



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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



RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg
Executive Director

Date: January 3, 2020

Subject: Summary of the January 10, 2020 Meeting Packet

Minutes

The December 13, 2019 Commission Meeting minutes (open and closed) and attachments are included in your packet.

Public Development Application

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

1. **Application Number 1985-0202.005/ Hamilton Township Board of Education**, Hamilton Township, Regional Growth Area, Installation of 300 linear feet of sidewalk and rubber surfacing of three existing playground areas at the Joseph C. Shaner Memorial Elementary School.
2. **Application Number 1986-1154.004/ Franklin Township**, Franklin Township, Agricultural Production Area, Construction of 853 linear feet of wooden boardwalk and associated recreational improvements at the Piney Hollow Preservation Area.
3. **Application Number 1988-0471.002/ Evesham Township**, Evesham Township, Rural Development Area, Improvements to the Braddock Mill Road dam at Union Mill Lake.
4. **Application Number 1988-0706.021/ Town of Hammonton**, Town of Hammonton, Pinelands Town, Installation of 830 linear feet of three inch groundwater discharge pipe at the Boyer Avenue Wastewater Facility.

Waiver of Strict Compliance

Application Number 2017-0213.001, Christian and Diana Sabella, Waterford Township, single family dwelling.

Letter of Interpretation

Letter of Interpretation #2187, Application Number 2008-0179.001, James R. Johnson, Jr., Woodland Township, 29.92 acres, 0.25 Pinelands Development Credits.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on two ordinance amendments that we reviewed and found to raise no substantial issues with respect to Comprehensive Management Plan standards. These amendments were submitted by Little Egg Harbor Township.

Other Resolutions

The resolution intended to address the court's remand of the South Jersey Gas application is also listed on the agenda.

Closed Session

The Commission may 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.



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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, January 10, 2020

Richard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New Jersey
9:30 a.m.

1. Call to Order
 - Open Public Meetings Act Statement
 - Roll Call
 - Pledge Allegiance to the Flag
2. Adoption of Minutes
 - December 13, 2019 (open and closed session)
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 1985-0202.005 (installation of a sidewalk and rubber surfacing at existing playgrounds at an Elementary school in Hamilton Twp.), 1986-1154.004 (construction of a wooden boardwalk at the Piney Hollow Preserve in Franklin Twp.), 1988-0471.002 (improvements to the Braddock Mill Road dam in Evesham Twp.) & 1988-0706.021 (installation of

groundwater discharge pipe at the Boyer Ave. wastewater facility in Hammonton)).

- Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2017-0213.001 (development of a single family dwelling in Waterford Twp.)).

B. Planning Matters

- Municipal Master Plans and Ordinances
 - None
- Other Resolutions
 - None
- CMP Amendments
 - None

5. Public Comment on Public Development Applications and Waivers of Strict Compliance ***Where the Record is Not Closed.***

A. Public Development Projects

- Application No. 1984-0514.008 – Ocean County Forestry at the Wells Mills County Park Barnegat Township

B. Waivers of Strict Compliance

- Application No. 2019-0138.001 – Suburban Agency, Inc. Single family dwelling Manchester Township

6. Master Plans and Ordinances Not Requiring Commission Action

- Little Egg Harbor Township Ordinance 2019-04
- Little Egg Harbor Township Ordinance 2019-09

7. Other Resolutions

- Resolution Addressing the Remand of the South Jersey Gas Company Application Due to a Significant Change in Material Fact

8. General Public Comment

9. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters (*The Commission reserves the right to reconvene into public session to take action on closed session items.*)

10. Adjournment

Upcoming Meetings

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

Fri., January 24, 2020	Policy & Implementation Committee Meeting (9:30 a.m.)
Tue, February 4, 2020	Personnel & Budget Committee Meeting (9:30 a.m.)
Fri., February 14, 2020	Pinelands Commission Meeting (9:30 a.m.)

Upcoming Office Closures

Mon., January 20, 2020- Martin Luther King, Jr. Day

To ensure adequate time for all members of the public to comment, we will respectfully limit comments to three 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.

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@pinelands.nj.gov) at Info@pinelands.nj.gov or call (609) 894-7300.

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

MINUTES

December 13, 2019

Commissioners Present

Alan W. Avery Jr., Sean Earlen, Jordan P. Howell, Jerome H. Irick, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn and Chairman Richard Prickett. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Kristina Miles.

Commissioners Absent

Candace M. Ashmun, Daniel Christy, Jane Jannarone and D'Arcy Rohan Green.

Chairman Prickett called the meeting to order at 9:40 a.m.

Stacey Roth ,Chief, Legal and Legislative Affairs read the Open Public Meetings Act Statement (OPMA).

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum.

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

Minutes

Chairman Prickett presented the minutes from the November 8, 2019 meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the November 8, 2019 meeting were adopted by a vote of 8 to 0. Commissioner Earlen abstained.

Committee Chairs' Reports

Chairman Prickett provided an update from the November 22, 2019 Policy & Implementation (P&I) Committee meeting:

The Committee adopted the minutes of the September 27, 2019 meeting.

The Committee received an update and recommended the full Commission extend the Right-of-Way pilot program for an additional two years.

The Committee received an update on the schedule for a revised Memorandum of Agreement with Atlantic County for development activities at Lake Lenape. It is anticipated that the revisions will be presented to this Committee in January 2020 and that a final updated MOA could be considered by the full Commission at its April meeting.

The Committee received a presentation from the Executive Director of the State Agriculture Development Committee, Ms. Susan Payne, regarding Special Occasion Events on preserved farms. Ms. Roth will coordinate the submission of any comments by Commissioners on the draft proposal.

The Committee asked staff to pursue federal appropriation of the remaining \$8 million of Section 502 funding for land acquisition. Staff is updating mapping to identify the location of lands of interest. The Governor's office will coordinate the effort.

Executive Director's Reports

ED Wittenberg provided an update on the following items:

- Staff met with a communications solution firm to discuss the conference equipment in the Terrence D. Moore Conference room. A request for proposals for audio and conferencing equipment will be generated and go out for bid at the beginning of the year.
- A call has been scheduled with the Governor's Washington D.C. office to discuss the Section 502 funding.
- The Pinelands Municipal Council met on November 26. At that meeting a representative from the Department of Transportation provided an update on the Pine Barrens Byway. The Council also discussed payment in lieu of taxes on preserved land and its impacts on municipalities.

Director Larry Liggett provided an update on the following:

- Staff continues to finalize the Kirkwood-Cohansey rule proposal. A stakeholders meeting is currently being scheduled for late January.

Director Chuck Horner provided information on the following regulatory matters:

- On December 4th, staff met with representatives from Public Service Electric & Gas (PSE&G). He said PSE&G requested the meeting to discuss time frame limitations associated with vegetation prescriptions from the Right-of-Way (ROW) Pilot Program to limit the impacts to threatened and endangered species and wetlands.

The New Jersey Department of Environmental Protection requires Best Management Practices on ROW spans. PSE&G is concerned that the overlapping regulations will impact its ability to properly manage the vegetation in the ROW. Staff will be reaching out to the NJDEP to determine if the BMP's are a regulation. PSEG expressed an interest again in using herbicides to control vegetation in the ROW.

