have a maximum height above the bottom of the stormwater basin of 4 feet. A 6 foot high chain link fence is proposed around the perimeter of the proposed solar array. The CMP does not contain electrical safety standards. The commenter may wish to discuss their concerns regarding electrical safety with an appropriate school or municipal construction code official.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Pennoni Associates, Inc. and dated as follows:

Sheets 1-6 & 8 - dated September 15, 2016

Sheet 7 - dated September 15, 2016 and revised to August 4, 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.

### **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](http://www.nj.gov/pinelands)

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

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



Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission, received at the Commission office not later than 5:00 PM on December 6, 2016 and include the following information:

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

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

**From:** <john.zvanya@faa.gov>  
**To:** <appinfo@njpinelands.state.nj.us>  
**Date:** 9/16/2016 3:20 PM  
**Subject:** FW: Application # 1985-0023.003

On the prepared copy that I received, I emailed to the email address which was provided on the application. It got sent back to me undeliverable.. I went to the pinelands web site and saw a different address which I will try this time.

Thanks  
JZ

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From: Zvanya, John (FAA)  
Sent: Friday, September 16, 2016 2:54 PM  
To: appinfo@njpinelands.state.nj.us  
Subject: Application # 1985-0023.003

I just received the info for the solar facility on Block 801, Lot 9 known as the Folsom school. I would like to receive more information on where the proposed solar facility will be located, height of solar facility, and if it will be fenced for security purposes. Could you please send me the executive directors findings on this proposed task. Also, I do see the survey stakes located in the drainage basin for Folsom school. Are there any provisions in the proposed task for any GFI protection if the basin fills up with rain water and someone decides to walk near the area of concern? I will have a few more questions after I see the plans.

Thanks  
John Zvanya  
1351 Mayslanding road  
Folsom,nj 08037



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-16- 90

**TITLE:** Expressing the Commission's appreciation to Joseph DiBello for his service as a member of the Commission between November 2012 and December 2016

Commissioner Ashmun moves and Commissioner Lohbauer seconds the motion that:

**WHEREAS**, Joseph DiBello served as the U.S. Secretary of the Interior's representative on the Pinelands Commission from November 2012 until December 2016; and

**WHEREAS**, Mr. DiBello is retiring from the National Park Service (NPS) on January 3, 2017, after 42 years of federal service; and

**WHEREAS**, Mr. DiBello brought a wealth of experience to the Commission. He started his career as a planner for the U.S. Department of the Interior in 1974, then went on to conduct special studies and planning projects for the NPS. He most recently served as the Superintendent of the Washington Rochambeau National Historic Trail, which traverses nine states and Washington, D.C.; and

**WHEREAS**, during Mr. DiBello's tenure as a Commissioner, the National Park Service greatly advanced the Commission's efforts to preserve, protect and enhance the resources of the Pinelands, including providing funding to support the Commission's Long-term Environmental and Economic Monitoring programs, as well as funds for education and outreach materials that raise awareness and appreciation of the Pinelands; and

**WHEREAS**, during his tenure, Mr. DiBello served on the Commission's Policy and Implementation Committee, Personnel and Budget Committee, Plan Review Committee and the Agriculture Committee; and

**WHEREAS**, during his tenure, the Commission completed its fourth in-depth review of the Pinelands Comprehensive Management Plan, a process that identified more than three dozen recommendations for strengthening the Plan; and

**WHEREAS**, during his tenure, the Commission provided more than \$3.1 million from the Pinelands Conservation Fund to permanently preserve 4,273 acres in the Pinelands; and

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

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 9th day of December, 2016, do hereby express our appreciation to our colleague and friend, Joseph DiBello, for his commitment to the Pinelands and for his service as a member of the Commission between November 2012 and December 2016.

**Record of Commission Votes**

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun	X			DiBello				McGlinchey	X		
Avery	X			Galletta	X			Prickett	X		
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

Date: December 9, 2016

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Sean Earlen  
Sean W. Earlen  
Chairman





# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 41

**TITLE:** Setting Pinelands Commission Meeting Dates for 2017

Commissioner Avery moves and Commissioner Galletta seconds the motion that:

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

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** that the Pinelands Commission shall conduct its meetings on the following dates in 2017 beginning at the specified time at the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, New Jersey, unless notice is otherwise provided in accordance with the Open Public Meetings Act:

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| Friday, January 13, 2017 (9:30 a.m.)  | Friday, July 14, 2017 (9:30 a.m.)     |
| Friday, February 10, 2017 (9:30 a.m.) | Friday, August 11, 2017 (9:30 a.m.)   |
| Friday, March 10, 2017 (9:30 a.m.)    | Friday, September 8, 2017 (9:30 a.m.) |
| Friday, April 7, 2017 (9:30 a.m.)     | Friday, October 13, 2017 (9:30 a.m.)  |
| Friday, May 12, 2017 (9:30 a.m.)      | Friday, November 3, 2017 (9:30 a.m.)  |
| Friday, June 9, 2017 (9:30 a.m.)      | Friday, December 8, 2017 (9:30 a.m.)  |