- It is our understanding that Jackson Township has denied a large residential development application in the Regional Growth Area. This is the same application where the Commission was notified that threatened and endangered species were found on the parcel. If the approval was denied, the Commission would not review that denial.
- The Commission has received two inquiries about the installation of guardrail type barriers to be installed in utility Rights-of-Ways through state park lands. He added that based on the size of the barriers, no application is required to the Commission.

Commissioner Lloyd asked who applied to install the barriers.

Director Horner said the New Jersey Conservation Foundation has inquired about installing barriers for which they received a grant in the Forked River Wildlife Management Area in Lacey Township. PSE&G previously inquired about installing similar barriers in the ROW in the Waterford Township portion of Wharton State Forest.

Chief Planner Susan R. Grogan provided the following updates:

- In late November, staff issued the Implementation Report for the Alternate Design Wastewater Treatment System Pilot Program. The key recommendation is continue the Pilot Program. The other recommendation includes the removal of three systems because they are either not being used or not functioning properly. Additionally, new systems will be invited to participate in 2020, along with changes to simplify reporting requirements. All of the changes will require amendments to the Comprehensive Management Plan (CMP).
- The NJDEP contacted the Commission and requested a meeting on coordination matters and to discuss issues and concerns. NJDEP also held a similar meeting with the Highlands Council. The meeting was successful and more regular meetings between the Commission and NJDEP will be scheduled.

Commissioner Lohbauer said he was pleased that regular coordination meetings between the Commission and the NJDEP will be taking place and he expressed an interest in attending the meetings.

Chief Planner Grogan provided an update on the Pine Barrens Byway:

She said many years ago the Commission hired a consultant to prepare a Corridor Management Plan in an effort to receive state designation for a scenic byway that is now known as the Pine Barrens Byway. The Byway is a 122-mile route that navigates through five counties and 16 municipalities in the southern portion of the Pinelands. The Byway received state designation and the next step was to form a managing entity. The managing

entity was originally comprised of a representative from each town and county; unfortunately, the managing entity has not functioned well and in recent years has failed to hold meetings.

More recently, the NJDOT has hired a marketing firm to promote and create awareness of all state byways. The plans include a new website and brochure. The NJDOT expressed concerns about the lack of a managing entity for the Pine Barrens Byway. After having no success with determining a managing body, the Commission has decided it will now serve as the entity.

As the managing entity, the Commission will conduct an annual meeting and update the website with Byway news. The visitor center already includes a map of the Byway route. The opportunity for national designation of the byway can also be pursued.

Commissioners briefly discussed options for managing the Byway.

Communications Officer Paul Leakan said staff archeologist Tony McNichol spoke about the Head of the River cemetery in Estell Manor at the Commission's final speaker series. He said he hopes to be scheduling future speakers. He said the 31st annual Pinelands Short Course will be held on March 14, 2020 at Stockton University and will feature 42 presentations.

He provided information about live streaming Commission meetings, including the average number of users who live stream the meeting. He said the Commission has been live streaming Commission meetings since July 2017. He said the meetings are archived on YouTube for future viewing.

Commissioner Lloyd said he would like to see the P&I Committee and the Land Use, Climate Impacts and Sustainability Committee meetings live streamed. Staff and Commissioners were unsure about live streaming the Personnel and Budget Committee due to the confidential nature of topics that the Committee discusses.

ED Wittenberg said she was apprehensive about live streaming speaker series presentations because the objective is for the speaker to have an audience and for the attendees to view the exhibit. She said staff can record the presentations and post the video later.

Ms. Roth said she was informed this morning of a possible recusal on the resolution addressing the South Jersey Gas remand. She said she spoke with the Mark Holmes, the Executive Director of the State Ethics Commission, who agreed that recusal of the Commissioner was required. She said she will need to discuss the matter further with Mr. Holmes and the Attorney General's office. She said with the recusal of the Commissioner, there isn't a quorum of the Commission to vote on the South Jersey Gas remand resolution today.

Chairman Prickett asked if the rule of necessity can be used to vote on this matter.

Ms. Roth advised that the rule of necessity was available to the Commission, however permission to use the rule would require approval from the Attorney General's office. She added there was not enough time to have the conversation this morning with the appropriate individuals.

Commissioner Lloyd said, in his opinion, he doesn't believe the rule of necessity applies in this instance. He said just because Commissioners choose not to attend meetings does not mean the Commission can use this provision.

Ms. Roth explained the rule of necessity. She said if a conflict is preventing a board from having the appropriate number of votes required to take an action, an assessment would be carried out to determine if the rule of necessity should be used. She said it is only invoked when an action must occur.

DAG Miles added that the rule of necessity is rarely used. She said it is essentially overruling recusal advice. She said she doesn't have the authority to permit the rule of necessity.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval of a two lot subdivision and no further development in Medford Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1985-0725.003) (two lot subdivision in Medford Township) (See Resolution # PC4-19-42). Commissioner Avery seconded the motion.

Director Horner said the parcel in question is a privately owned half-acre lot; a quarter acre of the lot will be obtained by Medford Township to be used as a public parking area.

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

Public Comment on Public Development Applications and Items where the record is open

Chairman Prickett read the list of Public Development and Waiver applications up for comment.

Rhyan Grech of the Pinelands Preservation Alliance provided comments on the South Jersey Transportation Authority (SJTA) application for the development of a deicing apron (#1983-5837.058). She said SJTA should be in full compliance with the requirements of the 2019 Amended Memorandum of Agreement (MOA) before the Commission authorizes approval of the deicing apron. (Comments are attached).

Ms. Roth said staff is working with SJTA to ensure it is in compliance with the requirements of the amended MOA. She added that SJTA recently submitted to the Commission a copy of the amended Airport Layout Plan for the Atlantic City Airport signed by the FAA.

Ms. Roth added that Amended MOA does not require SJTA to have created the new Grassland Conservation Management Area (GCMA) before it can move forward with development applications that were permitted under the prior MOA. She added that finding the right amount of land for the habitat will take some time. The amended MOA permits SJTA to request a one year extension of the deadline to acquire a site for the new GCMA.

In response to Commissioner Howell's questions, Ms. Roth said the first payment from SJTA was received almost immediately after execution of the MOA. She said the Commission asked for and received a monthly status report from SJTA in August. She said SJTA is working towards meeting the requirements of the MOA.

Commissioner Howell noted that he would not vote on any development application at the airport unless it has been demonstrated that SJTA is meeting all requirements of the agreement. He said the amended MOA disrupted a conservation area and he wants to ensure that the disruption is not permanent.

Commissioner Lohbauer agreed with Commissioner Howell's comments. He expressed reluctance to approve development if SJTA is not meeting its obligations. He said the protection of threatened and endangered species is an important goal of the Commission.

Ms. Roth stated the Executive Director's report will address the SJTA MOA and public comment received for the application.

Ordinances Not Requiring Commission Action

Chairman Prickett asked if any Commissioners had questions regarding the ordinances not requiring Commission action.

- Egg Harbor City Ordinance 11-2019
- Egg Harbor Township Ordinance 31-2019
- Manchester Township Ordinance 19-026
- Monroe Township Ordinance O:48-2019
- Upper Township Ordinance 0-16-2019
- Washington Township Ordinance 2019-02

No members of the Commission had questions.

Other Resolutions

Chairman Prickett presented a resolution to adopt meeting dates for 2020.

Commissioner Avery moved the resolution scheduling Regular Pinelands Commission Meeting dates for 2020. Commissioner Earlen seconded the motion (See Resolution # PC4-19-43).

ED Wittenberg pointed out that the April Commission meeting will be held the first Friday of the month rather than the usual second Friday.

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

Chairman Prickett said the next resolution is to extend the Right-of-Way Vegetation Maintenance Pilot Program.

Commissioner Lohbauer moved to the adoption of a resolution To Extend the Electric Transmission Right-of-Way Vegetation Maintenance Pilot Program. Commissioner Lloyd seconded the motion (See Resolution # PC4-19-44).

Director Horner said the pilot program came to fruition in 2009 when utilities in the Pinelands were having difficulty maintaining the vegetation in Rights-of-Way. The utilities were trying to find a balance of protecting wetlands and threatened and endangered species habitat while providing reliable electric service in the Pinelands. He reviewed a timeline of events over the last decade, which included the Commission adopting a report and amendment to the CMP for the pilot program. He said staff has provided progress reports on the pilot program to the Commission. He said the pilot program is set to expire at the end of December. He said the Vegetation Management Plan outlines prescriptions for 3,000 spans, which are the areas between two transmission poles. He said Regulatory Programs staff inspects the ROW spans and the Science office provides the analysis of the plots within a span. The Vegetation Management Plan has allowed the utilities to do their work, and the spans remain typical of Pinelands habitat. Staff is recommending a two-year extension of the pilot program to allow further evaluation.

Commissioner Irick expressed concerns about the utilities request to apply herbicides in the ROW.

ED Wittenberg said two utilities are interested in applying herbicides.

After a brief conversation about the application of herbicides, ED Wittenberg made it clear that before any utility is permitted to use herbicides, the matter would come back to the Commission for a vote.

Commissioner Lohbauer was appreciative for the clarification about the use of herbicides. He added that he was under the impression from the ROW presentation at the P&I Committee that the analysis has shown a resurgence of some threatened and endangered plant species.

Commission staff clarified that at this time the conclusion that the pilot program has caused threatened and endangered species to flourish cannot be made.

Ms. Jean Montgomerie said that there was a known presence of American Mistletoe in six spans which resulted in requiring a threatened and endangered species survey prior to vegetation management. She said whether the plant was always there or not is unknown.

Director Horner closed by stating that the Vegetation Management Pilot Program has been successful.

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

South Jersey Gas Remand Resolution

Commissioner Prickett announced there would not be a vote on the South Jersey Gas resolution today.

Other

ED Wittenberg announced that long time Commission staff member Director Larry Liggett will retire effective January 1, 2020. ED Wittenberg said Director Liggett's creative way of thinking is irreplaceable.

Chief Planner Grogan said Director Liggett joined the Commission in 1988 and had previously worked for the City of Wilmington. She spoke about the days when she and Director Liggett shared an office in the attic of Fenwick Manor.

Commissioners shared their appreciation for Director Liggett's work over his extensive career at the Commission.

General Public Comment

Jeff Tittel of the Sierra Club congratulated Director Liggett on his retirement. He said the NJDEP issued a report on climate impacts and sea level rise. He said the climate crisis is happening faster than initially thought. He said the state needs to transition to clean energy and stop using fossil fuels. He said the Commission needs new appointments. He said the South Jersey Gas resolution needs to move forward and asked for an amendment to the resolution to include language denying the application. He hopes the Pinelands Commission will begin working on climate change regulations.

Rhyan Grech of the Pinelands Preservation Alliance said she hopes the Commission will work on some climate change initiatives in 2020, such as curbing emissions. She wished Director Liggett well in his retirement.

Margo Pellegrino of Medford Lakes congratulated Director Liggett on his upcoming retirement. She said she enjoyed talking with Director Liggett about birds. She spoke about a local farm where purple martins left after an application of pesticides. She read pieces of a recent NY Times article *Natural Gas Boom Fizzles as a U.S. Glut Sinks Profits*.

Arnold Fishman of Medford Lakes said the resolution to address the South Jersey Gas remand is not strong enough. He said the resolution should rescind the prior approval; deny the application with prejudice in conformance with the Administrative Procedures Act and the CMP.

Margit Meissner Jackson of the Ocean County Sierra Club said by 2100, areas east of Route 9 will be under water. She said the barrier islands are sinking. She said there is enough development on Long Beach Island. She said ever since she installed solar panels on her property she hasn't had an electric bill.

Bill O'Neil of Ocean City said he hopes the Commission votes to end the South Jersey Gas pipeline.

Commissioner Lloyd said the Governor announced that the state of New Jersey will purchase 1,400 acres in Cumberland County, known as Holly Farm. He said the property has many different bird species, including threatened and endangered species. He said although the property is outside of the Pinelands it is pinelands habitat.

Commissioner Avery said the Holly Farm was very important to former Commissioner Brian McFadden, who was from Cumberland County. He said the late Commissioner McFadden would have been pleased with the news of the purchase.

Commissioner Lohbauer said it's important for the Commission to take action to mitigate climate change. He said he hope the Commission settle on climate language to include in the CMP in the first quarter of 2020.

Resolution to Retire into Closed Session

DAG Miles read a resolution to enter into closed session to discuss collective bargaining and a personnel matter.

Commissioner made a motion to enter into closed session. Commissioner seconded the motion. The Commission agreed to retire into closed session by a vote of 9 to 0, beginning at 11:26 a.m.

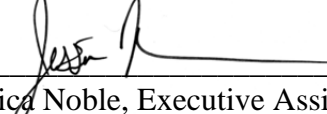
Return to Open Session

The Commission entered back into open session at 12:16 p.m. DAG Miles provided a summary of the closed session. She said the Commission was provided an update on the collective bargaining process and a personnel matter.

Adjournment

Commissioner Quinn moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 12:17 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: December 23, 2019



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 42

TITLE: Approving With Conditions an Application for Public Development (Application Number 1985-0725.003)

Commissioner Lohbauer moves and Commissioner Avery 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:

1985-0725.003

Applicant:	Medford Township
Municipality:	Medford Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	November 19, 2019
Proposed Development:	Two lot subdivision and no further development.

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 1985-0725.003 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	Irick	X			Quinn	X		
Avery	X			Jannarone			X	Rohan Green			X
Christv			X	Lloyd	X			Prickett	X		
Earlen	X			Lohbauer	X						
Howell	X			Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: December 13, 2019

Richard Prickett
Richard Prickett
Chairman



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Chairman
NANCY WITTENBERG
Executive Director

November 19, 2019

Katherine Burger (via email)
Medford Township
17 North Main Street
Medford, NJ 08055

Re: Application # 1985-0725.003
Block 1813, Lot 15
Medford Township

Dear Ms. Burger:

The Commission staff has completed its review of this application for a two lot subdivision and no further development. 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 13, 2019 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Medford Township Planning Board (via email)
Medford Township Construction Code Official (via email)
Medford Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Christopher J. Noll (via email)



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PUBLIC DEVELOPMENT APPLICATION REPORT

November 19, 2019

Katherine Burger (via email)
Medford Township
17 North Main Street
Medford, NJ 08055

Application No.: 1985-0725.003
Block 1813, Lot 15
Medford Township

This application proposes a two lot subdivision and no further development of the above referenced 0.45 acre parcel in Medford Township. There is an existing commercial office building and stone parking lot located on the parcel.

The proposed subdivision will create a 0.25 acre lot containing the existing stone parking lot and a 0.20 acre lot containing the existing commercial office building. The 0.25 acre lot will be acquired by Medford Township and the 0.20 acre lot will be retained by the current owner.