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

### Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun	X			DiBello	X			McGlinchey	X		
Avery	X			Galletta	X			Prickett	X		
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

Date: December 9 2016

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Sean W. Earlen  
Chairman



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 42

**TITLE:** Resolution Setting Forth the Process By Which the Pinelands Commission will Review the Recommendation of its Executive Director Finding that the Portion of the 22-Mile, 24-Inch Natural Gas Pipeline Proposed by South Jersey Gas Company (Pinelands Application No. 2012-0056.001) in the State Designated Pinelands Area is Consistent with the Standards of the Pinelands Comprehensive Management Plan.

Commissioner Avey moves and Commissioner McGlinchey seconds the motion that:

**WHEREAS**, the Pinelands Commission (Commission) is an independent political subdivision of the State of New Jersey created pursuant to Section 4 of the Pinelands Protection Act (the Act), N.J.S.A. 13:18A-1, *et seq.*, and charged with the implementation of the Act and the Pinelands Comprehensive Management Plan (the CMP), N.J.A.C. 7:50; and

**WHEREAS**, the Commission is also the planning entity authorized under Section 502 of the National Parks and Recreation Act of 1978; and

**WHEREAS**, on November 7, 2016, the Appellate Division issued a decision in three consolidated appeals (A-1685-15, A-2705-15 and A-2706-15) all of which involved South Jersey Gas Company's (SJG's) petition to the Board of Public Utilities for preemption of municipal approvals pursuant to N.J.S.A. 40:55D-19 for a natural gas transmission line, 15 miles of which was proposed to be constructed within the State designated pinelands area (proposed pipeline project); and

**WHEREAS**, the decision remanded the Board of Public Utilities' approval of SJG's N.J.S.A. 40:55D-19 petition to the Board for entry of a modified order stating that the approval is conditioned upon the Commission's issuance of a final consistency determination; and

**WHEREAS**, the decision also remanded the Commission staff's consistency determination on SJG's Pinelands Development Application for the proposed pipeline project to the Commission for its review of same and issuance of a final decision as to the proposed project's consistency with the minimum requirements of the Pinelands CMP; and

**WHEREAS**, as part of the remand, the decision directs the Commission to develop a process pursuant to which the Commission shall review the staff's consistency determination for the proposed pipeline project; and

**WHEREAS**, as part of that review process, an opportunity for public notice and comment should be provided before the Commission renders its final decision; and

**WHEREAS**, the Commission intends in the future to consider amendments to the Pinelands CMP to amend the provisions pertaining to permitting coordination with other State agencies, N.J.A.C. 7:50-4.81 through 4.85, to clarify the process by which public utility projects which are the subject of a petition to the Board of Public Utilities for municipal preemption pursuant to N.J.S.A. 40:55D-19 will be reviewed by the Commission; and

**WHEREAS**, there are currently two such public utility projects that have either already been issued or are being reviewed for issuance a Certificate of Filing, which will contain Commission staff's determination as to the conformance of such project with the minimum requirements of the CMP; and

**WHEREAS**, pending the Commission's amendment of the Pinelands CMP and in order to ensure conformance with the Court's holding in the within matter going forward, the Commission plans to utilize the additional review process contained within this resolution for future public utility projects which are the subject of a petition to the Board of Public Utilities for municipal preemption pursuant to N.J.S.A. 40:55D-19; 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, in conformance of the Appellate Decision's November 7, 2016 decision, the Commission will review the Commission staff's consistency determination for the proposed project and any other public utility application submitted to the Commission, which is also the subject of a petition to the BPU for municipal preemption in accordance with N.J.S.A. 40:55D-19, using the following process:

1. The Commission's review shall be based upon a review of the Commission's Regulatory Programs file for Pinelands Development Application, the record developed before the Board of Public Utilities and the staff's consistency determination.
2. The Commission staff shall provide notice of the public's opportunity to provide comments regarding the Commission staff's consistency determination by posting such notice on the Commission's website and by mailing it to the applicant; the parties to any litigation involving the proposed project's conformance with the Pinelands CMP, if applicable, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2). Such notice shall also indicate that written comments may be provided until 5:00 p.m. on the date of the Commission meeting at which the opportunity for public comment will be provided.
3. The Commission staff, following the close of the public comment period, shall review the record and any public comment provided and shall prepare a recommendation as to whether its prior consistency determination should be affirmed.
4. Following the close of the public comment period, the Commission based on the record as delineated in paragraph 1 above, any public comments received and the Commission staff's recommendation, shall either approve or disapprove such recommendation.