The proposed 0.25 acre lot containing the existing stone parking lot is located immediately adjacent to Block 1807, Lot 7 in Medford Township. That parcel contains an existing building and parking lot owned by the Trustees of the Medford Memorial Community Center (TMMCC). The Township entered into a 2001 lease agreement with the TMMCC to permit the existing parking lot on Block 1807, Lot 7 to be utilized as a parking lot for the benefit of the general public. The parking lot located on the proposed 0.25 acre lot will provide additional parking to the general public.

STANDARDS

The Commission staff has reviewed the proposed subdivision 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. 7:50-5.28)

The parcel is located in a Pinelands Regional Growth Area. The proposed subdivision is permitted in a Pinelands Regional Growth Area.

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 October 29, 2019. The Commission’s public comment period closed on November 8, 2019. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. The proposed subdivision shall adhere to the plan prepared by Environmental Resolutions, Inc. and dated August 1, 2019.
2. The applicant shall obtain any other necessary permits and approvals for the subdivision.

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 by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on December 9, 2019 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 43

TITLE: Scheduling Regular Pinelands Commission Meeting dates for 2020

Commissioner Avery moves and Commissioner Earlen 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 10th 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 2020, 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 10, 2020(9:30 a.m.) | Friday, July 10, 2020 (9:30 a.m.) |
| Friday, February 14, 2020 (9:30 a.m.) | Friday, August 14, 2020 (9:30 a.m.) |
| Friday, March 13, 2020 (9:30 a.m.) | Friday, September 11, 2020 (9:30 a.m.) |
| Friday, April 3, 2020 (9:30 a.m.) | Friday, October 9, 2020 (9:30 a.m.) |
| Friday, May 8, 2020 (9:30 a.m.) | Friday, November 13, 2020 (9:30 a.m.) |
| Friday, June 12, 2020 (9:30 a.m.) | Friday, December 11, 2020 (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 post the annual schedule on the Commission's website (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	Irick	X			Quinn	X		
Avery	X			Jannarone		X		Rohan Green			X
Christy			X	Lloyd	X			Prickett	X		
Earlen	X			Lohbauer	X						
Howell	X			Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 13, 2019

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Richard Prickett
Richard Prickett
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 44

TITLE: To Extend the Electric Transmission Right-of-Way Vegetation Maintenance Pilot Program

Commissioner Lehbauer moves and Commissioner Uyeh seconds the motion that:

WHEREAS, the New Jersey Pinelands Electric-Transmission Right-of Way Vegetation Management Plan (ROW Plan), dated March 2009, was approved by the Pinelands Commission on October 9, 2009; and

WHEREAS, the ROW Plan specifies a variety of vegetation management prescriptions that seek to achieve several ecological and electric transmission line right-of-way objectives; and

WHEREAS, the purpose of the ROW Plan is to create and maintain sustainable early successional habitats that are characteristic of the Pinelands Area and which provide habitat for native Pinelands plants and animals, including threatened and endangered species and to ensure the reliability and safety of the electric transmission system in the Pinelands Area by creating and maintaining low growth vegetation communities; and

WHEREAS, to implement the ROW Plan, the Commission amended the Pinelands Comprehensive Management Plan (CMP) to establish the Electric Transmission Right-of-Way Maintenance Pilot Program; and

WHEREAS, the CMP regulations (N.J.A.C. 7:50-10.31 through 10.35) implementing the Pilot Program became effective on December 21, 2009; and

WHEREAS, the Pilot Program was authorized for a ten year period through December 31, 2019; and

WHEREAS, the CMP requires that by September 30, 2019, the Executive Director shall report on the Pilot Program's implementation to the Commission, Public Service Electric and Gas, Jersey Central Power and Light, Atlantic City Electric and the New Jersey Board of Public Utilities, to determine whether the Pilot Program is successful in accordance with evaluation criteria set forth in the CMP (N.J.A.C. 7:50-10.35(a)); and

WHEREAS, the CMP (N.J.A.C. 7:50-10.35(c) provides that if the Executive Director finds that additional time is needed to fully assess the results of the Pilot Program, he or she shall so inform the Commission and upon Commission approval, the Pilot Program may be extended for up to two years; and

WHEREAS, in 2014 and 2017, the Commission staff submitted progress reports to the Commission, indicating that the Pilot Program was being successfully implemented; and

WHEREAS, the Executive Director finds that additional time is needed to fully assess the results of the Pilot Program and to formulate the appropriate regulatory approach for long term implementation and incorporation of the ROW Plan into the CMP; and

WHEREAS, the Executive Director recommends that the Pinelands Commission extend the Pilot Program for two years; and

WHEREAS, the CMP Policy and Implementation Committee has reviewed and endorsed the Executive Director's recommendation; 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 extends the Electric Transmission Right-of Way Maintenance Pilot Program until September 30, 2021. In accordance with the CMP (N.J.A.C.7:50-10.35(c)), all of the conditions of the Pilot Program shall be extended and remain in full force and effect, including the utility company responsibilities set forth at N.J.A.C. 7:50-10.32(b).

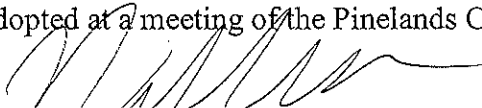
Record of Commission Votes

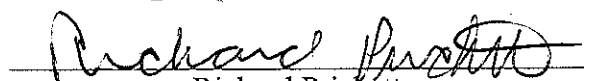
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun			✓	Irick	✓			Quinn	✓		
Avery	✓			Jannarone			✓	Rohan Green			✓
Christy			✓	Lloyd	✓			Prickett	✓		
Earlen	✓			Lohbauer	✓						
Howell	✓			Pikolycky	✓						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 13, 2019


 Nancy Wittenberg
 Executive Director


 Richard Prickett
 Chairman



PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton, NJ 08088
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

December 13, 2019

Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

Re: Application No. 1983-5837.058 – South Jersey Transportation Authority

Dear Chairman Prickett and Pinelands Commissioners,

I am writing on behalf of Pinelands Preservation Alliance to express concern regarding the application to build a 12-acre deicing pad at the Atlantic City International Airport (ACY). The 2004 Memorandum of Agreement (MOA) with South Jersey Transportation Authority (SJTA) was created to facilitate several short-term projects at ACY, including the deicing apron presently under consideration. The agreement described a number of mitigation measures, including the development of a Grassland Conservation and Management Plan, to create and enhance habitat to compensate for the loss of critical habitat for grassland species of concern. The mitigations intended to provide the state-listed Upland sandpiper, Grasshopper sparrow and Frosted elfin butterfly with an equivalent level of protection and resources of the Pinelands as they would have been afforded if the Comprehensive Management Plan (CMP) standards were upheld.

The 2004 MOA allowed for certain projects to proceed if and only if a Grassland Conservation and Management Plan with environmental commitments was developed. According to the MOA, an area of 290 acres was to be designated “Grassland Conservation and Management Area (GCMA) - to be Held in Reserve. No Development Shall Occur”. This restriction was intended to “run with the land and shall be referenced in the deed for the property” (MOA IIIA7(b)).

However, the GCMA was destroyed this year, as a result of the approved amendment to the MOA. This April 2019 amendment laid out several provisions to be met by the SJTA, and a specific timeline to do so. These requirements include:

1. Acquire land within the Pinelands for creation and long-term maintenance of a new GCMA, of which 62 acres (the minimum area of potential habitat required for the Upland sandpiper) is already cleared, and located at least 50 meters from any structure or forest edge;

2. Enhance an approximately 12-acre site located adjacent to the Forest Preservation Area in the northeast quadrant of the airport for the Frosted elfin butterfly;
3. An initial payment of \$500,000 (due before any development approvals);
4. A resolution (due before any development approvals) from the SJTA Board committing to the remaining five annual payments of \$500,000 each to be paid no later than January 5th of each year, AND a timeframe for the acquisition (within 1 year) and creation (within 3 years) of the new GCMA, and enhancement of the habitat for the Frosted elfin butterfly (within 2 years);
5. A written agreement (due May 2019) from the Federal Aviation Administration (FAA) indicating that the FAA concurs with the expansion of the Forest Preservation Area to include the 12-acre enhanced Frosted elfin butterfly habitat, as well as a nearby area where a well-documented colony is located, on all subsequent layout plans for the airport;
6. Monthly written status reports to the Pinelands Commission commencing July 2019.

Additionally, several letters were sent from Pinelands Commission staff to SJTA requesting an Airport Layout Plan. The original MOA approved a 7-acre deicing pad, and those plans were not altered in the 2019 amendment. But the project currently under consideration is for a 12-acre deicing pad, so SJTA agreed to remove that 5-acre balance from the Auxiliary Development Area authorized by the MOA. An Airport Layout Plan clearly illustrating this change was first requested by your staff in March 2017, and the most recent letter in this application's file requesting the same thing was sent in May of this year. There was no reply or Airport Layout Plan in this application's file as of my file review on December 12, 2019.

The April 16, 2019 first amendment to the MOA specifically states that until the initial payment and SJTA Board resolution are received, no development activities will be approved by the Pinelands Commission. Additionally, the amendment states that "all development activities authorized by this Agreement or the February 26, 2004 MOA... shall immediately cease and these agreements shall be considered suspended in the event the [SJTA] fails to make any of the annual payments..., or fails to meet the time lines for either 1) the acquisition, creation and maintenance for the new off-airport Grassland Conservation and Management Area or 2) the enhancement and maintenance of the Frosted elfin butterfly habitat in the northeast quadrant of the Property."

In light of the fact that the 2004 MOA allowed for the destruction of critical habitat for 3 state-listed threatened and endangered species *only* under the condition of 290 acres of habitat creation that was to be protected into perpetuity, only to have THAT critical habitat destroyed a mere 15 years later, I urge the Commission to ensure that **every last requirement** set forth in the MOA amendment has been met before approving the construction of 12 acres of impervious surface at the airport: a proposal that already, in the planning stage, deviates from the MOA by being 5 acres larger than agreed upon.

Prior to your vote on this application, an annual payment must be received by January 5th, and status reports must have been received every month since July. The SJTA's Board resolution, and the written agreement from the FAA should **already** have been received by the Pinelands Commission, and in just a few months, in April, the acquisition of the new GCMA habitat must be complete. Plus, the Airport Layout Plan, compensating for 5 extra acres added to this deicing pad as compared to the original 7-acre proposal, must be received as requested repeatedly by your staff over the past two and a half years.

At the December 13, 2019 Pinelands Commission meeting, Stacey Roth stated, during discussion of this application, that SJTA “started in August but there’s been a recent lapse” in the monthly reporting. She said “we remind them”, which is absolutely outside of the responsibility of the Pinelands Commission. An applicant unable to uphold a clear obligation per a legal Memorandum of Agreement with a state agency without reminders should not be rewarded with a development approval.

The Pinelands Commission has already accommodated the South Jersey Transportation Authority by allowing non-compliance with the CMP in the original 2004 MOA, and then further non-compliance as well as a reneging of the MOA terms by approving the 2019 amendment. We urge the Commission to not give another approval to SJTA unless they have fulfilled absolutely every one of their requirements under the new agreement.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Rhyan Grech". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rhyan Grech

Policy Advocate



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1985-0202.005, 1986-1154.004, 1988-0471.002 & 1988-0706.021)

Commissioner _____ moves and Commissioner _____
seconds the motion that:

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

1985-0202.005

Applicant:	Hamilton Township Board of Education
Municipality:	Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	December 20, 2019
Proposed Development:	Installation of 300 linear feet of sidewalk and rubber surfacing of three existing playground areas at the Joseph C. Shaner Memorial Elementary School;

1986-1154.004

Applicant:	Franklin Township
Municipality:	Franklin Township
Management Area:	Pinelands Agricultural Production Area
Date of Report:	December 19, 2019
Proposed Development:	Construction of 853 linear feet of wooden boardwalk and associated recreational improvements at the Piney Hollow Preservation Area;

1988-0471.002

Applicant:	Evesham Township
Municipality:	Evesham Township
Management Area:	Pinelands Rural Development Area
Date of Report:	December 19, 2019
Proposed Development:	Improvements to the Braddock Mill Road dam at Union Mill Lake; and

1988-0706.021

Applicant:	Town of Hammonton
Municipality:	Town of Hammonton
Management Area:	Pinelands Town
Date of Report:	December 19, 2019
Proposed Development:	Installation of 830 linear feet of three inch groundwater discharge pipe at the Boyer Avenue Wastewater Facility.

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 1985-0202.005, 1986-1154.004, 1988-0471.002 & 1988-0706.021 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					Irick					Quinn				
Avery					Jannarone					Rohan Green				
Christy					Lloyd					Prickett				
Earlen					Lohbauer									
Howell					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

December 20, 2019

Anna Marie Fala, Business Administrator
Hamilton Township Board of Education (via email)
1876 Dr. Dennis Foreman Drive
Mays Landing, NJ 08330

Re: Application # 1985-0202.005
Block 809, Lots 17 & 18
Hamilton Township

Dear Ms. Fala:

The Commission staff has completed its review of this application for installation of 300 linear feet of sidewalk and rubber surfacing of three existing playground areas at the Joseph C. Shaner Memorial Elementary School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2020 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)
William B. Edwards, PE (via email)



State of New Jersey
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 20, 2019

Anna Marie Fala, Business Administrator
Hamilton Township Board of Education (via email)
1876 Dr. Dennis Foreman Drive
Mays Landing, NJ 08330

Application No.: 1985-0202.005
Block 809, Lots 17 & 18
Hamilton Township

This application proposes installation of 300 linear feet of sidewalk and rubber surfacing of three existing playground areas at the Joseph C. Shaner Memorial Elementary School on the above referenced 9.58 acre parcel in Hamilton Township.

STANDARDS

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

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

The proposed development is located within 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 on the above referenced parcel. The proposed sidewalk and rubber surfacing will be located no closer to wetlands than existing development.

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

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

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

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing an underground stormwater infiltration system.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on May 28, 2019. Newspaper public notice was completed on June 1, 2019. The application was designated as complete on the Commission's website on November 8, 2019. The Commission's public comment period closed on December 13, 2019. 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 14 sheets, prepared by Edwards Engineering Group, Inc. and dated as follows:

Sheets 1-9 & 11-15 - April 22, 2019; revised August 15, 2019
Sheet 10 - April 22, 2019; revised October 4, 2019
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.



State of New Jersey
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on January 8, 2020 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.