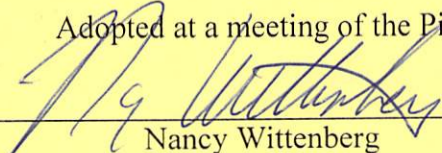
**Record of Commission Votes**

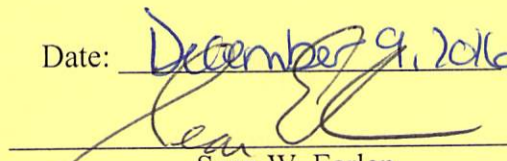
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				DiBello	X				McGlinchey	X			
Avery	X				Galletta	X				Prickett	X			
Barr	X				Jannarone	X				Quinn	X			
Brown	X				Lloyd	X				Rohan Green	X			
Chila	X				Lohbauer	X				Earlen	X			

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 9, 2016

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

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



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

NO. PC4-16- 43

**TITLE:** Resolution Authorizing the Division of Law to File Motions in the Appellate Division to have the Two Appeals related to the Commission's Consideration of the New Jersey Natural Gas Pipeline Project (Pinelands Development Application 2014-0045-.001) Remanded to the Pinelands Commission.

Commissioner Galletta moves and Commissioner Mc Glinchey seconds the motion that:

**WHEREAS**, the Pinelands Commission (Commission) is an independent political subdivision of the State of New Jersey created pursuant to Section 4 of the Pinelands Protection Act (the Act), N.J.S.A. 13:18A-1, *et seq.*, and charged with the implementation of the Act and the Pinelands Comprehensive Management Plan (the CMP), N.J.A.C. 7:50; and

**WHEREAS**, the Commission is also the planning entity authorized under Section 502 of the National Parks and Recreation Act of 1978; and

**WHEREAS**, in April 2014, the New Jersey Natural Gas Company submitted preliminary information to the Pinelands Commission regarding the proposed construction of a 12.1 mile natural gas pipeline in Jackson, Manchester and Plumsted Townships; and

**WHEREAS**, in April 2015, the New Jersey Natural Gas Company submitted a Pinelands Development Application (Application # 2014-0045.001) for the proposed pipeline project; and

**WHEREAS**, Commission staff reviewed New Jersey Natural Gas Company's application for the proposed pipeline project and on December 9, 2015, issued a Certificate of Filing finding the proposed pipeline project consistent with the requirements of the Pinelands CMP; and

**WHEREAS**, on February 4, 2016, Commission staff sent a copy of the Certificate of Filing to the staff of the BPU and, in an accompanying letter, requested that the Board provide the Commission with a copy of the New Jersey Natural Gas Company's N.J.S.A. 40:55D-19 petition; notice of any hearings, public meetings or other formal proceedings pertaining to the petition; and copies of any written reports or comments that the Board may receive that raise issues concerning the standards of the Pinelands CMP; and

**WHEREAS**, by letter dated March 10, 2016, the Commission staff advised the Executive Director of the BPU that based on the Certificate of Filing dated December 9, 2015, and its review of the additional information submitted to the BPU as part of its public and evidentiary hearings, the finding of Pinelands CMP consistency in the December 9, 2015 Certificate of Filing issued for the proposed project continued to be valid; and

**WHEREAS**, on or about April 21, 2016, the Sierra Club filed a Notice of Appeal of the Commission staff's March 10, 2016 letter, A-3753-15T1; and

**WHEREAS**, on or about April 28, 2016, the Pinelands Preservation Alliance filed a Notice of Appeal of the Commission staff's March 10, 2016 letter, A-3762-15T1; and

**WHEREAS**, on November 7, 2016, the Appellate Division, in three unrelated, consolidated appeals involving a petition to the BPU for municipal preemption pursuant to N.J.S.A. 50:44D-19 submitted by the South Jersey Gas Company, issued a decision remanding that application to the Pinelands Commission for its review of the Commission staff's consistency determination on that application and issuance of a final decision as to the proposed project's consistency with the minimum requirements of the Pinelands CMP; and

**WHEREAS**, the Commission staff utilized the same review process for both the South Jersey Gas Company's and the New Jersey Natural Gas Company's Pinelands Development Applications; and

**WHEREAS**, given the holding of the Appellate Division in the South Jersey Gas Company consolidated appeals, it seems prudent to seek a remand from the Appellate Division of the New Jersey Natural Gas application at this time in order to permit the Commission to review the staff's consistency determination in accordance with the process that has been adopted for the South Jersey Gas application; 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 Commission authorizes the Division of Law to file motions in the Appellate Division to have the two appeals related to the Commission's consideration of the New Jersey Natural Gas Pipeline Project (Pinelands Development Application 2014-0045-.001) remanded to the Pinelands Commission.

**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	X			
Barr	X				Jannarone	X				Quinn	X			
Brown	X				Lloyd				R	Rohan Green	X			
Chila	X				Lohbauer	X				Earlen	X			

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:

*December 9, 2016*

*Nancy Wittenberg*  
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 Nancy Wittenberg  
 Executive Director

*Sean W. Earlen*  
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 Sean W. Earlen  
 Chairman