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

December 19, 2019

Mayor Leah Vassallo (via email)
Franklin Township
1571 Delsea Drive
Franklinville, NJ 08322

Re: Application # 1986-1154.004
Block 6602, Lots 3 & 4
Franklin Township

Dear Mayor Vassallo:

The Commission staff has completed its review of this application for construction of 853 linear feet of wooden boardwalk and associated recreational improvements at the Piney Hollow Preservation Area. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2020 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, Franklin Township Planning Board (via email)
Franklin Township Construction Code Official (via email)
Franklin Township Environmental Commission (via email)
Secretary, Gloucester County Planning Board (via email)
Allyson M. Rooke (via email)



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

General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2019

Mayor Leah Vassallo (via email)
 Franklin Township
 1571 Delsea Drive
 Franklinville, NJ 08322

Application No.: 1986-1154.004
 Block 6602, Lots 3 & 4
 Franklin Township

This application proposes construction of 853 linear feet of wooden boardwalk and associated recreational improvements at the Piney Hollow Preservation Area located on the above referenced 221.92 acre parcel in Franklin Township.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.24(a)6)

The proposed development is located in a Pinelands Agricultural Production Area. The proposed development is a permitted use in a Pinelands Agricultural Production Area.

Wetlands Standards (N.J.A.C. 7:50-6.11, 6.13 & 6.14)

The proposed wooden boardwalk will be located primarily in wetlands and partially in the required buffer to wetlands. The proposed wooden boardwalk will be located within the limits of an existing dirt road.

The CMP permits the proposed wooden boardwalk (linear development) in wetlands and the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in wetlands and the 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 will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The proposed development will disturb approximately 0.019 acres of wetlands. The applicant has indicated

that the proposed boardwalk will provide safe passage along the existing trails of the Piney Hollow Preserve. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the concerned wetlands.

A total of four picnic tables and six log benches will be placed in existing disturbed areas within wetlands. The applicant has demonstrated that the picnic tables and log benches 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 in existing disturbed 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 the disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

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

The proposed development will occur entirely within the limits of existing dirt roads and disturbed areas. The applicant has submitted information that demonstrates that the proposed development will not result in any increase in volume and rate of stormwater runoff after development than occurred prior to the proposed development. The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the Franklin Township land use ordinance and the CMP.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 21, 2018. Newspaper public notice was completed on December 13, 2018. The application was designated as complete on the Commission's website on December 3, 2019. The Commission's public comment period closed on December 13, 2019. 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 nine sheets, prepared by CME Associates and dated as follows:

Sheets 1-6 - dated 4/2018; revised to 4/30/2019

Sheets 7-9 - dated 4/2018; revised to 2/8/2019.

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.

CONCLUSION

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



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

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on January 7, 2020 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.



State of New Jersey

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

December 19, 2019

Robert Corrales, Township Manager (via email)
Evesham Township
984 Tuckerton Road
Marlton, NJ 08053

Re: Application # 1988-0471.002
Braddock Mill Road
Block 71.01, Lot 1
Evesham Township

Dear Mr. Corrales:

The Commission staff has completed its review of this application for improvements to the Braddock Mill Road dam at Union Mill Lake. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2020 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, Evesham Township Planning Board (via email)
Evesham Township Construction Code Official (via email)
Evesham Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Tim Staszewski, P.E., C.M.E. (via email)



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 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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 Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2019

Robert Corrales, Township Manager
 Evesham Township
 984 Tuckerton Road
 Marlton, NJ 08053

Application No.: 1988-0471.002
 Braddock Mill Road
 Block 71.01, Lot 1
 Evesham Township

This application proposes improvements to the Braddock Mill Road dam at Union Mill Lake located within the Braddock Mill Road right-of-way and on the above referenced 2.0 acre parcel in Evesham Township.

The application proposes the removal of two approximately 50 linear foot long concrete culverts under Braddock Mill Road, the installation of a new 46 linear foot long concrete culvert under Braddock Mill Road, a new dam spillway and associated dam improvements.

A portion of the proposed development will be located north of the Braddock Mill road right-of-way which is outside of the Pinelands Area. The proposed dam improvements will result in less than 5,000 square feet of disturbance in the Pinelands Area.

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)

The proposed development is located in a Pinelands Rural Development Area. The proposed improvements to the existing dam are a permitted use in a Pinelands Rural Development Area.

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

The dam improvements will be located within wetlands and the required buffer to wetlands. The proposed development will result in the disturbance of approximately 0.035 acres of wetlands in the

Pinelands Area. The CMP permits linear improvements, such as dams, in wetlands and the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in wetlands and the required buffer 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 will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The applicant has indicated that the dam improvements are necessary to meet the New Jersey Department of Environmental Protection (NJDEP), Dam Safety requirements. The applicant has demonstrated the need for the proposed development overrides the importance of protecting the concerned wetlands.

The proposed wetlands disturbance requires a wetlands permit under the New Jersey Freshwater Wetlands Protection Act. A New Jersey Freshwater Wetlands General Permit 18 was issued by the NJDEP on October 8, 2019.

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

The proposed development will be located within open water and sandy barren areas. The soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The proposed dam improvements will result in less than 5,000 square feet of disturbance in the Pinelands Area. Available cultural resource data indicates the possible presence of an historic 19th century sawmill that may have been associated with the existing dam. A condition is included in this report requiring the Commission staff to be present during any construction related disturbance to determine whether any structural remains of a former dam associated with the sawmill may be present.

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 December 3, 2019. The Commission’s public comment period closed on December 13, 2019. 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 22 sheets, prepared by Remington & Vernick Engineers and dated as follows:

Sheets 1, 2, 4, 5, 8-12, 15, 16, 19 & 22 - dated 1/3/2017

Sheets 3, 6, 7, 17, 18 & 20 - dated 1/3/2017; revised to 7/2019

Sheets 13 & 14 - dated 1/3/2017; revised to 12/2019

Sheet 21 - dated 1/3/2017; revised to 6/2019.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. The applicant shall notify the Pinelands Commission staff prior to commencement of any construction related disturbance so that the Commission staff may record any structural remains of a former dam associated with the sawmill that may be present.
7. If during construction any archaeological data is discovered, the applicant shall immediately cease construction, and notify Pinelands Commission staff.

CONCLUSION

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



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PINELANDS COMMISSION
APPEAL PROCEDURE

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

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



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

December 19, 2019

Robert Vettese (via email)
Town of Hammonton
100 Central Avenue- Town Hall
Hammonton, NJ 08037

Re: Application # 1988-0706.021
Block 4204, Lots 8, 9 & 11 - 17
Town of Hammonton

Dear Mr. Vettese:

The Commission staff has completed its review of this application for the installation of 830 linear feet of three inch groundwater discharge pipe at the Boyer Avenue Wastewater Facility. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2020 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)
Marianne G. Risley (via email)



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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2019

Robert Vettese (via email)
Town of Hammonton
100 Central Avenue- Town Hall
Hammonton, NJ 08037

Application No.: 1988-0706.021
Block 4204, Lots 8, 9 & 11 - 17
Town of Hammonton

This application proposes the installation of 830 linear feet of three inch groundwater discharge pipe at the Boyer Avenue Wastewater Facility located on the above referenced 180.87 acre parcel in the Town of Hammonton.

On June 7, 2001, the Commission approved an application for the development of the Boyer Avenue Wastewater Facility (App. No. 1988-0706.002). As part of that application a groundwater interceptor trench, a pumping station and a groundwater discharge pipe that discharged the intercepted groundwater onto Block 4303, Lot 20, adjacent to the Boyer Avenue Wastewater Facility parcel, was approved. Approximately 375 linear feet of groundwater discharge pipe was subsequently installed on Block 4303, Lot 20.

By letter dated May 30, 2019, the Town of Hammonton advised the Commission staff that legal action had been taken directing Hammonton to cease the discharge of intercepted groundwater to Block 4303, Lot 20 and to remove the discharge pipe from that parcel. Hammonton indicated that the removal of the groundwater discharge pipe from Block 4303, Lot 20 and the elimination of the groundwater pipe discharge on Block 4303, Lot 20 would expose existing residential dwellings adjoining the Boyer Avenue Wastewater Facility parcel and their septic systems to possible foundation and septic system flooding by groundwater mounding, thereby creating a health and safety issue. By letter dated June 10, 2019, the Commission's Executive Director determined that immediate action was necessary to remedy or prevent a condition that was dangerous to life, health or safety, and therefore authorized the relocation and installation of a proposed groundwater discharge pipe onto the Boyer Avenue Wastewater Facility parcel.

The Executive Director's June 10, 2019 letter also required the Town of Hammonton to complete an after-the-fact application for the installation of the groundwater discharge pipe on the Boyer Avenue Facility parcel. This application constitutes that after-the-fact application.

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 Town of Hammonton. The proposed development is a permitted use in a Pinelands Town.

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

There are wetlands located within 300 feet of the above referenced parcel. All development, including clearing and land disturbance, 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 forested area. Approximately 1,500 square feet of forest will be cleared to accommodate the proposed development. The proposed disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

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

PUBLIC COMMENT

The CMP defines the proposed 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 November 26, 2019. The Commission’s public comment period closed on December 13, 2019. 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 two sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., both sheets dated September 23, 2019, and revised to October 29, 2019.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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RICHARD PRICKETT
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NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on January 7, 2020 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2017-0213.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

2017-0213.001

Applicant: Christian and Diana Sabella
Municipality: Waterford Township
Management Area: Pinelands Preservation Area District
Date of Report: December 19, 2019
Proposed Development: Single family dwelling.

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

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

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2017-0213.001 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Irick				Quinn			
Avery				Jannarone				Rohan Green			
Christy				Lloyd				Prickett			
Earlen				Lohbauer							
Howell				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



State of New Jersey

THE PINELANDS COMMISSION

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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

December 19, 2019

Christian and Diana Sabella (via email)
25 Tilton Street
Hammonton, NJ 08037

Re: Application # 2017-0213.001
Block 6805, Lot 4
Waterford Township

Dear Mr. and Mrs. Sabella:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2020 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling serviced by an onsite septic system on the above referenced 11.14 acre parcel in Waterford Township. The parcel is located in the Pinelands Preservation Area District and in Waterford Township’s Preservation District zoning district. In this zoning district, Waterford Township’s certified land use ordinance permits single family dwellings on existing lots containing at least 1.0 acre provided the applicant meets the requirements of the cultural housing provision of the certified municipal ordinance (Section 176-57A) and the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-5.32).

The applicant is proposing to develop a single family dwelling on the parcel pursuant to the cultural housing provision contained in the Waterford Township land use ordinance and the CMP. The applicant has submitted information demonstrating that Diana Sabella qualifies to develop a single family dwelling on the parcel pursuant to the cultural housing provision contained in the Waterford Township land use ordinance and the CMP.

The Camden County Soils Survey indicates that there are Woodstown and Glassboro soils, Woodstown and Galloway soils and Berryland soils on this parcel. These soils have a seasonal high water table of less than five 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 five feet below the natural ground surface. Since the available information indicates the seasonal

high water table on the entire parcel is less than five feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table standard contained in the CMP (N.J.A.C. 7:50- 6.84(a)5vi.).

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

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. A single family dwelling can be developed on the parcel without violating any of the criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

Pursuant to N.J.A.C. 7:50-5.43(b)4, the applicant is entitled to 0.25 Pineland Development Credits for this 11.14 acre parcel. If the proposed development of a single family dwelling is approved pursuant to the provisions of the CMP, the allocation of PDCs for this parcel would be reduced to zero.

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on seasonal high water table be minimized.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on October 29, 2019. Newspaper public notice was completed on October 29, 2019. The application was designated as complete on the Commission's website on December 2, 2019. The Commission's public comment period closed on December 13, 2019. No public comment was submitted to the Pinelands Commission regarding the application.

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. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship, the 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 an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling proposed on a parcel of at least 1.0 acre in accordance with the cultural housing provision (N.J.A.C. 7:50-5.32). This application is for a Waiver from the minimum depth to seasonal high water table requirement when utilizing an onsite septic system. The applicant is proposing to develop a single family dwelling on a 11.14 acre parcel in accordance with the cultural housing provision. Therefore, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1i.

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

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c), the applicant meets the criteria 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 property is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Waterford Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinance does not require a lot area or density variance. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

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

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c) and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62 (d)1i) also requires the reduction as set forth in the CMP of any PDCs that are allocated to the parcel. The CMP (N.J.A.C. 7:50-5.43(b) allocates PDCs to this parcel. As required by the CMP (N.J.A.C. 7:50-5.43(b)3ii and 3iii), a condition is included to require the reduction in the PDC allocated to this parcel by 0.25 PDCs if the single family dwelling subject of this Waiver application is developed or for any reserved right to build the single family dwelling subject of this Waiver application.

The CMP (N.J.A.C. 7:50-4.62(d)1ii) further requires the acquisition and redemption of any PDCS that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.32) provides that the development of a single family dwelling on a lot of at least 3.2 acres in accordance with the cultural housing provision does not require the acquisition and redemption of any PDCS.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) further requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the seasonal high water table standard (N.J.A.C. 7:50-6.84(a)4iv), a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Key Engineers, Inc., dated August 14, 2019 and last revised November 22, 2019.
2. The proposed septic system must be located in an area where the seasonal high water table is at least two feet below the natural ground surface.
3. All development, including clearing and land disturbance, shall maintain a 300 foot buffer to wetlands, as shown on the above referenced plan. No development, including clearing and land disturbance, except for the continuation of agriculture within the currently farmed portion of the parcel, is permitted within wetlands or within 300 feet of wetlands as delineated on the above referenced plan.
4. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole use of the parcel.
5. Pursuant to the cultural housing provision of the Waterford Township land use ordinance and the CMP, the single family dwelling shall be the principal place of residence of Diana Sabella.
6. Any allocation of Pinelands Development Credits to the parcel shall be reduced by 0.25 PDCs in accordance with N.J.A.C. 7:50-5.43(b)3ii and 3iii.
7. This Waiver shall expire January 10, 2025 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after January 10, 2025 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
8. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
9. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a December 19, 2019 Pinelands Commission Report on an Application for a Waiver of Strict Compliance (“Waiver Report”) for App. No. 2017-

0213.001. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Waterford Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver of Strict Compliance from the requirements of N.J.A.C. 7:50-6.84(a)5vi.

Since the applicant meets the provisions of 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 for the development of one single family dwelling on the subject lot, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver of Strict Compliance subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on January 7, 2020 and 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, 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)
Camden County Health Department (via email)
R. Scott Smith (via email)



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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




RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: December 31, 2019

Subject: No Substantial Issue Findings

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

Little Egg Harbor Township Ordinance 2019-04 - amends Chapter 15 (Land Use and Development) of the Township's Code by amending or repealing the penalty provisions related to trees, stormwater control and small wind energy Systems and solar energy systems. Ordinance 2019-04 also revises Section 15-19.1, Violations and penalties, by increasing the maximum fine from \$1,000 to \$2,000. Lastly, the ordinance amends Section 15-7.15 to limit the enforcement of private storm drain inlet retrofitting to the code enforcement official and Section 15-7.7 by revising provisions for the overnight parking of commercial vehicles.

Little Egg Harbor Township Ordinance 2019-09 - amends Chapter 15 (Land Use and Development) of the Township's Code by revising the district regulations for the PV Pinelands Village Zone. Specifically, Ordinance 2019-09 revises the permitted uses in the PV Zone to include signs, accessory uses, family day-care homes, and various community residences defined in N.J.S.A. 40:55D-66.2. The ordinance also establishes minimums for front-, rear-, and side-yard setbacks and lot width as well as a maximum building height of thirty-five feet. The ordinance includes an exemption from the minimum lot width requirement for any lot of record at the time of adoption that is rendered nonconforming by the ordinance. Lastly, the ordinance permits the enlargement of existing non-conforming, single-family dwellings provided that the enlargement conforms with all minimum yard standards and does not further increase any nonconforming setback.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____

TITLE: Resolution Addressing the Remand of the South Jersey Gas Company Application Due to a Significant Change in Material Fact

Commissioner _____ moves and Commissioner _____ 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 May 21, 2015, South Jersey Gas Company (“South Jersey Gas”) filed a revised application (“Original application”) to install approximately 15 miles of an approximately 22-mile, 24-inch natural gas pipeline within the Pinelands (“Project”); and

WHEREAS, as discussed in the Original application, the Project was intended to provide natural gas required to repower the BL England electrical generation plant (“BLE plant” or “BLE”) at Beesley’s Point in Upper Township 95% of the time and to provide natural gas redundancy to the southernmost portion of South Jersey Gas’s service territory; and

WHEREAS, 9.51 miles of the proposed Project would be located within a Forest Area; and

WHEREAS, the Project is considered “public service infrastructure” as defined by the Pinelands CMP at N.J.A.C. 7:50-2.11; and

WHEREAS, “public service infrastructure” is a permitted use in a Forest Area if it is demonstrated that the proposed infrastructure is “intended to primarily serve only the needs of the Pinelands,” N.J.A.C. 7:50-5.23(b)(12); and

WHEREAS, South Jersey Gas’s Original application represented that the Project’s primary purpose would be to provide the natural gas required to repower the BLE plant, which is located within the Pinelands; and

WHEREAS, the Commission, on December 9, 2016, approved Pinelands Resolution No. PC4-16-42 setting forth the process by which the it would review South Jersey Gas’s Original application and the Pinelands Preservation Alliance (“PPA”) subsequently appealed that resolution (“process appeal”); and

WHEREAS, after considering the Original application and public comment, the February 17, 2017 Executive Director’s Recommendation Report concluded that the Project was consistent with the CMP, because the proposed pipeline would serve the BLE plant, an existing Pinelands business, more than 95% of the time, and thus it would primarily serve only the needs of the Pinelands; and

WHEREAS, on February 24, 2017, the Commission approved Pinelands Resolution No. PC4-17-03, which adopted the factual findings in the February 17, 2017 Executive Director’s Recommendation Report, and approved the Project as delineated in the Original application; and

WHEREAS, the PPA, New Jersey Sierra Club, and Environment New Jersey appealed the Commission’s approval of the Project and adoption of Pinelands Resolution No. PC4-17-03 (“substantive appeals”); and

WHEREAS, R.C. Cape May Holdings, LLC, (“RCCM”) the entity that owns and operates BLE, intervened in the appeal; and

WHEREAS, on February 27, 2019, RCCM filed a motion seeking permission to withdraw as an intervenor, because it had decided not to repower the BLE plant; and

WHEREAS, RCCM’s decision not to repower BLE with natural gas changes a fundamental fact relied upon by the Pinelands Commission for its finding that the project was “intended to primarily serve only the needs of the Pinelands”; and

WHEREAS, RCCM’s decision not to repower BLE with natural gas is a fundamental change in the scope of the Project delineated in the Original application and the prior approval of same; and

WHEREAS, in correspondence dated March 6, 2019, the Commission’s Executive Director informed South Jersey Gas that, based on the new information that RCCM would not repower BLE with natural gas, the factual basis for the Commission’s approval, as detailed in the February 17, 2017 Executive Director’s Recommendation Report, had substantially changed and the approval was no longer justified; and

WHEREAS, South Jersey Gas did not provide a substantive response to the March 6, 2019 letter; and

WHEREAS, by letter dated April 12, 2019, South Jersey Gas advised the Commission that the Commission should not reconsider its previous approval of South Jersey Gas’s natural gas pipeline application, unless the Appellate Division remanded the matter to the Commission and that South Jersey Gas felt it was entitled to an adjudicatory hearing prior to any revocation of its existing approval pursuant to the Administrative Procedures Act; and

WHEREAS, on May 10, 2019, the Pinelands Commission filed a motion to remand the appeals on Resolution No. PC4-17-03 (granting South Jersey Gas’s application) and Resolution No. PC4-16-42 (regarding the Commission’s review process for South Jersey Gas’s application); and

WHEREAS, on May 20, 2019, PPA and New Jersey Sierra Club opposed the motion to remand the process appeal, and South Jersey Gas opposed the motion to remand the substantive appeals; and

WHEREAS, by Order dated May 29, 2019, the Appellate Division granted the Commission’s motion to remand the matter back to the Commission so it could reconsider its approval of the Project “in light of the decision by R.C. Cape May Holdings, LLC, not to re-fire the B.L. England plant with natural gas”; and

WHEREAS, in the May 29, 2019 Order, the Appellate Division rejected all arguments submitted in opposition to the Commission’s remand motion, did not retain jurisdiction, and dismissed the appeals; and

WHEREAS, despite having received written notice from the Commission’s Executive Director that the approval was no longer justified given the material change from the scope of the project in the Original application, i.e. that the Project would no longer serve BLE 95% of the time, South Jersey Gas has not voluntarily relinquished its approval, submitted a new application, or modified its existing application filed on May 21, 2015 to account for the substantially changed facts or provided any formal indication of its intentions whatsoever relative to the Project; and

WHEREAS, South Jersey Gas acknowledged in its Appellate Division filings that BLE will no longer be served by the Project, and thus there are no material facts in dispute and an adjudicatory hearing is not required; and

WHEREAS, given South Jersey Gas’s failure to provide information to account for the substantial change in facts and to address how the current scope of the Project satisfies the public service infrastructure requirements for a Forest Area set forth at N.J.A.C. 7:50-5.23(b)12, the application is incomplete; 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, because the Project has significantly changed, i.e. it will no longer serve BL England, the submitted application no longer addresses the Forest Area Public Infrastructure standard of the Pinelands CMP at N.J.A.C. 7:50-5.23(b)12. As a result, SJG may not proceed with the Project.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Irick				Quinn			
Avery				Jannarone				Rohan Green			
Christy				Lloyd				Prickett			
Earlen				Lohbauer							
Howell				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman