



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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
Executive Director

Date: April 4, 2019

Subject: Summary of the April 12, 2019 Meeting Packet

Minutes

The March 8, 2019 Commission Meeting minutes (open and closed sessions) and attachments are included in your packet.

Public Development Applications

The following public development application is being recommended for approval with conditions:

1. **Application Number 1990-0868.031/NJDEP, Division of Parks and Forestry**, Bass River Township, Preservation Area District, Rural Development Area, and Pinelands Village, Clearing of 16.4 acres of trees.

Waiver of Strict Compliance

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

Letter of Interpretation

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

Off-Road Vehicle Event Route Map Approval

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

Planning Matters

Ordinances from Bass River and Manchester Townships are being recommended for certification at this month's meeting. Bass River Township Ordinance 2018-05 adopts an alternative permitting program for single-family detached dwellings on existing lots of record in the Pinelands Area and adopts a number of revisions in response to recent Comprehensive Management Plan amendments. Manchester Township has requested certification of its master plan and land use ordinances, up to and including Ordinance 18-035, as they relate to that portion of the municipality located in the Pinelands National Reserve outside the state-designated Pinelands Area.

Memorandum of Agreement

The South Jersey Transportation Authority (SJTA) has requested to amend an MOA it executed with the Commission in February 2004 to eliminate the seasonal mowing restrictions in order to address safety concerns at the Airport. A draft of a Proposed MOA Amendment was discussed with the members of the Commission's Policy & Implementation Committee at its meeting on March 29, 2019 and the Committee agreed to move the amendment forward for full consideration by the Commission. A draft of the MOA, the draft Executive Director's Report and proposed resolution will be provided to you at the beginning of next week. We are still in the process of finalizing the draft of the Proposed MOA Amendment with the SJTA and subsequently finalizing the ED report.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on ten master plan and ordinance amendments that we reviewed and found to raise no substantial issues with respect to Comprehensive Management Plan standards. These amendments were submitted by Barnegat Township, Egg Harbor Township, Folsom Borough, Hamilton Township, Jackson Township, Maurice River Township, Plumsted Township, Upper Township and the City of Vineland.

Other Items

Also included in this month's packet is:

1. A memorandum from the Regulatory Programs office that finds one public development application to be consistent with an existing Memorandum of Agreement (MOA).

Closed Session

The Commission may need to convene into closed session.

Please note that future meetings and office closure dates, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.

/ PC1



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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, April 12, 2019

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

- March 8, 2019 (open and closed sessions)

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration *Where the Record is Closed*

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0868.031) (tree clearing to restore visibility at the Bass River Fire Tower)

B. Planning Matters

- Municipal Master Plans and Ordinances

- Issuing an Order to Certify Ordinance 2018-05, Amending Chapter 16 (Subdivisions and Site Plans) and Chapter 17 (Zoning) of the Code of Bass River Township
- Issuing an Order to Certify the Master Plan and Land Use Ordinances of Manchester Township, Up to and Including Ordinance 18-035, for That Portion of the Township Outside the Pinelands Area but Within the Pinelands National Reserve
- Other Resolutions
 - None
- CMP Amendments
 - None

C. Memorandum of Agreement

- A Resolution Authorizing the Executive Director to Execute the First Amendment to the February 26, 2004 Memorandum of Agreement between the South Jersey Transportation Authority and the New Jersey Pinelands Commission Eliminating the Seasonal Mowing Restrictions

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

A. Public Development Projects

- Application No. 1982-2560.004 – Buena Vista Township
Construction of three miles of nature trails
Buena Vista Township
- Application No. 1985-0641.013 – Pemberton Township Board of Education
Construction of a 56 space paved parking lot
Pemberton Township
- Application No. 1987-1299.005 – Mullica Township School District
Construction of a 50 space paved parking lot
Mullica Township
- Application No. 2011-0075.002 – New Jersey Department of Transportation
Construction of a 95 square foot traffic advisory sign within the State Route 50 right-of-way
Upper Township
- Application No. 2017-0191.001 – New Jersey Department of Transportation
Construction of a 95 square foot traffic advisory sign within the State Route 49 right-of-way
Upper Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Barnegat Township Ordinance 2019-4
- Egg Harbor Township Ordinance 4-2019
- Folsom Borough Ordinance 02-2019
- Hamilton Township Ordinance 1897-2019
- Jackson Township Ordinance 07-19
- Maurice River Township Ordinance 681
- Plumsted Township Ordinances 2019-04 and 2019-05
- Upper Township Ordinance 001-2019
- City of Vineland Planning Board Resolution 6317

7. General Public Comment

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

9. Adjournment

Upcoming Meetings

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

Fri., April 26, 2019	Policy and Implementation Committee Meeting (9:30 a.m.)
Tue., April 30, 2019	Personnel and Budget Committee Meeting (9:30 a.m.)
Fri., May 10, 2019	Pinelands Commission Meeting (9:30 a.m.)

Upcoming Office Closures

Friday, April 19, 2019 Good Friday

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

March 8, 2019

Commissioners Present

Alan W. Avery Jr., Bob Barr, Paul E. Galletta, Mark Lohbauer, William Pikolycky, Richard Prickett and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Kristina Miles.

Commissioners by Phone

D'Arcy Rohan Green

Commissioners Absent

Candace Ashmun, Daniel Christy, Jordan P. Howell, Jane Jannarone, Ed Lloyd and Gary Quinn.

Chairman Earlen called the meeting to order at 9:35 a.m.

DAG Miles read the Open Public Meetings Act Statement (OPMA).

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 8 Commissioners who participated in the meeting.)

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

Minutes

Chairman Earlen presented the open and closed session minutes from the February 8, 2019 Commission meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The February 8, 2019 Commission meeting minutes (open and closed sessions) were adopted by a vote of 8 to 0.

Committee Chairs' Reports

Chairman Earlen provided an update on the February 22, 2019 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of the January 25, 2019 meeting.

The Committee discussed potential offsets for the elimination of the grassland conservation habitat at the Atlantic City Airport. Pending adoption of a revised Memorandum of Agreement (MOA), the South Jersey Transportation Authority (SJTA) is offering \$500,000 in order to proceed with mowing prior to April 15. The details of the necessary offset would be negotiated, during which time no development applications would be approved.

The Committee received a presentation on how the Project Review office identifies and deals with violations. The Committee discussed ways in which it might increase its enforcement authority.

Commissioner Prickett asked about the status of the SJTA MOA.

Stacey Roth said a public hearing has been scheduled for March 19, 2019. She said the Atlantic County Freeholder Director, the County Executive and the Mayor of Egg Harbor Township have been notified. She said the draft MOA, the Executive Director's report and a summary of the public comment will be reviewed by the P&I Committee and then will go to the full Commission for a vote.

Commissioner Avery provided an update on the February 26, 2019 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the June 19, 2018 meeting.

Staff reviewed the check registers, electronic disbursements and application fees covering June 2018 to January 2019. Fixed assets for disposal and surplus were also explained. An update on employee actions was also provided.

The Committee met in closed session to discuss the finalization of a personnel matter via settlement and the tentative agreement with the CWA Local 1040.

Executive Director's Reports

ED Wittenberg updated the Commission on the following items:

- Gloucester County has appointed Daniel Christy as Commissioner. He will replace Commissioner Chila who now serves as Gloucester County Surrogate. Mr. Christy is expected to attend the April Commission meeting.
- The SJTA MOA amendment is following a very rigid schedule. Public comment will be accepted on a number of options rather than limited to just one. This will allow staff to continue to work out the details of a suitable offset while addressing the safety concerns associated with the grassland habitat's proximity to the runway at the Atlantic City Airport.
- There was a recent legal filing related to the South Jersey Gas matter. R.C. Cape May Holding, an intervener in the case, notified the Court that it will not repower B.L. England. Oral argument has been rescheduled until the end of May. The Commission sent a letter to South Jersey Gas advising them that since the pipeline will not be supplying natural gas to B.L. England, the approval is no longer valid and a new application would need to be submitted for any amended projects.

Director Larry Liggett updated the Commission on the following:

- Staff is assisting both Winslow Township and Estell Manor on landfill closure plans. Staff wants to ensure that the plumes associated with the landfills have the least negative effects on the Pinelands.
- Staff is working on a master list of climate adaptations. The Environmental Protection Agency website is a great resource for adaptation information. The EPA is promoting educational initiatives to combat climate change.
- The Kirkwood-Cohansey rule proposal will be discussed at an upcoming P&I Committee meeting. The rule focuses on protecting the watershed and wetlands.
- Staff met with an applicant to discuss community solar and where it's permitted in the Pinelands Area.
- The Commission will be soliciting proposals for infrastructure capital projects that will be eligible for funding through the Pinelands Infrastructure Trust Fund.

Commissioner Galletta asked if the aquifer had been measured after the unprecedented amount of rainfall.

Director Liggett said the aquifer has not been recently measured.

Commissioner Prickett questioned if the Commission's dilution standards were strong enough with the amount of rainfall NJ has received.

Director Liggett said the rainfall does have an impact and it can be added to the climate change master list.

Director Chuck Horner provided information on the following regulatory matters:

- On February 27th staff met with Hammonton municipal officials. At that meeting, they discussed options associated with applying treated wastewater to a parcel located adjacent to the Boyer Avenue Wastewater Treatment facility.
- Staff has been involved in a matter in Winslow Township where a property owner has engaged in off-site soil removal without application to the Commission. An application was filed just before the matter was scheduled to be heard in municipal court. Based on the amount of soil removal, the CMP required an application to be filed even though the activity is associated with an agricultural operation.
- An attorney for a developer advised the Commission that they are no longer proceeding with a large residential development in Galloway Township, also known as Blue Heron East. The Commission issued a Certificate of Filing many years ago. The applicant imposed threatened and endangered species deed restrictions on the parcel. Staff is working with the applicant to determine if the deed restrictions can be lifted and the process to do so.
- The Pinelands Municipal Council held a meeting on March 5th, at which time officers of the Council were sworn in by Assemblyman Amato.

Stacey Roth provided additional information regarding the Winslow Township violation. She said a letter was sent to the judge advising that the matter should be heard and not transferred to the County Agricultural Board because it was not a farming matter and had nothing to do with the Right to Farm Act. She said she also asked for assistance from the Attorney General's enforcement section about the matter.

Chief Planner Susan R. Grogan said staff has been working with Pinelands Counties on Best Management Practices (BMPs) of roadside habitat for some time. The identified areas have specific mowing requirements related to the width of the span and height of the grass, including the timing of mowing and protection of rare plants. Staff has been eager to expand the program. Staff recently heard from the Department of Transportation (DOT), and it has agreed to implement a pilot program on specific segments of Route 206, Route 70 and Route 72 and adhere to the BMPs.

Chief Planner Grogan also said that Ocean County closed on the 8,000 acres in Lacey and Ocean townships in the Forked River Mountain area.

Communications Officer Paul Leakan provided an update on the following:

- Registration remains open for the 30th Annual Pinelands Short Course.
- The Pinelands Annual report has been distributed today and the report has been reformatted and professionally printed.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending a public development application.

Commissioner Galletta made a motion Approving With Conditions an Application for Public Development (Application Number 1987-1058.082) (construction of two parking

lots in Egg Harbor Township)(See Resolution # PC4-19-10). Commissioner Lohbauer seconded the motion.

Commissioner Prickett asked if the existing stormwater basins need to be modified for the development of the parking lots.

Director Horner said the existing basins have the capacity to accommodate the additional stormwater from the parking lots.

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

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

Chairman reminded the public that the comment period for the Bass River Fire Tower application (1990-0868.031) will close today at 5:00 p.m.

Howard Chew of Jenkins, NJ said he supports the cutting of the trees surrounding the Bass River Fire Tower. He said safety should come first and early fire detection is crucial. He said the Forest Service needs to be able to do its job.

Greg McLaughlin, NJ Forest Fire Service Chief, said the sole responsibility of the Forest Service is to protect life and property from wildfires. He said questions raised by the public and Commissioners were addressed in the application. He thanked the Commission for its consideration of the project.

Mark Herndon of Woodland Township, NJ said on behalf of himself and the Woodland Township Committee, they support the tree cutting surrounding the Bass River Fire Tower.

Kathy Gardiner said that Bass River Forest is New Jersey's first State Forest and home to Pine Barrens tree frog and timber rattle snake. She three-fourths of a mile of the Orange trail would be impacted. She asked Commissioners to vote no on this application. (A joint packet of information was submitted from K. Gardiner, R. Sweeney, R. Loeiswicz, K. Swanseen & C. Bitzberger)

Rose Sweeney of Bass River Township said her property is at risk of a forest fire. She spoke about the history of the Civilian Conservation Corps (CCC) as it relates to Bass River State Park. She said the Bass River Township Committee passed a resolution opposing the clear cutting. She said park personnel should be part of the conversation. She said the trees should not be cut.

Riki Loeiswicz said the DEP has submitted the same application as before. She provided the Commission with the following report "Fire Tower Study for the Adirondack Park" dated February 2010 https://www.dec.ny.gov/docs/lands_forests_pdf/ftowerstudy.pdf She said New Jersey is not embracing technology, the fire tower is structurally unsafe and the Commission should reject the application.

Karl Swansen said safety is very important as is the preservation of the Bass River Forest. He said he still does not know how much the clear cutting and restoration of the project will cost. He said the current fire tower can be moved to a different location. He also suggested building a new tower at a higher location. He pointed out that the wrong application number was used for the public notice. He said the application should be rejected.

Carol Bitzberger of Bass River Township said the tree cutting is only a temporary fix. She said New Jersey should be looking at the advanced camera technology available to detect smoke/fires. She said we should be asking the state for money to fund the advanced technology. She asked the Commission to please vote no.

Buddie Pino of Green Bank said he owns horses and livestock and he supports whatever will protect the Forest. He said the Forest Service does a great job.

Tom Doherty of Bass River/New Gretna thanked everyone for protecting the Pines, including former Commissioner Floyd West. He said having heard about the option of moving the tower, he concluded the trees do not need to be cut. He said the Commission needs to use its leadership to require the state to use current and viable practices to achieve public safety.

William Cutts said he is a cranberry farmer with land throughout the Pinelands. He said he has land near the fire tower. He spoke about the importance of locating and extinguishing a fire while it's small. He said cameras cannot triangulate, and the human element is very important in spotting smoke. He said the Forest Service are the experts and the public should defer to its expertise.

Christopher Brower of Bass River Township, and a former member of the Bass River Township Planning Board, said he appreciates the Forest Service but does not support cutting the trees. He said the DEP should either build a new tower or use camera technology to spot fires.

Richard Buzby, Chief of Police for Little Egg Harbor, said he respects everyone's opinion on the Bass River Fire Tower matter. He said the CCC planted the forest at Bass River State Forest because the original forest was destroyed by fire. He said cameras are not suitable. He said early detection of a fire is crucial to fighting it. He said he would support moving the tower but right now the tower needs to be operational. He urged the Commission to approve DEP's amended application.

Rhyan Grech of the Pinelands Preservation Alliance said the application meets the forestry standards of the CMP. She commended the public who provided testimony.

John Waldrop of Bass River Township said the tower has become obsolete and is 10 years past its service life. He said alternative technologies used to detect fire need to be researched.

Bill Brash of the NJ Fire Safety Council provided fire history data from 1927-2018 for Bass River Township, Little Egg Harbor Township and Eagleswood Township. He said the Pinelands is a fire-adapted system. He said the application to clear cut certain spans surrounding the fire tower meets the criteria in the CMP and was recommended by the Commission's staff.

Steve Lee said he is a cranberry grower and former blueberry farmer. He said his family has been involved in forest stewardship in the Pinelands for over 150 years. He said his family was conducting prescribed burns before it was permitted in New Jersey. He added that controlled burns are only one aspect of forest management. He said the forest needs to be manipulated, thinned and clear cut. He said the Forest Service needs this tower and fire season starts in 30 days. He asked the Commission to make the right decision. He said DEP needs better resources to manage its forests. He read a quote by Stephen Pyne from Arizona State University who was interviewed by Kyle Dickman for an article featured in Rolling Stone magazine about Wildfires in NJ. "Sooner or later, southern New Jersey will know the fire equivalent of Hurricane Sandy." "The cost could be in the billions. The loss of life could be unthinkable."

Jeff Tittel, Sierra Club, said the clear cutting of 16 acres violates the CMP. He said satellite, air monitors and infrared cameras are more effective than the human eye and nose in detecting smoke. He said the New Jersey Forest Service should seek the assistance of the US Forest Service in updating its technology. He encouraged the Commission to vote no on this application.

Don Gant, a union iron worker, said the fire tower is structurally impaired. He suggested constructing a new tower. He asked the Commission to not approve this application. He submitted a picture of the tower.

Ordinances Not Requiring Commission Action

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

- Beachwood Borough Ordinance 2019-02
- Egg Harbor Township Ordinance 2-2019
- Galloway Township Ordinance 2006-2019
- Mullica Township Ordinance 1-2019
- City of Port Republic Ordinance 01-2019

No members of the Commission had questions.

Other Resolutions

Chairman Earlen said the next resolution is to approve the Commission's 2018 Annual Report.

Commissioner Avery made a motion To Approve the Pinelands Commission's 2018 Annual Report (See Resolution # PC4-19-11). Commissioner Lohbauer seconded the motion.

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

General Public Comment

Rhyan Grech of the Pinelands Preservation Alliance said the Commission needs to revoke its two prior resolutions related to the South Jersey Gas matter, one approving the application and the other establishing the approval process.

Dave Dempsey, an off road vehicle enthusiast said there are only 3.5 miles of trails for off-highway vehicles in the entire state of NJ. He said between 1993-2015, the state has collected \$16 million through the Recreational Trails Program (RTP). He said of that funding, 30% is to be used for motorized trails. He questioned what the money has been used for. He said he would like the Commission's support in providing trails for off-road vehicles.

Paula Yudkowitz of Oaklyn Borough said poor road conditions remain at Wharton State Forest.

Jason Howell of the Pinelands Preservation Alliance said with the help of the NJDEP a snake nest was protected at one of the state parks. He suggested that certain roads at Wharton should be closed during wet periods in an effort to save the roads from becoming destroyed.

Commissioner Lohbauer said he was interested in the RTP data that Mr. Dempsey referred to and asked if he was able to provide it to the Commission.

Resolution to Retire into Closed Session

DAG Miles read a resolution to enter into closed session to discuss pipeline litigation and collective bargaining.

Commissioner Pikolycky made a motion to enter into closed session. Commissioner Barr seconded the motion. The Commission agreed to retire into closed session by a vote of 8 to 0, beginning at 11:30 a.m.

Return to Open Session

The Commission entered back into open session at 11:46 a.m. DAG Miles provided a summary of the closed session. She said the Commission discussed litigation related to the South Jersey Gas matter and collective bargaining.

Chairman Earlen presented a resolution regarding the union contract.

Commissioner Avery made a motion To Authorize the Executive Director to enter into New Collective Negotiations Agreements with the Communications Workers of America, Local 1040 and to Revise the FY 2019 Operating Budgets (See Resolution # PC4-19-12). Commissioner Barr seconded the motion.

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

Adjournment

Commissioner Prickett asked if the Forest Service could be invited to a future P&I Committee meeting to talk about fire ecology.

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 11:54 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: March 15, 2019



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 10

TITLE: Approving With Conditions an Application for Public Development (Application Number 1987-1058.082)

Commissioner Galletta moves and Commissioner Lohbauer seconds the motion that:

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

1987-1058.082

Applicant:	Atlantic County Improvement Authority
Municipality:	Egg Harbor Township
Management Area:	Pinelands Military/Federal Installation Area
Date of Report:	February 15, 2019
Proposed Development:	Construction of two parking lots containing a total of 50 parking spaces.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1987-1058.082 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	Howell				X	Prickett	X			
Avery	X				Jannarone				X	Quinn				X
Barr	X				Lloyd				X	Rohan Green	X			
Christy			X		Lohbauer	X				Earlen	X			
Galletta	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: March 8, 2019

Sean W. Earlen
Sean W. Earlen
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

February 15, 2019

Timothy Edmunds (via email)
Atlantic County Improvement Authority
1333 Atlantic Avenue, Suite 700
Atlantic City, NJ 08203

Re: Application # 1987-1058.082
Block 101, Lot 9
Egg Harbor Township

Dear Mr. Edmunds:

The Commission staff has completed its review of this application for construction of two parking lots containing a total of 50 parking spaces. 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 March 8, 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, Egg Harbor Township Planning Board (via email)
- Egg Harbor Township Construction Code Official (via email)
- Egg Harbor Township Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- James Biegen, PE Maser Consulting (via email)





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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 15, 2019

Timothy Edmunds (via email)
Atlantic County Improvement Authority
1333 Atlantic Avenue, Suite 700
Atlantic City, NJ 08203

Application No.: 1987-1058.082
Block 101, Lot 9
Egg Harbor Township

This application proposes construction of two parking lots containing a total of 50 parking spaces located on the above referenced 2,381 acre parcel in Egg Harbor Township. The parcel is owned by the Federal Aviation Administration (FAA).

On October 8, 2010, the Commission approved an application for the construction of a 66,000 square foot office building and 198 parking spaces on the above referenced parcel. The 66,000 square foot office building is currently under construction.

The two proposed parking lots will provide 50 additional parking spaces for the 66,000 square foot office building.

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. 7:50-5.29)

The Pinelands Protection Act designates the boundaries of the 938,000 acre Pinelands Area. Within the boundaries of the Pinelands Area, the Pinelands Protection Act also designates the 366,000 acre Pinelands Preservation Area and the 572,000 acre Pinelands Protection Area. The CMP then establishes Management Areas such as Regional Growth, Rural Development, Military and Federal Installation that overlay the entire Pinelands Area.

The parcel subject of this application is located in a Military and Federal Installation Management Area. The CMP permits any proposed use associated with the function of a federal installation in a Military and Federal Installation Management Area.

The applicant has indicated that the two proposed parking lots will provide additional parking to a 66,000 square foot office building currently under construction on the parcel. The two proposed parking lots and the 66,000 square foot office building are located within what is now known as the Stockton University National Aviation Research and Technology Park. The proposed development is located adjacent to the William J. Hughes Technical Center on lands leased from the FAA. The 66,000 square foot office building and the two proposed parking lots are associated with the function of the federal installation.

The CMP also requires that, where feasible, proposed development in a Military and Federal Installation Management Area shall be located in the Pinelands Protection Area portion of the Pinelands Area. The development proposed in this application meets this requirement.

As further required by the CMP, the proposed use will not require any development in a Forest Management Area or the Preservation Area District Management Area.

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

The proposed development will be located within forested areas. Approximately 0.27 acres of forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the 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 utilize an existing stormwater infiltration basin.

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, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Legal notice to required land owners within 200 feet of the above referenced parcel was completed on December 21, 2018. Newspaper public notice was completed on December 21, 2018. The application was designated as complete on the Commission's website on January 2, 2019. The Commission's public comment period closed on February 8, 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 five sheets, prepared by Maser Consulting, and dated as follows:

Sheets C-3, C-4, C-5 & C-6 - July 3, 2017; revised to December 11, 2017

Sheet C-7 - September 15, 2016; revised to September 19, 2016.

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

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on March 5, 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- 11

TITLE: To Approve the Pinelands Commission's 2018 Annual Report

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, in September 2006, then Governor Corzine issued Executive Order #37; and

WHEREAS, Executive Order #37 called for the preparation and approval of a comprehensive report concerning the operations of each State authority; and

WHEREAS, the report shall set forth the significant actions of the Commission; and

WHEREAS, since the report is to be done on an annual basis and it includes much of the same information as the Commission's Annual Report, which is required by the Pinelands Protection Act, the two reports have been combined every year since 2007 as a cost savings measure to eliminate waste and promote efficiency as called for in Executive Order #37; 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 attached 2018 Annual Report be approved, submitted to the Governor's Authorities Unit and posted on the Commission's web site.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: March 20, 2019

Sean W. Earlen
Sean W. Earlen
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 12

TITLE: To Authorize the Executive Director to enter into New Collective Negotiations Agreements with the Communications Workers of America, Local 1040 and to Revise the FY 2019 Operating Budgets

Commissioner Avery moves and Commissioner Barr
seconds the motion that:

WHEREAS, the prior Collective Negotiation Agreements between the Pinelands Commission and its three employee bargaining units (non-supervisory, professional unit and supervisory units) expired on June 30, 2015; and

WHEREAS, the Commission's three bargaining units are represented by the Communications Workers of America (CWA), Local 1040; and

WHEREAS, negotiations for new Collective Negotiation Agreements for the term from July 1, 2015, through June 30, 2019, commenced on December 5, 2018 between the Pinelands Commission's Negotiating Team and the Employee Bargaining Unit Member Negotiating Team, which included employees from each of the Commission's three bargaining units and representatives of the CWA, Local 1040 (hereinafter referred to as the "CWA, Local 1040 Negotiating Team"); and

WHEREAS, after numerous negotiating sessions, the Pinelands Commission's Negotiating Team has now negotiated new Collective Negotiation Agreements between the Commission and each of the three certified negotiating units of the CWA, Local 1040; and

WHEREAS, the attached Tentative Agreement represents the complete and final understanding on all bargainable issues between the Commission and CWA for the period of July 1, 2015, through June 30, 2019; and

WHEREAS, the attached Tentative Agreement will apply to each of the three CWA bargaining units with the exception of Paragraph B of the Preamble and Recognition Section which will identify each unit individually; and

WHEREAS, the employees represented by CWA voted on March 4, 2019, to ratify the Tentative Agreement; and

WHEREAS, it is estimated that the retroactive cost to the FY 2018 and FY 2019 Commission budgets, as a result of the across the board salary increases and lump sum bonuses contained within the Tentative Agreement, will total approximately \$35,518.18 and \$69,996.00, respectively; and

WHEREAS, this results in changes to the FY 2019 Operating Budget totaling approximately \$105,514.18; and

WHEREAS, this results in changes to the annual salaries of approximately \$76,300 per year; and

WHEREAS, the Personnel and Budget Committee has reviewed the attached Tentative Agreement and recommends Commission approval and implementation of the draft Agreement; and

WHEREAS, the Pinelands Commission had reviewed the attached Tentative Agreement and finds the terms acceptable; and

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

NOW, THEREFORE BE IT RESOLVED that

1. The Pinelands Commission hereby authorizes the Executive Director to enter into an Agreement, consistent with the attached Tentative Agreement, with each of the three certified negotiating units of the Communications Workers of America, Local 1040.
2. The Pinelands Commission hereby authorizes the Executive Director to implement the terms of the Tentative Agreement with regard to the Commission's employees who are members of the three certified negotiating units of the Communications Workers of America, Local 1040.

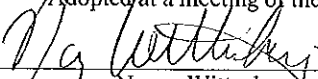
Record of Commission Votes

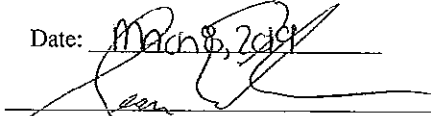
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*					
Ashmun			X	Howell			X	Prickett	X				
Avery	X			Jannarone			X	Quinn			X		
Barr	X			Lloyd			X	Rohan Green	X				
Christy			X	Lohbauer	X			Earlen	X				
Galletta	X			Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: March 8, 2001


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman

MEMORANDUM OF AGREEMENT
BETWEEN
THE NEW JERSEY PINELANDS COMMISSION
AND
THE COMMUNICATIONS WORKERS OF AMERICA
(NON-SUPERVISORY, PROFESSIONAL, AND SUPERVISORY UNITS, LOCAL 1040)

Whereas, the contracts for employees of the New Jersey Pinelands Commission in the Non-Supervisory, Professional, and Supervisory units expired on June 30, 2015; and

Whereas, the parties have negotiated certain changes in the terms and conditions of employment and are desirous of entering into a successor agreement,

Now, therefore, the parties set forth the following memorandum of agreement.

1. All provisions of the 2011-2015 contracts will continue and are hereby incorporated into this Agreement, except as set forth below.

2. Article 4 (SALARIES) is amended to read as follows:

ARTICLE 4. SALARIES

A. Salary.

(1) The annual salary of each full-time employee will be in accordance with the salary range corresponding to his or her title (see Appendix). Salaries will be pro-rated for part-time employees. New employees will be hired at the minimum of their range, except that the Employer may place a new employee on a higher level if the employee's education and experience significantly exceed the minimum requirements.

(2) All employees will receive across-the-board salary increases as follows: 0% as July 1, 2015, 0% as of July 1, 2016, 2% as of July 1, 2017, and 2% as of July 1, 2018.

B. Signing Bonus. Upon execution of this Agreement, each employee who was on the payroll at the time of ratification will receive a one-time, lump-sum payment of \$450.

C. Retroactive Payments. In order to receive any retroactive salary adjustments required by this Article, employees must be on the payroll at the time of ratification.

3. Sections A and B of Article 6 (VACATION LEAVE) are amended to read as follows:

A. All full time, continuing employees earn vacation leave as set forth below. Part time, continuing employees who are scheduled to work 25 or more hours per week earn vacation leave on a proportionate basis. Seasonal employees and part time continuing employees who are scheduled to work less than 25 hours per week are not eligible for paid vacation leave. Vacation leave is earned based on years of service with the Commission and is granted on the basis of a seven-hour day.

(1) During the first calendar year of employment, an employee earns one vacation day for each completed month of service. To receive credit for the month, the employee must work at least one half of the work days.

(2) Thereafter, an employee earns vacation according to the following schedule. For the calendar years in which an employee will have completed 5, 12, or 20 years of service, the full increase in vacation leave prescribed by this schedule will be applied as of January 1.

Years of Service	Number of vacation days each year
Up to and including 5	12 (84 hours)
Over 5 through 12	15 (105 hours)
Over 12 through 20	20 (140 hours)
Over 20	25 (175 hours)

(3) In order to recruit the most qualified candidate or to acknowledge past governmental experience on the part of a new employee, the Employer may approve a higher level of vacation leave than prescribed above on a case-by-case basis.

B. Vacation leave is advanced at the beginning of each calendar year after an employee's first calendar year, but is earned on a month-by-month basis. Until employees earn that leave, it will be considered to be advanced and unearned. New employees will not vest in any earned vacation leave until after six (6) consecutive months of employment. Employees may carry over up to 30 accumulated vacation days into the next calendar year without written approval from the Executive Director.

4. Sections C and D of Article 7 (SICK LEAVE) are amended to read as follows:

C. (1) Beginning January 1, 2019, all full-time, continuing employees shall earn sick leave as follows:

(a) During the first calendar year of employment, an employee earns one day of sick leave for each completed month of service. To receive credit for the month, the employee must work at least one half of the work days.

(b) Thereafter, an employee earns 15 days or 105 hours of sick leave per calendar year.

(2) Part-time, continuing employees scheduled to work more than twenty-five (25) hours per week earn sick leave on a proportionate basis. The Human Resources Specialist shall notify each employee at the time of hiring as to the eligibility for sick leave. Employees do not earn sick leave for any overtime or while on leave without pay status.

(3) Upon execution of this Agreement, all employees on the payroll at the time of ratification will be granted three additional sick days on a one-time basis.

D. Sick leave is advanced at the beginning of each calendar year after an employee's first calendar year, but is earned on a month-by-month basis. Until employees earn that leave, it will be considered to be advanced and unearned.

5. Article 34 (DURATION) is amended to read as follows:

ARTICLE 34. DURATION

This Agreement shall be in full force and effect from the date of signing through June 30, 2019.

6. Salary ranges will be as set forth in the Appendix at the end of this Memorandum of Agreement.

FOR THE UNION

FOR THE EMPLOYER

Date of Signing _____

Date of Signing _____

APPENDIX. TITLES AND SALARY SCHEDULES

Minimums and maximums for 2017 and 2018 salary ranges take effect on July 1 of each year.

Support Assistants: Custodial and Clerical					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	5	\$35,955	\$52,134	\$36,674	\$53,177
2	3	\$32,612	\$47,287	\$33,264	\$48,233
3	1	\$29,580	\$42,891	\$30,172	\$43,749

Support Assistants: Business and Maintenance					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	7	\$39,640	\$57,478	\$40,433	\$58,628
2	5	\$35,955	\$52,134	\$36,674	\$53,177
3	3	\$32,612	\$47,287	\$33,264	\$48,233

Technical Assistants: Land Use, Planning, Legal, Public Programs					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	13	\$53,121	\$77,026	\$54,184	\$78,567
2	10	\$45,888	\$66,538	\$46,806	\$67,869
3	7	\$39,640	\$57,478	\$40,433	\$58,628
4	5	\$35,955	\$52,134	\$36,674	\$53,177

Specialists: Environmental, Public Programs, GIS, MIS					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	20	\$74,747	\$108,383	\$76,242	\$110,551
2	15	\$58,566	\$84,921	\$59,738	\$86,620
3	13	\$53,121	\$77,026	\$54,184	\$78,567
4	11	\$48,183	\$69,865	\$49,146	\$71,262

Research Scientists					
Title/Level	Range #	2017 Minimum	2017 Maximum	2018 Minimum	2018 Maximum
1	20	\$74,747	\$108,383	\$76,242	\$110,551
2	16	\$61,495	\$89,167	\$62,725	\$90,951
3	14	\$55,778	\$80,877	\$56,893	\$82,495
4	12	\$50,592	\$73,358	\$51,604	\$74,825



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-_____

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0868.031)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1990-0868.031

Applicant: NJDEP, Division of Parks and Forestry
Municipality: Bass River Township
Management Area: Pinelands Village
 Pinelands Preservation Area District
 Pinelands Rural Development Area
Date of Report: March 22, 2019
Proposed Development: Tree clearing to restore visibility from the Bass River State Forest fire tower.

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

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

WHEREAS, the Pinelands Commission hereby determines that the proposed public development and Certificate of Appropriateness both conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Executive Director are imposed; and

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

WHEREAS, public comments on this application have raised questions regarding possible alternatives to the need for future tree clearing for fire towers, and the Commission staff will contact the New Jersey Department of Environmental Protection to further discuss these alternatives; and

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0868.031 for public development and a Certificate of Appropriateness is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Nancy Wittenberg
 Executive Director

 Sean W. Earlen
 Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

March 22, 2019

New Jersey Department of Environmental Protection
Division of Parks and Forestry
New Jersey State Forest Fire Service
501 East State Street
P.O. Box 420
Mail Code 501-04
Trenton, NJ 08625-0420

Re: Application # 1990-0868.031
Bass River State Forest Fire Tower
Block 48, Lots 1 & 2
Block 49, Lot 12
Bass River Township

Dear Applicant:

The Commission staff has completed its review of this application for tree clearing to restore visibility from the Bass River State Forest fire tower. Enclosed is a copy of a Public Development Application Report and Certificate of Appropriateness. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 12, 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.

A copy of this Public Development Application Report and Certificate of Appropriateness is being provided to any persons who provided written and/or verbal public comments regarding this application and who also provided either a mailing address or an email address.

Public comments on this application have raised questions regarding possible alternatives to the need for future tree clearing for fire towers. Our staff will contact the New Jersey Department of Environmental Protection to further discuss these alternatives.

Please do not hesitate to contact me with any questions.

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

- Enclosures: Appeal Procedure
Written public comments (52)
Documents submitted by the public (9)
- c: Secretary, Bass River Township Planning Board (via email)
Bass River Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Jeremy A. Webber, Assistant State Firewarden (via email)
Cynthia Coritz (via email)
Dianne Worthington (via email)
Carol Bitzberger (via email)
Kathy Gardiner (via email)
Riki Losiewicz (via email)
Rose Sweeney (via email)
Mike Wilburt (via email)
William Chadwick (via email)
Tom Doherty (via email)
Jeff Tittel (via email)
Christopher Brower (via email)
Richard Buzby (via email)
Rhyan Grech (via email)
Bill Brash (via email)
John Waldrop (via email)
Neil Alzamora (via email)
John Speece (via email)
Michelle Fox (via email)
Alison Hall (via email)
Sharon Tuscano (via email)
Bruce Roop (via email)
Donetta Waldrop (via email)
Erica DiUlio (via email)
Nancy Reid (via email)
Katharine LaRocca (via email)
Eileen Brower (via email)
Nicole Babcock (via email)
Lindsey Wasiuta (via email)
Gale Labor (via email)
Robert Graffin (via email)
Lizabeth Carl (via email)
Jeremy Price (via email)

Scott Wardenski (via email)
Laura Phillips (via email)
Dawn Markoski (via email)
Ben Wurst (via email)
Karl Swanseen (via email)
Edward Lynch (via email)
Arthur Abline (via email)
William Cromartie (via email)
Benjamin Brower (via email)
Robyn and Jeffrey Firth (via email)
Todd Tally (via email)
Jason Hoger (via email)
Dana Austin (via email)
Amy Rasmussen (via email)
Maria Cody (via email)
Julie Berghoff (via email)
Ed Kanitra (via email)
Laura Rasmussen (via email)
Rocquel Barretto (via email)
Sarah Foti (via email)
Marcia Evans (via email)
Ronald Valentine (via email)
Karren Amon (via email)
Ted Paul (via email)
James Casson (via email)
Marlena Carlis (via email)
John Steedle (via email)
Paul Smikovecus (via email)
Susan Hughes (via email)
Candace Fykes (via email)
Randy DePasquale (via email)



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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT AND CERTIFICATE OF APPROPRIATENESS

March 22, 2019

New Jersey Department of Environmental Protection
Division of Parks and Forestry
New Jersey State Forest Fire Service
501 East State Street
P.O. Box 420
Mail Code 501-04
Trenton, NJ 08625-0420

Application No.: 1990-0868.031
Bass River State Forest Fire Tower
Block 48, Lots 1 & 2
Block 49, Lot 12
Bass River Township

This application proposes the clearing of 16.4 acres of trees on the above referenced 435.3 acre parcel located in Bass River State Forest in Bass River Township. The 86 foot tall Bass River State Forest fire tower is located on the parcel. The purpose of the tree clearing is to restore visibility in all directions from the fire tower.

The applicant represents that the fire tower covers an area of visibility of approximately 200 square miles for detecting and suppressing wildfire. The applicant further represents that due to obstructed views from the fire tower, a public safety threat is currently posed to numerous municipalities, individual communities such as New Gretna, Ocean Acres, Smithville, Tuckerton and the Garden State Parkway.

The 16.4 acres proposed for the tree clearing are comprised of eight separate forested areas surrounding the fire tower. All trees within the eight areas will be removed. The eight areas range in size from one acre to four acres. All eight areas are located within approximately 1,400 linear feet of the fire tower and contain trees in excess of 90 feet tall.

An application for tree clearing of 2.7 acres immediately adjacent to the Bass River fire tower to improve visibility was approved by the Commission in 1995 (App. No. 1995-1054.001).

An application for tree clearing of the same 16.4 acres subject of the current application was previously completed with the Commission. On June 22, 2018, the Commission staff issued a "Public Development Application Report and Certificate of Appropriateness" recommending approval of that application. The application was considered at the Commission's July 13, 2018 monthly meeting. At that meeting, no

action was taken on the application as it did not receive the required minimum of eight votes for either approval or denial. Based upon the regulations contained in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.56), because no action was taken, the application was forwarded to the New Jersey Office of Administrative Law for a hearing. Thereafter, by letter dated October 10, 2018, the New Jersey Department of Environmental Protection withdrew the application from the Commission.

On January 25, 2019, the current application was submitted to the Commission proposing the clearing of the same 16.4 acres as proposed in the prior application. The current application proposes the tree clearing as forestry. The CMP definition of forestry specifically excludes the removal of trees for public safety. It is the Commission staff's judgment that the primary purpose of the proposed tree clearing is public safety. Accordingly, the Commission staff reviewed the application as proposed tree clearing for public safety.

The proposed tree clearing is required to meet all standards contained in the CMP. If the applicant demonstrates that the proposed tree clearing meets all CMP standards, the CMP does not require the applicant to demonstrate whether there is an alternative that results in less tree clearing. Notwithstanding this fact and for informational purposes only, the current application addresses certain alternatives to the proposed tree clearing.

The current application also incorporates responses to questions that were posed by the Pinelands Commissioners to the New Jersey Department of Environmental Protection during the review of the prior tree clearing application that was subsequently withdrawn.

STANDARDS

The Commission staff has reviewed the proposed tree clearing 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. 7:50-5.22)

The 435.3 acre parcel is located partially in the Pinelands Preservation Area District (405.2 acres), partially in a Pinelands Rural Development Area (18.8 acres) and partially in a Pinelands Village (11.3 acres). The fire tower and the proposed tree clearing are located in the Pinelands Preservation Area District portion of the parcel. The fire tower is a permitted land use both as a structure that existed prior to the 1981 effective date of the CMP and as an accessory structure to Bass River State Forest.

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

The CMP (N.J.A.C. 7:50-6.23(a)) requires that the proposed tree clearing be limited to that which is necessary to accommodate the use of the fire tower. Based upon a Commission staff site inspection, including observation from the fire tower, the proposed tree clearing is limited to that which is necessary to accommodate the use of the fire tower. The CMP (N.J.A.C. 7:50-6.23(b)) also requires that, where practical, all clearing activities associated with a permitted use shall avoid wooded areas. The applicant has demonstrated that it is not practical to avoid clearing the wooded areas to allow for the continued use of the existing fire tower.

After the proposed tree clearing, the application proposes site preparation of the 16.4 acres by drum chopping and wood disking. The application does not propose the use of herbicides.

After site preparation, the application proposes replanting of native tree seedlings and natural revegetation from the existing soil seedbank in the 16.4 acres proposed to be cleared.

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

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed tree clearing. The Commission staff reviewed the proposed tree clearing to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff also reviewed the proposed tree clearing to determine impacts on T&E animal and plant species.

To avoid potential irreversible adverse impacts on habitats that are critical to the survival of any local populations of Barred owl, prior to undertaking the proposed tree clearing, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential cavities or nests for this T&E avian species. Any trees containing potential Barred owl cavities or nests will be marked and left standing.

To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of Northern pine snake or Timber rattlesnake, the applicant will utilize low ground pressure tree cutting equipment between November 1 and April 31. This will avoid the possibility of crushing potential snake dens. In addition, the applicant will undertake site preparation activities (e.g. drum chopping and wood disking) between May 16 and September 30. This will also avoid impacts to snakes in any potential dens in the area.

The proposed tree clearing and site preparation activities are designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species.

To avoid any potential irreversible adverse impact to any local population of Broom crowberry, a CMP designated T&E plant species, the applicant proposes to conduct a visual survey in the eight areas prior to tree clearing. Any identified population of Broom crowberry will be left undisturbed.

The proposed tree clearing and site preparation is designed to avoid irreversible adverse impacts on the survival of any local populations of T&E plant species.

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

The 16.4 acres proposed for tree clearing are part of pine plantations established in Bass River State Forest between the years 1933 and 1942 by the Civilian Conservation Corps (CCC). The New Jersey Historic Preservation Office (NJHPO) determined in 2004 that Bass River State Forest was eligible for designation on the New Jersey and National Register of Historic Places as the Bass River State Forest Historic District (BRFHD). The NJHPO made this determination of eligibility based upon the Bass River State Forest's association with Franklin D. Roosevelt's New Deal CCC program. Approximately 4,500 acres of trees were planted in Bass River State Forest by the CCC.

In accordance with the CMP (N.J.A.C. 7:50-6.154), the Commission staff has determined that the trees proposed for removal constitute a significant historic resource. The CMP (N.J.A.C. 7:50-6.156) requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of

significant historic resources from among three alternatives: preservation of the resource in place, if possible; preservation of the resource at another location, if preservation in place is not possible; or recordation.

Based upon review of the application, the Commission staff has determined that preservation in place is not technically feasible because obscuring the line of sight from the Bass River Fire Tower will result in a risk to public safety. Preservation at another location, a treatment that could be required for certain historic resources such as a building, is also not feasible in this instance due to the nature of the resource.

The Commission staff has determined that recordation is the appropriate treatment of the significant historic resource. This Certificate of Appropriateness requires recordation of the significant historic resource in accordance with the CMP (N.J.A.C. 7:50-6.156(c)). Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known documentary records on CCC planted stands, and, if appropriate, interpretive signage.

No disturbance will occur greater than six inches below the ground surface. Based upon its review, the Commission staff determined that, since the proposed tree clearing will result in minimal ground disturbance, a cultural resource survey was not required.

The Forest Fire Service represented that NJHPO recommended planting of tree seedlings that would maintain the character of the historic pine plantations. The applicant proposes to replant the area after clearing with native tree seedlings and allow for natural revegetation from the existing soil seedbank.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on January 24, 2019. Notice to land owners within 200 feet of the 16.4 acres proposed for tree clearing was completed on January 25, 2019. The application was designated as complete on the Commission's website on February 11, 2019. The Commission's public comment period closed on March 8, 2019.

The Commission received 52 written public comments (attached) regarding the application. At the Commission's March 8, 2019 monthly meeting, 19 oral public comments were offered. A list of all public commenters is provided at the end of this section of the Public Development Application Report and Certificate of Appropriateness. In addition, 9 documents (attached) were submitted by the public for consideration regarding this application.

The Commission staff appreciates the interest in the Pinelands Area of all members of the public who offered the following comments regarding this application:

I. Public Comments Regarding Visual, Aesthetic and Recreational Value Impacts to the Forest. (Commenters: D, E, H, J, L, O, R, 1, 5, 8, 9, 10, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 28, 30, 33, 34, 36, 38, 39, 40, 41, 42, 44, 47, 48, 49, 50 & 52)

Staff Response: As a regional land use plan covering approximately 938,000 acres, the CMP establishes approximately 552,000 acres (Pinelands Preservation Area District and Pinelands Forest Area) as conservation oriented land management areas. These conservation oriented land management areas serve to protect the overall visual, aesthetic and recreational values of the Pinelands Area. On an application by application basis, the CMP regulates impacts to visual, aesthetic and recreational value via the CMP vegetation management standards. For this

application, the vegetation management standards of the CMP (N.J.A.C. 7:50-6.23(a)) require that the proposed tree clearing be limited to that which is necessary to accommodate the use of the fire tower. Prior to submission of an application to the Commission, in early 2018, the applicant considered tree clearing of approximately 81 acres in the vicinity of the fire tower. That acreage of tree clearing was reduced to the currently proposed 16.4 acres. Based upon a Commission staff site inspection, including observation from the fire tower, the proposed 16.4 acre tree clearing is limited to that which is necessary to accommodate the use of the fire tower. The applicant has demonstrated that to continue the use of the existing fire tower, it is not practical to avoid the clearing of wooded areas (N.J.A.C. 7:50-6.23(b)). The applicant proposes the replanting of the cleared acreage with native tree seedlings.

II. Public Comments Regarding Use of Alternative Technologies. (Commenters: F, G, H, J, L, O, R, 1, 2, 5, 8, 10, 12, 13, 14, 15, 16, 17, 27, 29, 30, 31, 45 & 52)

Staff Response: The proposed tree clearing meets the standards of the CMP. The CMP does not require the applicant to address alternative technologies or feasible alternatives for this application. The CMP specifically requires the consideration of alternatives in a very few instances including waivers of strict compliance, memoranda of agreements and linear improvements in wetlands.

Various alternatives to the proposed tree clearing were identified during public comment. Identified alternatives included the use of drones, camera systems and satellites.

Although not required by the CMP and for informational purposes only, the current application addressed certain alternative options to the proposed tree clearing. The applicant has concluded that “(w)hile all of the options provide some utility for fire detection and could supplement the fire tower’s system, none can provide all of the benefits and advantages in protection of public health and safety that the tower provides in New Jersey.”

III. Public Comments Regarding Improving, Replacing or Relocating the Existing Tower and the Existing Tower Being Structurally Unsound. (Commenters: F, G, L, O, R, S, 1, 2, 5, 10, 13, 16, 17, 27, 29, 30, 33, 37, 39, 42, 44, 48 & 52)

Staff Response: The applicant has represented that the existing tower is operational and not in need of replacement. The CMP does not regulate the structural integrity of either existing or proposed structures, such as a fire tower. However, the Commission staff does conduct “due diligence” in its review of applications. The existing fire tower is still in use. The CMP does not require an alternatives analysis addressing the improvement, replacement, relocation or abandonment of the existing structure.

IV. Public Comments Regarding Historical Significance of the Pine Plantation. (Commenters: E, L, R, 10, 15, 22, 26 & 48)

Staff Response: The CMP (N.J.A.C. 7:50-6.151) requires the proper management of historically distinctive resources. The trees proposed for removal constitute a significant historic resource. The CMP requires that a Certificate of Appropriateness be issued by the Commission that identifies the required treatment of the significant historic resource. Based upon review of the application, the Commission staff has determined that preservation of the resource in place is not technically feasible because obscuring the line of sight from the Bass River Fire Tower will

result in a risk to public safety.

Approximately 4,500 acres of trees were planted in Bass River State Forest by the CCC. Of those 4,500 acres, available information indicates that approximately 200 acres remain. This application proposes to clear 16.4 acres of the remaining 200 acres.

The Commission staff has determined that recordation is the appropriate treatment of the significant historic resource. Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known documentary records on CCC planted stands, and, if appropriate, interpretive signage.

V. Public Comments Regarding Forest Fragmentation and Negative Impacts to Biodiversity and Wildlife.(Commenters: D, G, J, 8, 15, 25,28, 42, 46 & 48)

Staff Response: As a regional land use plan covering approximately 938,000 acres, the CMP establishes approximately 552,000 acres (Pinelands Preservation Area District and Pinelands Forest Area) as conservation oriented land management areas. On an application by application basis, the CMP regulates forest fragmentation, biodiversity and wildlife via the vegetation management standards and the T&E species protection standards.

The applicant has demonstrated consistency with the vegetation management standards (N.J.A.C. 7:50-6.23(a)&(b)) of the CMP. The proposed tree clearing is limited to that which is necessary to accommodate the continued use of the fire tower. The applicant has demonstrated that it is not practical to avoid clearing wooded areas.

Visual surveys will be performed for any potential Barred owl (threatened avian species) tree cavities or nests before any tree clearing occurs. Additionally, all proposed tree clearing and site preparation will be conducted during specified times of year so as to avoid potential impacts to T&E snake species. Visual surveys for Broom crowberry, a CMP designated T&E plant species, will occur prior to all tree clearing. The applicant has demonstrated consistency with the T&E species protection standards (N.J.A.C. 7:50-6.27) of the CMP.

VI. Public Comments Supporting the Need to Clear Trees for Public Safety. (Commenters: A, C, I, K, P, Q, 3, 4, 6, 7, 11 & 51)

Staff Response: The staff acknowledges the opinion of those commenters that indicated public safety comes first, common sense dictates that the trees should be cleared, the existing tower is important to the safety of a larger area and the continued use of the existing tower is essential for public safety.

VII. Public Comment that the Proposed Tree Clearing Violates CMP Standards. (Commenter: R)

Staff Response: It is the Commission staff's opinion that the proposed tree clearing meets all CMP standards. The staff understands and acknowledges that the proposed tree clearing will result in 16.4 acres of trees being cleared from the Pinelands Area.

VIII. Public Comment that the Proposed Activity Meets the CMP Forestry Standards.

(Commenters: N & P)

Staff Response: The submitted application proposes the tree clearing as forestry. The CMP definition of forestry specifically excludes the removal of trees for public safety. It is the Commission staff's judgment that the primary purpose of the proposed tree clearing is public safety. Accordingly, the Commission staff processed the application as tree clearing for public safety. The Commission staff recognizes that it could be reasonably argued that the proposed activity meets the CMP forestry standards. However, those standards do not apply to this application.

IX. Public Comment that the Provided Public Notice identifies the Wrong Application.

(Commenter: G)

Staff Response: The sample public notice form provided to applicants by the Commission staff suggests that the assigned Pinelands application number be included in the public notice. Provision of the application number within the public notice is not a legal requirement. The Commission staff initially advised the applicant to utilize the application number from the prior application for the current application. The applicant utilized that application number in its public notices. Upon receipt of the current application, the Commission staff decided for administrative purposes to assign the same application number, but a different application phase number. The fact that the public notice did not identify the correct application phase number eventually assigned by the Commission staff does not require that the applicant redo public notices.

X. Public Comment that the White Pines to be Removed are Non-Native Pinelands Species.

(Commenters: A, 3, 4, 6, 7, 35)

Staff Response: The Commission staff agrees that the White pines being cleared are not native Pinelands tree species.

XI. Public Comments that the CMP does not Require the Applicant to Address Alternatives to the Proposed Tree Clearing. (Commenters: P & 4)

Staff Response: The Commission staff agrees that the CMP does not require the applicant to address alternatives to the proposed tree clearing.

XII. Public Comments Regarding Costs Estimates Associated with the Proposed Tree Clearing and Tower Alternatives. (Commenters: G, H & 2)

Staff Response: The Commission staff agrees that the costs associated with the proposed tree clearing and the costs associated with possible alternatives to the tree clearing are informative. However, the CMP does not contain a standard that requires this applicant to address the cost of alternatives.

Oral commenters speaking at the March 8, 2019 Commission meeting are listed below:

A. Howard Chew

B. Greg McLaughlin- Chief, NJDEP Bureau of Forest Fire Management

- C. Mark Herndon
- D. Kathy Gariner (Submitted Document #1)
- E. Rose Sweeny
- F. Riki Loeiswicz (Submitted Document #2)
- G. Karl Swanseen (Re-submitted Document #1)
- H. Carol Bitsberger
- I. Buddie Pino
- J. Tom Doherty
- K. Bill Cutts
- L. Christopher Brower
- M. Rich Buzby (Submitted Document #3)
- N. Rhyan Grech-Pinelands Preservation Alliance
- O. John Waldrop
- P. Bill Brash-NJ Fire Safety Council President (Submitted Document #4)
- Q. Steve Lee (Submitted Document #5)
- R. Jeff Tittel-NJ Sierra Club
- S. Dan Gant (Submitted Document #6)

Written commenters on this application, received via email, except where noted, are listed below:

1. Donetta Waldrop, via mail
2. Karl Swanseen
3. Arthur Abline, Manchester Township OEM Coordinator
4. Martin Lynch, NJ Fire Safety Council, via mail
5. Deborah Buzby Cope, Mayor, Bass River Township
6. Jason Hoger
7. Nancy Reid, Chair, Horizons at Barnegat Firewise Committee
8. Todd Tally
9. Robyn Firth
10. Jeffrey Firth
11. Katharine LaRocca
12. Eileen Brower
13. Benjamin Brower
14. Diane Pett (Two written comments)
15. Todd Tally (Second written comment)
16. Karl Swanseen (Second written comment)
17. Dana Austin
18. Amy Rasmussen
19. Maria Cody
20. Julie Berghoff
21. Ed Kanitra
22. Laura Rasmussen
23. Rocquel Barretto
24. Sarah Foti
25. Marcia Evans
26. Ronald Valentine
27. Karen Amon
28. Ted Paul
29. James Casson

30. Marlena Carlis
31. John Steedle
32. Paul Smikovecus
33. Susan Hughes
34. Candace Fykes
35. Randy DePasquale
36. Erica DiUlio
37. William Cromartie
38. Alison Hall
39. Sharon Tuscano
40. Bruce Roop
41. Michelle Fox
42. Nicole Babcock
43. Lindsey Wasruta
44. Gale Labor
45. Robert Graffin
46. Lizabeth Carl
47. Jeremy Price
48. Scott Wardenski (Documents 7, 8 & 9)
49. Laura Phillips
50. Dawn Markoski
51. Dudley Lewis, Mayor, Washington Township
52. Ben Wurst

List of Documents Submitted by the Public

Document #1: Bass River State Forest Clearcutting Powerpoint presentation and State Forest Trail Map

Document #2: New York State DEC, Fire Tower Study for the Adirondack Park

Document #3: Burlington County Times article, August 10, 2018, "Bass River fire tower: Seeing the Entire Forest" by Ray Bukowski, Assistant Commissioner for Natural and Historic Resources, NJDEP

Document #4: New Jersey Fire Safety Council, March 8, 2019 Wildfire Report 1927-2010

Document #5: Rolling Stone Magazine May, 2016: "Apocalypse in the Garden State" by Kyle Dickman

Document #6: Bass River State Forest Fire Tower 2019 Two photographs of tower steel damage

Document #7: 1936 Brochure on Forest Fire Prevention in Bass River State Forest

Document #8: 2005 Bass River Gazette article on Bass River State Forest history

Document #9: New York Times article, October, 1905 "Saving Jersey's Forests"

CONDITIONS

1. Except as modified below, the proposed tree clearing shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park lands, New Jersey State Forest Fire Service" submitted to the Pinelands Commission and dated January 24, 2019.
2. Prior to any tree clearing, the applicant shall obtain any other necessary permits and approvals.

3. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any tree clearing undertaken between November 1 and April 30.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, site preparation activities (e.g. drum chopping or wood disking) shall only be conducted between May 16 and September 30.
5. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of Barred owl, the applicant shall complete a visual survey of the above referenced 16.4 acres proposed for tree clearing for potential Barred owl cavities or nests. Any trees containing potential Barred owl cavities or nests shall be marked and left standing.
6. To avoid irreversible adverse impacts on any local population of Broom Crowberry, a visual survey shall be completed of the 16.4 acres proposed for tree clearing prior to any tree clearing. If the visual survey identifies any Broom crowberry, the applicant shall install temporary protective fencing to ensure that the plant is not disturbed.
7. Prior to any clearing of the 16.4 acres, a copy of the cultural resource recordation report shall be submitted to the Commission staff. Recordation will be accomplished through a combination of photo-documentation prior to and subsequent to tree removal, GIS mapping, updating of known forestry documentary records on CCC planted stands, and, if appropriate, installation of interpretive signage.

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 tree clearing subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

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



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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

The written public comments and documents submitted by the public for this Report can be viewed by clicking [here](#).



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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

March 13, 2019

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

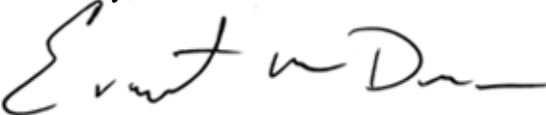
Re: Application # 1988-0757.062
Greenbriar Enduro
March 17, 2019
Maurice River Township

Dear Mr. Bradway:

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

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

Sincerely,



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

Enc: Off-Road Vehicle Event Route Map Approval

c: Maurice River Township Clerk (via email)



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1345

Application #: 1988-0757.062

Applicant: Tri-County Sportsmen Motorcycle Club, Inc.

Event Name: Greenbriar Enduro

Event Date: March 17, 2019

Maurice River Township

Management Area: Forest Area, Pinelands Village

Lands Utilized

US Silica

Approved Route Map

Received in electronic format on March 11, 2019

March 13, 2019

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

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ The route utilizes existing sand roads, fire cuts and trails.

CONDITIONS

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



State of New Jersey

THE PINELANDS COMMISSION

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

SEAN W. EARLEN

Chairman

NANCY WITTENBERG

Executive Director

March 27, 2019

David Crane (via email)
Meteor Motorcycle Club
143 Wahwahtaysee Trail
Medford Lakes, NJ 08055

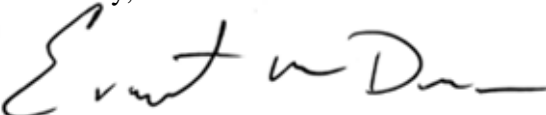
Re: Application # 1987-1127.044
Sandy Lane Enduro
March 31, 2019
Bass River, Washington
& Woodland Townships

Dear Mr. Crane:

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

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

Sincerely,



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

Enc: Off-Road Vehicle Event Route Map Approval

c: Bass River Township Clerk (via email)
Washington Township Clerk (via email)
Woodland Township Clerk (via email)
Tom Keck, Regional Superintendent, NJ State Park Service - Southern Region (via email)
Robert Auermuller, Superintendent, Wharton State Forest (via email)



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1346

Application #: 1987-1127.044

Applicant: Meteor Motorcycle Club

Event Name: Sandy Lane Enduro

Event Date: March 31, 2019

Municipalities: Bass River, Washington & Woodland Townships

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

Lands Utilized

Wharton, Bass River & Penn State Forests

Approved Route Map

85 mile route delineated on the route map received on March 26, 2019

March 27, 2019

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

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ The route utilizes existing sand roads, fire cuts and trails.
- ♦ The route utilizes public land.

CONDITIONS

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-_____

TITLE: Issuing an Order to Certify Ordinance 2018-05, Amending Chapter 16 (Subdivisions and Site Plans) and Chapter 17 (Zoning) of the Code of Bass River Township

Commissioner _____ moves and Commissioner _____
seconds the motion that:

WHEREAS, on July 9, 1982, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Bass River Township; and

WHEREAS, Resolution #PC4-82-41 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-82-41 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on June 16, 1995, the Pinelands Commission adopted a set of amendments to the Comprehensive Management Plan, effective August 21, 1995 that, among other things, affords Pinelands municipalities with increased flexibility in establishing and implementing alternative local permitting procedures; and

WHEREAS, the Pinelands Commission adopted three sets of amendments to the Comprehensive Management Plan that became effective on January 3, 2012, September 2, 2014, and March 5, 2018, respectively; and

WHEREAS, on January 7, 2019, Bass River Township adopted Ordinance 2018-05, amending Chapter 16 (Subdivisions and Site Plans) and Chapter 17 (Zoning) of the Township's Code by establishing an alternative local permitting program for the development of single-family dwelling units on existing lots of record and incorporating revisions necessary to comply with the 2012, 2014, and 2018 Comprehensive Management Plan amendments; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2018-05 on February 5, 2019; and

WHEREAS, by letter dated February 6, 2019, the Executive Director notified the Township that Ordinance 2018-05 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2018-05 was duly advertised, noticed and held on March 6, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Bass River Township Ordinance 2018-05 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2018-05, amending Chapter 16 (Subdivisions and Site Plans) and Chapter 17 (Zoning) of the Code of Bass River Township, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 2018-05 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2018-05 and has reviewed the Executive Director’s report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinance 2018-05, amending Chapter 16 (Subdivisions and Site Plans) and Chapter 17 (Zoning) of the Code of Bass River Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. The Executive Director shall abide by the periodic monitoring program detailed in Exhibit C of the Executive Director’s March 29, 2019 report.
3. Any additional amendments to Bass River Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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



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

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

**REPORT ON BASS RIVER TOWNSHIP ORDINANCE 2018-05,
 AMENDING CHAPTER 16 (SUBDIVISIONS AND SITE PLANS) AND
 CHAPTER 17 (ZONING) OF THE CODE OF BASS RIVER TOWNSHIP**

March 29, 2019

Bass River Township
 PO Box 307
 New Gretna, NJ 08224

FINDINGS OF FACT

I. **Background**

The Township of Bass River is located in the eastern-central portion of the Pinelands Area in southeastern Burlington County. Pinelands municipalities adjacent to Bass River Township include the Townships of Washington and Woodland in Burlington County; the Townships of Barnegat, Little Egg Harbor, and Stafford in Ocean County; and the Township of Galloway and the City of Port Republic in Atlantic County.

On July 9, 1982, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Bass River Township.

The Pinelands Commission adopted three sets of amendments to the Pinelands Comprehensive Management Plan (CMP) that went into effect on January 3, 2012, September 2, 2014, and March 5, 2018, respectively. These amendments revised CMP provisions related to: definitions; types of development exempt from Pinelands Commission review; notification requirements; recordation of deed restrictions related to the severance of Pinelands Development Credits; individual on-site wastewater treatment systems intended to reduce nitrate/nitrogen; and the Alternate Design Treatment Systems Pilot Program.

On January 7, 2019, Bass River Township adopted Ordinance 2018-05, amending Chapter 16 (Subdivisions and Site Plans) and Chapter 17 (Zoning) of the Township's Code by establishing an alternative local permitting program for the development of single-family dwelling units on existing lots. The ordinance also contains revisions necessary for consistency with the amendments to the CMP adopted in 2012, 2014, and 2018. Lastly, the ordinance includes revisions to the standards and procedures related to performance and maintenance guarantees in response to amendments to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.).

The Pinelands Commission received a certified copy of Ordinance 2018-05 on February 5, 2019. By letter dated February 6, 2019, the Executive Director notified the Township that Ordinance 2018-05 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance 2018-05, amending Chapter 16 (Subdivisions and Site Plans) and Chapter 17 (Zoning) of the Code of Bass River Township, introduced on October 1, 2018 and adopted on January 7, 2019.

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

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards**

The Pinelands Commission adopted three sets of amendments to the CMP that went into effect on January 3, 2012, September 2, 2014, and March 5, 2018, respectively. Ordinance 2018-05 amends Chapter 16 and Chapter 17 of the code of Bass River Township in response to these recent CMP amendments. It incorporates new and/or revised definitions for alternate design pilot program treatment system, immediate family, and solar energy facilities. The ordinance also includes provisions allowing for the installation of advanced wastewater treatment systems by existing nonresidential uses in the Pinelands Forest Area and Rural Development Area of the Township, subject to CMP water quality standards (N.J.A.C. 7:50-6.84(a)5iii(2)).

Ordinance 2018-05 also revises section 16.16.010, Performance guarantees and inspections, of the Township code. These amendments are in response to revisions to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) by Assembly Bill 1425/Senate Bill 3233 (P.L. 2017, c. 312). Revisions include changes to the types of site improvements for which the Township may require a developer to post a performance or maintenance guaranty, procedures for establishing the amount to be posted as well as procedures for the payment of fees related to the inspection of site improvements by Township professionals. It also includes provisions for the issuance of a temporary certificate of occupancy guarantee as well as a safety and stabilization guarantee.

This standard for certification is met.

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

Response to CMP Amendments

Ordinance 2018-05 amends Chapters 16 and 17 of the Township's code by expanding and revising the types of development that are exempt from application to the Township and the Commission, consistent with the exemptions set forth in the CMP (N.J.A.C. 7:50-4.1(a)).

Alternative Permitting Program

The CMP allows for municipalities to establish alternative local permitting programs that maintain consistency with CMP standards while providing more efficient or simplified review procedures of development applications. Such an alternative local permitting program must be locally adopted by ordinance and certified by the Commission prior to taking effect. The Commission may certify such an ordinance only if it meets the standards of N.J.A.C. 7:50-3.83.

Ordinance 2018-05 establishes an alternative local permitting program for the development of single-family dwellings on existing lots of record in the Township's Pinelands Area. Applicants for such development may opt to apply for a preliminary zoning permit under the alternative permitting procedures. The applicant maintains the option to submit the application under the existing development review procedures for minor development. The benefit to the applicant of applying for the preliminary zoning permit is that they are not required to apply for a Certificate of Filing from the Pinelands Commission, thus avoiding the fees and additional time required for the review and processing of the Certificate of Filing.

The alternative permitting program adopted by Ordinance 2018-05 includes application requirements and procedures by which the Zoning Officer is to render a decision to approve or deny applications. Ordinance 2018-05 also details the effect of issuing a preliminary zoning permit, the effect of denying the application and procedures to be followed should the Zoning Officer position become vacant.

Application submission requirements include general information regarding the applicant and subject parcel, a dated plot plan indicating the proposed location of the building envelope and any accessory structure, driveway, sewage disposal system, and water supply well. The provisions also allow the Zoning Officer to require additional information to be submitted to determine compliance with Chapter 17. The Zoning Officer may also waive any application requirement that is not necessary to determine compliance with Chapter 17. The preliminary zoning permit application form to be used by the Township is attached as Exhibit A.

The Zoning Officer shall determine whether the application is complete within fourteen days of application submission. If found to be complete, the Zoning Officer has another fourteen days to make a determination to approve or deny the application for a preliminary zoning permit. The ordinance requires that the Zoning Officer issue the preliminary zoning permit if and only if (1) the proposed development is consistent with all standards in the Township's Land Development Ordinance, (2) no Waiver of Strict Compliance is necessary from, or has been approved by, the Pinelands Commission, and (3) a representative of the Pinelands Commission has signed the preliminary zoning permit, thereby indicating concurrence with the Zoning Officer's determination. If any of those three provisions are not met, the Zoning Officer cannot issue the preliminary zoning permit.

If the Zoning Officer denies the application for a preliminary zoning permit, the application is thereafter processed by the Township and Pinelands Commission under the existing application procedures for minor development.

In the event that the application is denied on the basis that a variance from a standard in Chapter 17 is necessary (e.g., a reduction in side or rear yard requirements), an application for a preliminary zoning permit may be re-submitted to the Zoning Officer following the Township's approval of the variance.

If the preliminary zoning permit is issued, it must expressly incorporate the plot plan submitted with the application, specify any necessary conditions, and indicate the expiration date of the permit (two years from the date of issuance). The Township's preliminary zoning permit template is attached to this report as Exhibit B.

In the event that the Zoning Officer position becomes vacant for any reason, the alternative permitting program procedures have no force and effect, and until such time as a new Zoning Officer is appointed, all such eligible development applicants are to be processed under the existing development review procedures.

N.J.A.C. 7:50-3.84(b) requires that a review program be approved by the Commission concurrent with the certification of any municipal ordinance that implements an alternative permitting system. The purpose of the review program is to enable the Commission to evaluate the consistency of development approved under the alternative permitting program with all applicable standards of the CMP. In order to satisfy this requirement, it is recommended that the Commission approve the periodic review and evaluation program detailed in Exhibit C as part of the certification of Ordinance 2018-05.

The alternative local permitting program established by Ordinance 2018-05 is consistent with the standards of N.J.A.C. 7:50-3.83. Therefore, this standard for certification is met.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Response to CMP Amendments

Ordinance 2018-05 revises notice requirements for applicants and the Township by permitting the delivery of notices of municipal hearings, meetings, approvals and denials to the Commission via email. The requirement that such notices be sent via certified mail is eliminated. The required notices of local approvals and denials will no longer need to include the names and addresses of

persons who actively participated in local proceedings. Local approvals will need to include a copy of any preliminary or final plan, plot or similar document approved.

Alternate Permitting Program

As noted above, Ordinance 2018-05 requires that a representative of the Pinelands Commission review and concur with the Zoning Officer's decision to issue a preliminary zoning permit prior to the issuance of the permit. Therefore, the Commission has the opportunity to work with the Zoning Officer to identify inconsistencies with the CMP's standards. If the Commission representative finds that the application is not consistent with the CMP, the preliminary zoning permit cannot be issued. If the applicant wishes to proceed with the application, they must apply to obtain a Certificate of Filing from the Commission and abide by the conventional application procedures provided by the CMP and Chapter 17 of the Township's code.

Ordinance 2018-05 also requires that the Township's Zoning Officer submit to the Commission a copy of any preliminary zoning permit issued along with associated application materials within five days of the permit's issuance. Likewise, if the Zoning Officer denies an application, the Zoning Officer must submit to the Commission documentation of the denial along with associated application materials within five days.

Any approvals or permits sought subsequent to the issuance of a preliminary zoning permit are subject to the notice, review and decision requirements of Sections 17.32.100 through 130 of Township's code. This requirement meets the standards of N.J.A.C. 7:50-3.83(a)5, which specifies that any alternative permitting program must either allow for Commission review of local approvals or provide for periodic review of local permits by the Commission.

The alternative local permitting program established by Ordinance 2018-05 is consistent with the standards of N.J.A.C. 7:50-3.83. Therefore, this standard for certification is met.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2018-05 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 2018-05 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Bass River Township's application for certification of Ordinance 2018-05 was duly advertised, noticed and held on March 6, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Mr. Lanute conducted the hearing, at which no testimony was received.

Written comments on Ordinance 2018-05 were accepted through March 13, 2019. However, no written comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2018-05, amending Chapter 16 (Subdivisions and Site Plans) and Chapter 17 (Zoning) of the Code of Bass River Township, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 2018-05 of Bass River Township.

SRG/DBL/CBR
Attachments

Bass River Township Preliminary Zoning Permit Application

Updated on 3/29/2019

1. Applicant Name(s)

Mailing Address _____

City _____ State _____ Zip _____

Telephone Number _____ Email Address _____

2. I authorize an agent to act on my behalf regarding this application: Yes No

Agent Name

Mailing Address _____

City _____ State _____ Zip _____

Telephone Number _____ Email Address _____

3. Property Owner Name(s)

Mailing Address _____

City _____ State _____ Zip _____

Telephone Number _____ Email Address _____

4. Property Subject of Development Application:

Block # _____ Lot # _____ Block # _____ Lot # _____ Total Acreage of Property:

Block # _____ Lot # _____ Block # _____ Lot # _____ _____

Block # _____ Lot # _____ Block # _____ Lot # _____ (to the nearest tenth of a sq. ft.)

Block # _____ Lot # _____ Block # _____ Lot # _____

5. Attach written certification from the Bass River Township Tax Assessor that all municipal taxes on the property described in #4 above have been paid.
6. Attach a plot plan, with the date and scale clearly indicated, containing the following information:
 - a. The zoning district in which the property is located;
 - b. The location and dimensions of all property lines, easements affecting the property and streets abutting the property;
 - c. The location of all yards and setbacks required by Chapter 17 of the Code of Bass River Township;
 - d. The location and disposition of all existing structures and improvements on the property;
 - e. A building envelope in which the proposed dwelling is to be located;
 - f. The location and dimensions of the proposed driveway;
 - g. The location and dimensions of any proposed accessory structures or improvements;
 - h. The location and dimensions of the area in which any sewage disposal system, including the disposal field, is proposed to be located; and
 - i. The location of any proposed water supply well.
7. If the proposed dwelling will be served by central sewer or water, attach written certification from the Municipal Utilities Authority verifying that such service is available.
8. If the property is proposed to be developed via the Density Transfer Program (Section 17.20.240 of the Code of Bass River Township), provide the information of any non-contiguous property that will be used in the density transfer:

Block # _____ Lot # _____	Block # _____ Lot # _____	Total Acreage of Property:
Block # _____ Lot # _____	Block # _____ Lot # _____	_____
Block # _____ Lot # _____	Block # _____ Lot # _____	(to the nearest tenth of a sq. ft.)
Block # _____ Lot # _____	Block # _____ Lot # _____	

I hereby certify that the information furnished on this application form and all supplemental materials is true. I am aware that false swearing is a crime in this state and is subject to prosecution.

I hereby authorize the staff of Bass River Township and the Pinelands Commission to conduct such onsite inspections of the parcel as are necessary to review this application and ensure compliance with the requirements of the code of Bass River Township and the Pinelands Comprehensive Management Plan. I

Signatures of Applicant(s):

_____ Signature	_____ Date	_____ Signature	_____ Date
Name (Print) _____		Name (Print) _____	

Signatures of Property Owner(s)

_____ Signature	_____ Date	_____ Signature	_____ Date
Name (Print) _____		Name (Print) _____	

BASS RIVER TOWNSHIP PRELIMINARY ZONING PERMIT

Bass River Township Permit No. _____

Pinelands Application No. _____

Issue Date: _____ Expiration Date: _____

The development of **BLOCK** _____, **LOT** _____, consisting of approximately _____ acres has been found to be consistent with Chapter 17 of the Code of Bass River Township, County of Burlington, State of New Jersey and the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq., subject to the conditions set forth below.

CONDITIONS

1. This permit is not valid unless accompanied by the plan dated _____ **and** signed by each of the individuals whose signatures appear on this permit.
2. The following type of sewer service or sewage disposal shall be required (check one):

_____ Public Sewer _____ Standard sewage disposal system

_____ Other: _____
3. All development shall be located on the property as specified on the accompanying plan.
4. Conformance with the area, yard and bulk requirements of Chapter 17 of Bass River Township that are in effect as of the date this permit is issued shall be re-verified as a prerequisite to the issuance of a construction permit.
- 5.
- 6.

Periodic Review and Evaluation of the Bass River Township Alternative Permitting Program

The Pinelands Comprehensive Management Plan (CMP) allows for municipalities to establish alternative local permitting programs that maintain consistency with CMP standards while providing more efficient or simplified review procedures of development applications (N.J.A.C. 7:50-3.81). Bass River Township Ordinance 2018-05 establishes an alternative local permitting program for the development of single-family dwellings on existing lots of record in the Township's Pinelands Area.

In accordance with N.J.A.C. 7:50-3.84(b), the Commission's Executive Director is required to report to the Commission on each alternative permitting program certified by the Commission. It requires that a specific review program be approved by the Commission at the time of certification of the alternative local permitting program. It specifies that the report submitted to the Commission by the Executive Director must describe the elements of the permitting program and evaluate their operation according to the standards of N.J.A.C. 7:50-3.83.

Three years from the date of Commission certification, and every three years thereafter, the Executive Director shall submit a written report to the Commission and the Township. The report shall describe the elements of the permitting program and evaluate the operation of the program in accordance with the standards of N.J.A.C. 7:50-3.83.

In addition to the periodic report to the Commission, the Bass River Township program incorporates application review procedures that allow for Commission staff to review and evaluate the program's performance on an application-by-application basis. This is accomplished by two mechanisms: (1) all preliminary zoning permits issued by the Township must be signed by a representative of the Pinelands Commission indicating a concurrence with the Zoning Officer's determination of consistency with the Township's development regulations and the standards of the CMP; and (2) any approvals or permits sought subsequent to the issuance of a preliminary zoning permit are subject to the notice, review, and decision requirements of the CMP (N.J.A.C. 7:50-4.31).

In the event that the Executive Director finds that the Township's implementation of the program is not meeting the standards of N.J.A.C. 7:50-3.83, a recommendation will be made to the Commission to revoke, suspend or modify its certification of the Bass River Township alternative permitting program.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-_____

TITLE: Issuing an Order to Certify the Master Plan and Land Use Ordinances of Manchester Township, Up to and Including Ordinance 18-035, for That Portion of the Township Outside the Pinelands Area but Within the Pinelands National Reserve

Commissioner _____ moves and Commissioner _____
seconds the motion that:

WHEREAS, on July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Manchester Township; and

WHEREAS, N.J.A.C. 7:50-3.39(b) of the Comprehensive Management Plan specifies that municipalities with areas outside the Pinelands Area but within the Pinelands National Reserve may request review by the Commission of their land use ordinances and master plans for these areas to determine substantial compliance with the provisions of N.J.A.C. 7:50-5 and 6; and

WHEREAS, N.J.A.C. 7:50-3.39(b) further provides that upon determining that a municipality's master plan and land use ordinances are in substantial compliance with the provisions of N.J.A.C. 7:50-5 and 6, the Commission will rely upon the complying master plan and ordinances, rather than a strict interpretation of the Comprehensive Management Plan, to provide comment to state and federal regulatory agencies in its role as the planning entity for the Pinelands National Reserve; and

WHEREAS, by letter dated February 12, 2018, Manchester Township requested that the Pinelands Commission review and approve its master plan and ordinance amendments for that portion of the municipality located outside of the state-designated Pinelands Area but with the Pinelands National Reserve; and

WHEREAS, on December 10, 2018, the Manchester Township Committee adopted Ordinance 18-035, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township by revising zoning district boundaries and regulations for that portion of Manchester Township located outside the state-designated Pinelands Area but within the Pinelands National Reserve; and

WHEREAS, on January 7, 2019, the Pinelands Commission received a certified copy of Ordinance 18-035; and

WHEREAS, on January 28, 2019, the Pinelands Commission received a copy of the Zoning Map adopted by Ordinance 18-035; and

WHEREAS, by letter dated February 6, 2019, the Executive Director notified Manchester Township that the municipality's master plan and land use ordinances, up to and including Ordinance 18-035, would be reviewed to determine whether they are in substantial compliance with the Comprehensive Management Plan; and

WHEREAS, a public hearing to receive testimony concerning Manchester Township's application for certification was duly advertised, noticed and held on February 27, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Manchester Township's master plan and land use ordinances for that portion of the municipality outside the Pinelands Area but within the Pinelands National Reserve, up to and including Ordinance 18-035, are in substantial compliance with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Manchester Township's master plan and land use ordinances, up to and including Ordinance 18-035, are in substantial compliance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that the Township’s master plan and land use ordinances applicable to that portion of the municipality outside the Pinelands Area but within the Pinelands National Reserve be certified; and

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

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Manchester Township’s master plan and land use ordinances, up to and including Ordinance 18-035, as they apply to that portion of the municipality located outside the Pinelands Area but within the Pinelands National Reserve are in substantial compliance with N.J.A.C. 7:50-5 and 6 of the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Manchester Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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



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

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

**REPORT ON MANCHESTER TOWNSHIP’S MASTER PLAN AND LAND USE
 ORDINANCES FOR THAT PORTION OF THE MUNICIPALITY OUTSIDE THE
 PINELANDS AREA BUT WITHIN THE PINELANDS NATIONAL RESERVE**

March 29, 2019

Township of Manchester
 1 Colonial Drive
 Manchester, NJ 08759

FINDINGS OF FACT

I. **Background**

The Township of Manchester is located in the northern portion of the Pinelands Area in northwestern Ocean County. Pinelands municipalities adjacent to Manchester Township include the Borough of Lakehurst and the Townships of Berkeley, Jackson, Lacey, Plumsted, and Toms River in Ocean County; and the Townships of Pemberton and Woodland in Burlington County.

On July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Manchester Township applicable to that portion of the municipality located in the state-designated Pinelands Area.

The Pinelands Commission’s Role as Planning Entity for the Pinelands National Reserve

Manchester Township is one of several Pinelands municipalities that contain lands located within the Pinelands National Reserve but outside the state-designated Pinelands Area. In these areas, the Pinelands Commission does not exercise direct regulatory jurisdiction to implement the Comprehensive Management Plan (CMP). Instead, the Pinelands Protection Act designates the Commission as the “planning entity” for these areas. As such, the CMP includes policies that plan for the future use and development of lands within the entire Pinelands National Reserve area. In addition, sections 502(f)4 and 8 of the National Parks and Recreation Act of 1978 charge the Commission with the responsibility of preparing a management plan that details the ways in which local, state and federal programs and policies may best be coordinated to promote the goals and policies of the CMP and ensures that local government implementation of the plan provides “continued, uniform and consistent protection of” the entire Pinelands National Reserve.

In order to meet these directives, the Commission established Pinelands management area designations for that portion of the Pinelands National Reserve outside the state-designated Pinelands Area. The boundaries of these management areas are depicted on the Land Capability Map, which was adopted as part of the CMP in 1980 (N.J.A.C. 7:50-5.3(a)24). The Commission also entered into a Memorandum of Agreement with the New Jersey Department of Environmental Protection (NJDEP) under which the Department refers applications for development in the Pinelands National Reserve to the Commission for review and comment as to the consistency of those applications with the CMP. The Commission relies on the management area designations on the Land Capability Map when undertaking these advisory responsibilities.

The CMP specifies that municipalities with areas outside the Pinelands Area but within the Pinelands National Reserve may request review by the Commission of the land use ordinances and master plans applicable to those lands to determine substantial compliance with the provisions of subchapters 5 and 6 of the CMP (N.J.A.C. 7:50-3.39(b)). If certified under those provisions, the Commission will rely upon the complying master plan and ordinances, rather than a strict interpretation of the CMP, when providing comment to state and federal regulatory agencies in its role as the planning entity for the Pinelands National Reserve.

Manchester Township's Certification Request for its Pinelands National Reserve Area

By letter dated February 12, 2018 (see Exhibit 1), Manchester Township formally requested that the Pinelands Commission review the Township's zoning map and ordinances applicable to the portion of the municipality outside the state-designated Pinelands Area but within the Pinelands National Reserve (hereinafter referred to as Manchester Township's PNR area). In accordance with N.J.A.C. 7:50-3.39(b), the review would seek to determine whether the Township's regulations are in substantial compliance with subchapters 5 and 6 of the Pinelands Comprehensive Management Plan.

By email dated April 27, 2018, Commission staff advised the Township that various revisions to zoning district boundaries and regulations applicable to the Township's PNR area would be necessary to achieve substantial compliance with subchapters 5 and 6 of the CMP.

On December 10, 2018, Manchester Township adopted Ordinance 18-035, amending Chapter 245 (Land Use and Development) of the Township's Code by revising zoning district boundaries and regulations applicable to the Township's PNR area. The Pinelands Commission received a certified copy of Ordinance 18-035 on January 7, 2019. On January 28, 2019, the Pinelands Commission received a copy of the Zoning Map adopted by Ordinance 18-035.

By letter dated February 6, 2019, the Executive Director notified the Township that the municipality's master plan and land use ordinances applicable to the PNR area, up to and including Ordinance 18-035, would be reviewed by the Commission to determine whether they are in substantial compliance with subchapters 5 and 6 of the CMP.

The following three subsections contain a brief review of noteworthy administrative actions of relevance to the Township's PNR area.

Settlement Agreement between the Pinelands Commission, NJDEP, and Hovsons, Inc.

The Commission executed a settlement agreement in 2004 with the NJDEP and Hovsons, Inc., the owner of nearly 4,000 acres of land in Manchester Township's PNR area (also known as Heritage

Minerals). Under that agreement, a 995-acre development area was delineated to accommodate a maximum of 2,450 new residential units and 20,000 square feet of commercial space. The remainder of the Hovsons, Inc. property, as well as an additional 3,450 acres in the Pinelands Area, was to be dedicated to the State for open space preservation.

In order to implement the settlement agreement, the New Jersey State Planning Commission designated the 995-acre development area as a Planning Area 2 on the State Plan Map and the open space preservation area as a Planning Area 5. The Pinelands Commission amended the Land Capability Map in 2005 to redesignate the 995-acre development area as a Pinelands Regional Growth Area and the entire open space preservation area as a Pinelands Forest Area (37 N.J.R. 2013(b)). These revised management area boundaries appropriately reflected the permitted future use of lands authorized under the settlement agreement and were intended to prevent conflicts from arising between Pinelands management area and State planning area designations for the affected portion of Manchester Township.

In the interim, the development permitted under the settlement agreement has not occurred, nor have the 6,475 acres of Forest Area lands been deed restricted or conveyed to the State. Nevertheless, the management area designations necessary to implement the settlement agreement remain in place in Manchester's PNR area and have not been changed since 2005.

Relevant Prior CMP Amendment Petitions

The CMP provides that any person may petition the Commission for an amendment to the CMP, including a proposed change to the Land Capability Map (N.J.A.C. 7:50-7.3(b)). Two such petitions involving lands in Manchester Township's PNR area were submitted to the Commission: the Anatole Kalinuk et al. petition (1989) and the P. West, Jr. et al. petition (1991). Both petitions proposed the redesignation of lands on the southwesterly side of State Route 37 from a Rural Development Area to a Regional Growth Area. Kalinuk et al. petitioned for the redesignation of 130 acres. After a lengthy and detailed review, the Executive Director recommended that the Commission deny the Kalinuk et al. petition based on a number of considerations. The petitioners elected to withdraw the petition prior to formal Commission action. P. West, Jr. et al. petitioned for the redesignation of 75 acres within the same area. Similarly, P. West, Jr. et al. elected to withdraw their petition prior to formal Commission action. In both instances, the Commission encouraged the petitioners to work with Manchester Township toward certification of a comprehensive zoning plan for the entire PNR area, rather than focusing on the redesignation of one small area. Manchester Township requested such PNR area certification in 2018.

Presidential Gardens Application

Manchester Township's primary motivation for requesting certification of its PNR area is to implement the redesignation of Block 46.01, Lots 1.01 and 1.03 from Rural Development Area to Regional Growth Area (see Exhibit 1). These two lots, combining to be about 51 acres, were included in the 1989 and 1991 petitions discussed above. In recent years, these lands were proposed as the site of an inclusionary development known as Presidential Gardens. The project would include approximately 519 apartments with 20% set-aside as rental units made affordable to low- and moderate-income households. According to the Township's 2017 Housing Element and Fair Share Plan, certified by the Pinelands Commission in October of 2017, the affordable units resulting from the development of Presidential Gardens would account for a major portion of the Township's affordable housing obligation.

The project received preliminary and major subdivision approval from the Township in 2012, and conditional site plan approval from the Ocean County Planning Board in 2018. However, the NJDEP

denied the associated CAFRA Individual Permit application in 2014 because the project was not consistent with the Coastal Zone Management Rules.

Because the proposed development is located in the Pinelands National Reserve area of the CAFRA jurisdiction, NJDEP solicits and considers comments from the Pinelands Commission regarding application consistency with the CMP. In a memo to NJDEP dated December 4, 2012, Commission staff found that the Presidential Gardens application was not in substantial compliance with the CMP due to its designation as Rural Development Area. Under the CMP, residential development in the Rural Development Area is limited to a net density of one dwelling unit per 3.2 acres and sewer service is not permitted. The project's proposed density far surpasses the density limitation established for Rural Development Areas. The proposed connection to the existing sanitary sewer line servicing the adjacent Summit Park development is likewise inconsistent with the CMP due to the Rural Development Area designation.

The Commission's December 2012 memorandum to the NJDEP described two methods by which the management area designation of the lots could be changed. First, Manchester Township could seek Commission certification of its municipal master plan and land use ordinances for the entirety of the Township's PNR area. Alternatively, the Commission could adopt an amendment to the Pinelands Comprehensive Management Plan to redesignate the lots. In similar fashion to the petitions described above, the Commission encouraged the applicant to work with Manchester Township toward certification of a comprehensive zoning plan for the entire PNR area, rather than focusing on the redesignation of one small area. As noted above, the Township elected to request this review in 2018.

II. Master Plans and Land Use Ordinances

Manchester Township's master plan and land use ordinances, up to and including Ordinance 18-035, that are applicable to those lands outside the state-designated Pinelands Area but within the Pinelands National Reserve have been reviewed to determine whether they substantially conform with the subchapters 5 and 6 of the CMP, as required by N.J.A.C. 7:50-3.39(b). The findings from this review are presented below.

1. **Pinelands Management Areas**

The current Pinelands Land Capability Map divides Manchester Township's PNR area between three management areas: Forest Area, Rural Development Area, and Regional Growth Area (see Exhibit 2; and Table 1).

The CMP anticipates that management area boundaries will be refined and/or adjusted through the Commission's certification of municipal master plans and land use ordinances, provided that the Commission determines that the goals and objectives of the CMP will be implemented (N.J.A.C. 7:50-5.11). In evaluating the existing development patterns and zoning configuration of Manchester's PNR area, there is clear justification for amending the existing management area boundaries in the Township's PNR area (see Exhibit 3; and Table 1).

There are two primary changes in management area designations proposed by the Township. One is the expansion of the Pinelands Town of Whiting that exists in the adjacent Pinelands Area to the south, and the other is the expansion of the existing Regional Growth Area in the northern

area of the Township's PNR area. There are additional minor adjustments that remedy management area boundaries that split lots. Finally, the Forest Area is expanded to include permanently preserved lands on the edge of the existing Rural Development Area.

Table 1. Summary of Pinelands management areas in the Manchester Township PNR Area

Pinelands Management Areas	Existing Area (in acres)	Proposed Area (in acres)	Net change (in acres)
Forest Area	5,151	5,132	-19
Rural Development Area	1,831	0	-1,831
Pinelands Town (Whiting)	0	1,587	+1,587
Regional Growth Area	1,359	1,623	+264

In the southern reaches of the Township's PNR area, the existing Pinelands Town of Whiting is expanded into the Township's PNR area. This area of the Township's PNR area exhibits similar development patterns as that of the Pinelands Town of Whiting in the Pinelands Area. The Township's PNR area will now include 1,587 acres of Pinelands Town, which is largely composed of lands that are currently designated as Rural Development Area (1,475 acres). The expanded Pinelands Town will also incorporate approximately 112 acres of Forest Area that contain developed lands more appropriate for Pinelands Town designation. Also in this southern area, approximately 92 acres of Rural Development Area are redesignated to Forest Area due to split lots or to recognize those lands adjacent to the existing Forest Area that have been permanently preserved.

In the northern reaches of the Township's PNR area, the existing Regional Growth Area fronting on State Route 37 is expanded. The Regional Growth Area will now extend northwest along a corridor between State Route 37 and an abandoned rail right-of-way from Alexander Avenue to Manchester's border with the Borough of Lakehurst. The existing Manchester Township High School and recreational complex to the south of the rail right-of-way are included in the redesignated area. In addition to the school and fields, the area also includes an existing bank and three single-family residential properties. In total, 240 acres are redesignated from the Rural Development Area to the Regional Growth Area. Approximately half of the redesignated area is currently vacant, including 23 acres of municipally owned property, the 51-acre Presidential Gardens tract, and 47 acres of other privately owned lands.

The area being redesignated to Regional Growth Area fronts on a state highway and constitutes the extension of an already defined development corridor. A portion of the redesignated area is already served by public sanitary sewer. With the exception of one municipally owned lot and the rear portion of the high school property, the State Plan Map designates this area as a Suburban Planning Area. In accordance with the 1999 Memorandum of Agreement between the Pinelands Commission and the State Planning Commission, the Suburban Planning Area designation equates to the Pinelands Regional Growth Area designation.

Importantly, the current management area designations for the Heritage Minerals tract remain unchanged. The 995-acre development area defined in the 2004 settlement agreement among the Commission, the NJDEP and Hovsons, Inc. remains in the Regional Growth Area with no changes in boundary. All other Hovsons, Inc. lands in the Township's PNR area remain in the Pinelands Forest Area.

2. Township Zoning Districts and District Regulations

Manchester Township's PNR area is divided into twelve zoning districts (see Exhibit 4; and Table 2). All of these zoning districts were adopted prior to the Township's request for certification of its PNR area zoning plan and regulations. Ordinance 18-035 revises zoning boundaries to avoid split lots as well as to align existing districts with the reconfigured management area boundaries discussed above.

Table 2. Summary of Zoning Districts in the Manchester Township PNR Area by Proposed PMA Alignment

Pinelands Forest Area	Pinelands Town Area	Pinelands Regional Growth Area
Forest Area - Sending Area (FA-S)	Retirement Community (RC)	Retirement Community 2 (RC-2)
Forest Area - Receiving Area (FA-R)	Residential (R-40)	Residential (R-40)
	Business (B-1)	Residential (R-10A)
	Office Professional (O-P)	Multifamily (MF)
	Rural Agricultural (R-A)	Mobile Home Park (MP)
		Highway Development (HD-3)
		Town Center (TC)

There are two large zoning realignments. One is to correct for the existing misalignment of the RC-2 district with the existing Regional Growth Area that resulted from the Hovsons, Inc. settlement agreement noted above. The misalignment appears to have been the result of a mapping error on the Township's previous zoning map. The ordinance also rezones the parcels containing the existing Manchester Township High School and adjacent recreational fields from FA-S to R-40, which is consistent with the underlying Regional Growth Area designation proposed.

The RC-2 district encompasses the entirety of the 995-acre development area delineated in the 2004 settlement agreement noted above. The RC-2 district regulations explicitly reference the settlement agreement and establish permitted uses and development intensity consistent with the terms of the settlement agreement. Ordinance 18-035 makes no changes to the RC-2 district regulations.

The area redesignated as Regional Growth Area along Route 37 is split between the Town Center (TC) district and the Residential (R-40) district. The Presidential Gardens site is located within the TC district, which permits a variety of nonresidential uses as well as planned multifamily development at a density of 10 units per acre. The R-40 district permits single-family dwelling units, churches, public and private schools, parks and playgrounds, and governmental buildings. The R-40 district requires that residential development meet a minimum lot size of 40,000 square feet.

The remainder of the existing Regional Growth Area is split between the R-40, R-10A, MF, MP and HD-3 zones. These remaining zones permit a variety of residential and non-residential uses. The zoning district designations and related district regulations applicable to the existing and proposed Regional Growth Areas are substantially consistent with the CMP.

Ordinance 18-035 makes minor zoning district boundary modifications in the southern reaches of the Township's PNR area to align with the proposed management area alignment. The expanded Pinelands Town management area is divided between the RC, R-A, R-40, B-1, and O-P zones. These zoning districts largely reflect the existing development conditions. They provide for a mix of residential and non-residential uses. The zoning district designations and related district regulations applicable to the proposed Pinelands Town management are substantially consistent with the CMP.

Ordinance 18-035 revises the district regulations of the Forest Area - Receiving (FA-R) district and Forest Area - Sending (FA-S) district in order to be consistent with the CMP. The ordinance eliminates multi-family residential dwelling units, commercial resort facilities and golf courses from the FA-R district as the CMP does not permit such uses in the Forest Areas. In both the FA-R and FA-S districts, the ordinance limits single-family dwelling units to 1 unit per 20 acres, with the option of clustering on one acre lots when two or more units are proposed. The ordinance includes the CMP's clustering standards. Lastly, Ordinance 18-035 eliminates a variety of institutional uses from the list of permitted uses in both the FA-R and FA-S districts. The result of the ordinance is that the FA-S and FA-R districts permit the same uses, with the exception that the FA-R district would conditionally permit single-family dwellings on lots of at least one acre via a density transfer program. The zoning district designations and related district regulations applicable to the existing and proposed Forest Areas are substantially consistent with the CMP.

III. Public Hearing

A public hearing to receive testimony concerning Manchester Township's application for certification of Ordinance 18-035 was duly advertised, noticed and held on February 27, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 18-035 were accepted through March 6, 2019. Written comments were received from the following individuals:

- Cynthia Light, Irene Tysh, Suellen Perlmutter, Margaret Middaugh, Bette Chosak, and Jeanne Kineyko (attached as Exhibit 5)
- Rhyan Grech, Policy Advocate with the Pinelands Preservation Alliance; and Britta Wenzel, Executive Director of Save Barnegat Bay (attached as Exhibit 6)
- Karen Argenti (attached as Exhibit 7)

IV. Executive Director's Response

The three commenters raise various concerns with Ordinance 18-035 and the Township's PNR area certification request. These concerns include the limited opportunity to review and comment on the Township's ordinance, the location and intensity of permitted development in the Town Center zoning district and the potential impacts of increased development potential on wildlife habitat and water quality in the Township and larger Barnegat Bay watershed. The comments submitted by the Pinelands

Preservation Alliance (PPA) and Save Barnegat Bay also object to increased development potential in a “previously protected area,” implementation of a “single management area change” that increases development potential and, in general, the Township’s attempt to conform the Pinelands CMP to its own zoning map and prior approval for the Presidential Gardens project.

With respect to the procedural concerns raised regarding Ordinance 18-035, notice that the ordinance had been submitted to the Commission for review has been posted on the Commission’s website since October 2018. The Commission held a public hearing on the Township’s PNR area certification request, including Ordinance 18-035, on February 27, 2019. Notice of that hearing was duly advertised in the newspaper, provided to the Township, County and all individuals on the Commission’s hearing registry and posted on the Commission’s website. The Township has represented that Ordinance 18-035 was introduced on October 9, 2018 and duly adopted after a public hearing on December 10, 2018. It is the Executive Director’s understanding that the Township specifically delayed adoption of the ordinance for one month in order to provide additional time for public review and comment. Additional details, such as when and how the Township made copies of the ordinance and adopted zoning map available for public review, would need to be requested from the Township.

In general, the substantive comments submitted to the Commission all relate to the proposed redesignation of lands from the Rural Development Area to the Regional Growth Area. As discussed in the body of this report, the redesignated area consists of 240 acres and includes an existing high school and associated facilities, an existing recreational complex, an existing bank, three existing residential properties, the site of a municipally-approved 500-unit apartment project and the 70 acres of vacant land between the existing and approved developments. The area is located on State Route 37, across from the existing municipal complex, and represents an extension of the Regional Growth Area northwest to the Township’s boundary with Lakehurst Borough. Lands in the redesignated area are included in either the R-40 (Residential) or TC (Town Center) districts, both of which are entirely appropriate zoning designations for a Pinelands Regional Growth Area.

One commenter objects to the location of the TC district, stating that growth in this area is not needed, would significantly impact the character of the Township and should instead be located in the Pinelands Town of Whiting. The Executive Director agrees that the Pinelands Town of Whiting is an appropriate location for development, both in the Pinelands Area and in the PNR area. However, the expanded Regional Growth Area also appears to be an appropriate area for development, given the existing uses already in and around the area and its location on a major highway. Manchester Township clearly views this portion of the municipality as appropriate for additional growth, as reflected in the zoning plan and recently adopted Housing Element and Fair Share Plan, which targets one property in the area for significant residential and affordable housing development. Both the Regional Growth Area designation and TC zoning district are in keeping with the existing character of the area.

One commenter expresses a concern with the Township’s PNR area zoning plan because it allows residential development in two polluted areas that may not yet have been entirely cleaned. The commenter states that these polluted areas are located in the TC district and on the Heritage Minerals (Hovsons, Inc.) property. It is true that new residential development is permitted in both the TC and RC-2 districts. A variety of nonresidential uses is also permitted. Any necessary site remediation will be addressed by the NJDEP in its review of applications for development in these areas. All relevant State standards will need to be met before development, either residential or nonresidential, can proceed.

PPA and Save Barnegat Bay refer in their comments to the redesignation of a “previously protected area” from Rural Development to Regional Growth Area. The two organizations object to the increased

development potential the management area change would provide to such an area. The Executive Director is unaware of any permanently protected open space in the redesignated area. However, there is one property that is listed on the Township's Recreation and Open Space Inventory (ROSI). It contains an existing active recreational complex and is located immediately to the south of the Presidential Gardens project site. Other than providing the opportunity for sewer service for restroom or food service facilities associated with the recreational use, redesignation of the property to the Regional Growth Area has little to no impact. The property remains on the ROSI regardless of its zoning or management area designation.

PPA and Save Barnegat Bay also state that it is inappropriate for the Commission to approve a management area change through the municipal ordinance certification process when that redesignation constitutes a "single management area change" involving lands with environmental limitations. The guidelines for Pinelands management area changes provided at N.J.A.C. 7:50-5.11(b)3i are cited in support of this position. Were this a single management area change, the Executive Director would agree. In fact, the Commission has consistently taken that position, specifically with the area now being redesignated from the Rural Development Area to the Regional Growth Area, for decades. At the Township's request, the Commission is reviewing and certifying the management area designations and zoning plan for Manchester's entire PNR area, not one specific property. This more comprehensive approach allows the Commission to view all management area changes in the context of the Township's overall zoning plan. Management area adjustments are being made in a number of areas for a variety of reasons. Increased development potential will result for some properties in the expanded Regional Growth Area while, at the same time, certified zoning for thousands of Forest Area acres will ensure consistency of any future development with the CMP.

PPA and Save Barnegat Bay further object to a management area change designed to aid a particular non-conforming development (the Presidential Gardens project). They note that the NJDEP denied a CAFRA permit for this project in 2014, at least partially due to its inconsistency with CMP density limitations and prohibition on sewer service in Rural Development Areas. The NJDEP also cited potential impacts to suitable habitat for endangered or threatened species as a reason for the denial. Finally, the two organizations submit that it is inappropriate for the Township to seek to change the CMP to conform to the municipal zoning plan and, instead, the Township should conform its plan to the CMP.

Manchester Township has made no secret of the fact that its 2018 PNR area certification request was made primarily to recognize and accommodate the Presidential Gardens project. As noted previously, this is a 500-unit apartment project on a state highway (Route 37) that was approved by the Township years ago, placed in a sewer service area by the NJDEP and targeted for a significant number of affordable housing units in the Township's 2017 Fair Share Plan, pursuant to a settlement agreement with the Fair Share Housing Center. The project site has been included in the Township's TC district for many years and is located in a Suburban Planning Area on the State Plan Map where the approved project density (10 units per acre) is appropriate. The management area designation on the Pinelands Land Capability Map, now nearly 40 years old, was the only unmatching piece of the regulatory puzzle. It is precisely for situations such as this that the CMP has always acknowledged that Pinelands management area delineations can be refined by local agencies (municipalities), provided that CMP goals and objectives will still be achieved.

The commenters are correct that NJDEP denied a CAFRA permit for the Presidential Gardens project in 2014. The application for that project was resubmitted to the NJDEP and is undergoing review. It is the Executive Director's understanding, based on a recent meeting with NJDEP staff, that the applicant and

the NJDEP are in the process of resolving the environmental issues associated with the project, including those related to threatened and endangered species protection. Ultimately, all environmental standards of the Coastal Zone Management Rules will have to be met before any CAFRA permit can be issued for the Presidential Gardens project or any other development in the area being redesignated from Rural Development Area to Regional Growth Area. The certification of the Township's PNR area in no way alters the Coastal Zone Management Rules in the Pinelands National Reserve. The Commission will have the opportunity to review and comment on such applications when they are referred by the NJDEP, thereby providing an opportunity to ensure that CMP standards for the control of stormwater runoff and protection of critical habitat are adequately addressed.

V. Conclusion

Based on the Findings of Fact cited above, the Executive Director has concluded that Manchester Township's master plan and land use ordinances, up to and including Ordinance 18-035, as they affect that portion of the municipality located within the Pinelands National Reserve but outside the state-designated Pinelands Area, are in substantial compliance with N.J.A.C. 7:50-5 and 6 of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Manchester Township's master plan and land use ordinances for Manchester Township's PNR area.

SRG/DBL/CMT
Attachments



MANCHESTER TOWNSHIP

1 COLONIAL DRIVE • MANCHESTER, NJ 08759 • (732)657-8121

DEPARTMENT OF ADMINISTRATION

FEB 15 2018

DONNA L. MARKULIC, MAS
BUSINESS ADMINISTRATOR

KENNETH T. PALMER
MAYOR

February 12, 2018

Susan R. Grogan, PP, AICP
NJ Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Re: Manchester Township, Ocean County
Request for Pinelands Certification of Township Zoning Ordinances
Within Pinelands National Reserve

Dear Ms. Grogan:

This letter will serve as a follow-up to our December 5, 2017 meeting in Manchester to discuss Pinelands Commission certification of the Township Land Use Ordinance within the Pinelands National Reserve area in accordance with N.J.A.C. 7:50-3.39(b).

The Township understands this process may require amendments to the existing zoning ordinance and/or zoning map based on recommendations from Pinelands staff. The Township also understands the Pinelands Comprehensive Management Plan Map may also be changed through this process. The Township desires the existing Rural Development Area along Route 37 to be changed to Regional Growth Area in order to accommodate the Town Center (TC) Zone and the previously approved affordable housing project known as Presidential Gardens.

The Township hereby formally requests the Pinelands Commission to perform a review of the Township's zoning map and ordinance to certify compliance with the Pinelands Comprehensive Management Plan. We look forward to working with you and your staff on this effort.

Very truly yours,
A handwritten signature in black ink, appearing to read "K. Palmer", written over the typed name.

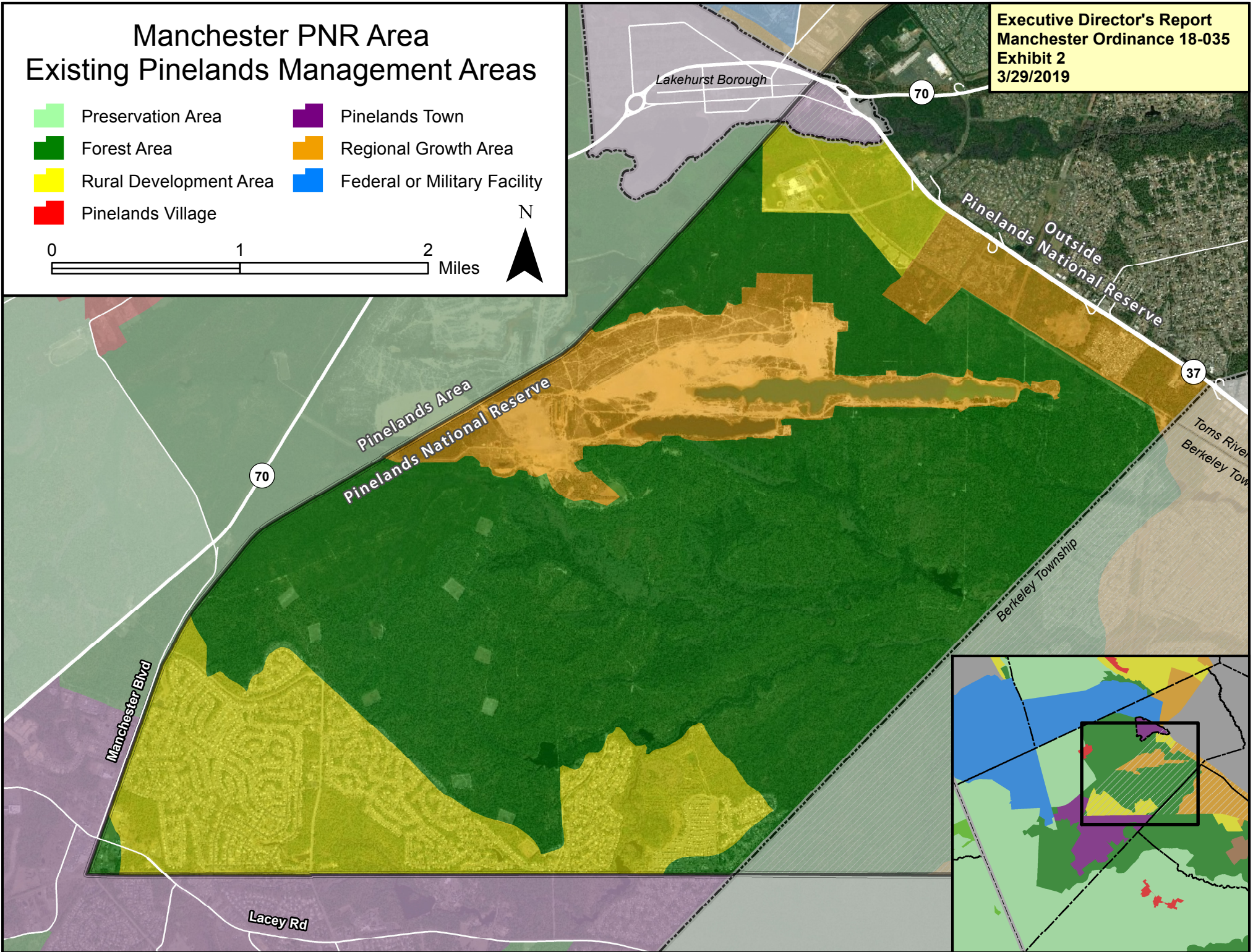
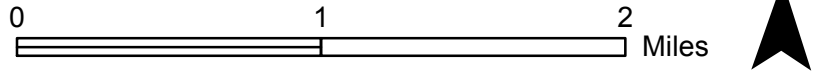
Kenneth T. Palmer
Mayor

cc: Robert Mullin, P.E., Township Engineer
Daniel Bloch, P.P., AICP, Township Planner

Manchester PNR Area Existing Pinelands Management Areas

Executive Director's Report
Manchester Ordinance 18-035
Exhibit 2
3/29/2019

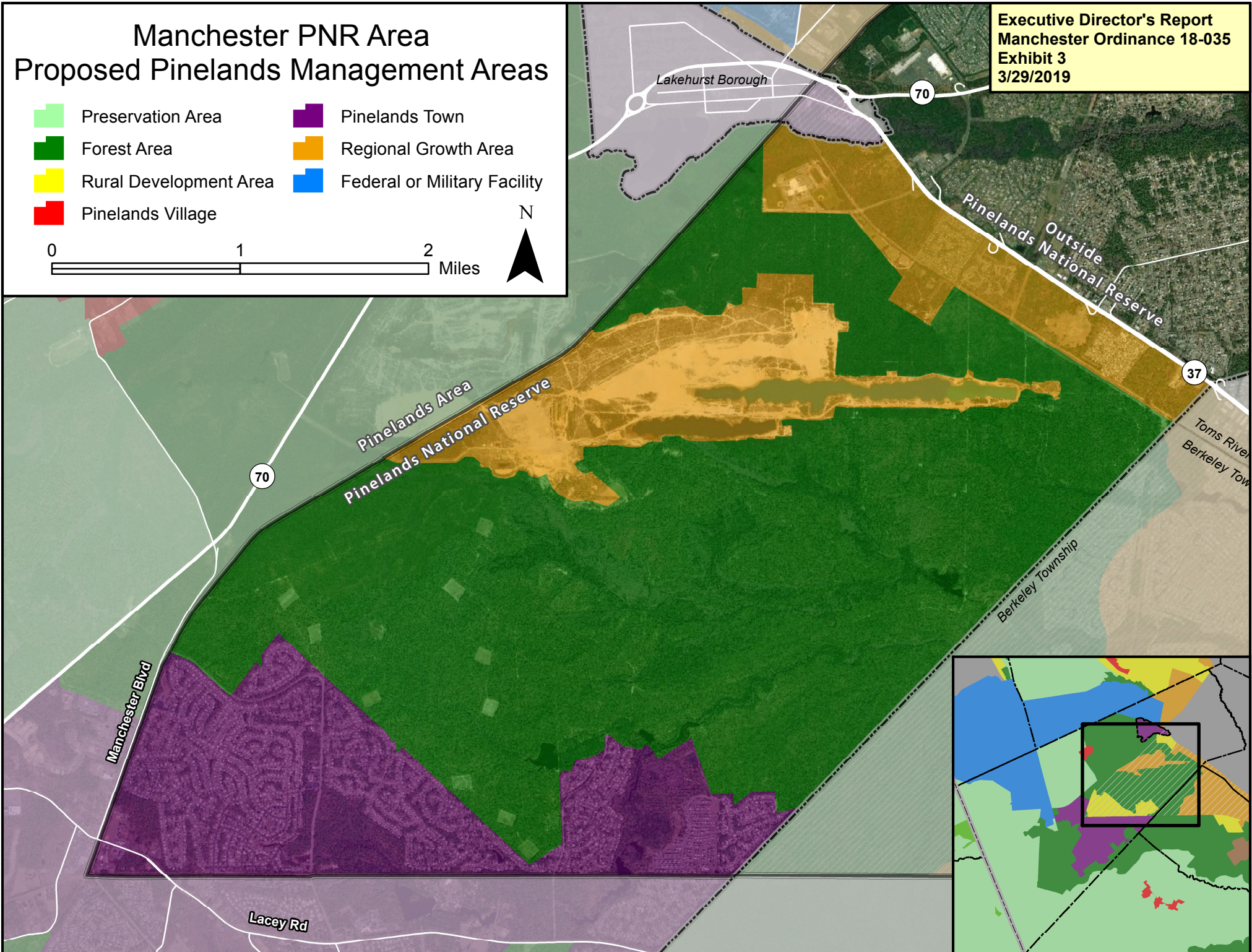
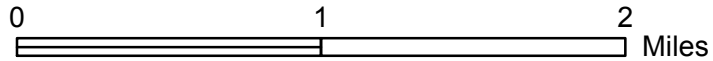
- Preservation Area
- Forest Area
- Rural Development Area
- Pinelands Village
- Pinelands Town
- Regional Growth Area
- Federal or Military Facility

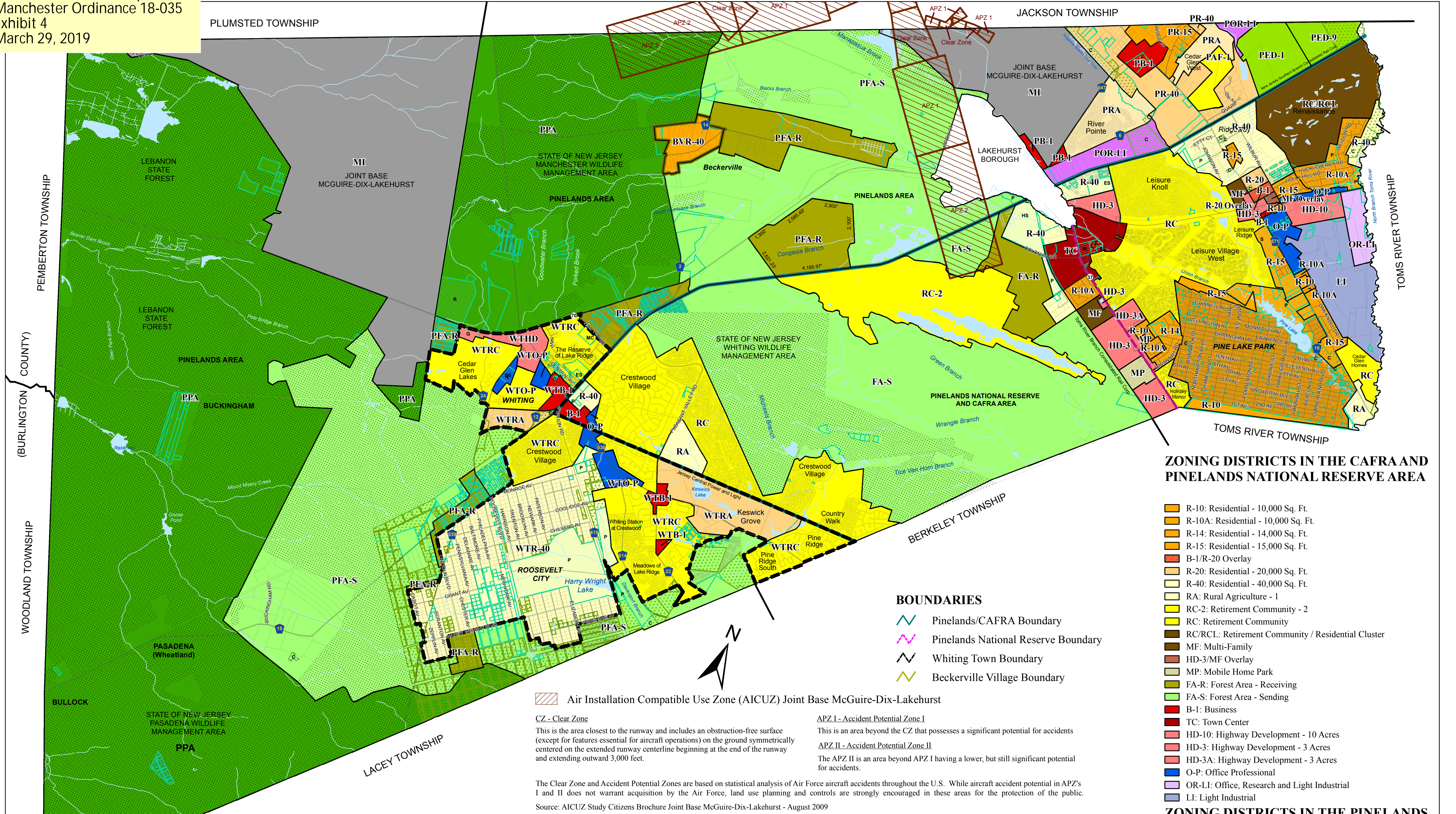


Manchester PNR Area Proposed Pinelands Management Areas

Executive Director's Report
Manchester Ordinance 18-035
Exhibit 3
3/29/2019

- Preservation Area
- Forest Area
- Rural Development Area
- Pinelands Village
- Pinelands Town
- Regional Growth Area
- Federal or Military Facility





ZONING DISTRICTS IN THE CAFRA AND PINELANDS NATIONAL RESERVE AREA

- R-10: Residential - 10,000 Sq. Ft.
- R-10A: Residential - 10,000 Sq. Ft.
- R-14: Residential - 14,000 Sq. Ft.
- R-15: Residential - 15,000 Sq. Ft.
- B-1/R-20 Overlay
- R-20: Residential - 20,000 Sq. Ft.
- R-40: Residential - 40,000 Sq. Ft.
- RA: Rural Agriculture - 1
- RC-2: Retirement Community - 2
- RC: Retirement Community
- RC/RC/L: Retirement Community / Residential Cluster
- MF: Multi-Family
- HD-3/MF Overlay
- MP: Mobile Home Park
- FA-R: Forest Area - Receiving
- FA-S: Forest Area - Sending
- B-1: Business
- TC: Town Center
- HD-10: Highway Development - 10 Acres
- HD-3: Highway Development - 3 Acres
- HD-3A: Highway Development - 3 Acres
- O-P: Office Professional
- OR-LI: Office, Research and Light Industrial
- LI: Light Industrial

ZONING DISTRICTS IN THE PINELANDS AREA

- PR-15: Pinelands Residential - 15,000 Sq. Ft.
- PR-40: Pinelands Residential - 40,000 Sq. Ft.
- PRA: Pinelands Rural Agriculture - 1
- PAF-1: Pinelands Affordable Housing
- PED-1: Planned Environmental District - 1
- PED-9: Planned Environmental District - 9
- PFA-R: Pinelands Forest Area - Receiving (3.2 Acres)
- PFA-S: Pinelands Forest Area - Sending (20 Acres)
- PPA: Pinelands Preservation Area
- PB-1: Pinelands Business
- POR-LI: Pinelands Office, Research and Light Industrial
- BVR-40: Beckerville Village Single Family Residential
- WTRC: Whiting Town Retirement Community
- WTR-40: Whiting Town Residential - 40,000 Sq. Ft.
- WTRA: Whiting Town Rural Agriculture
- WTB-1: Whiting Town Business - 1 Acre
- WTHD: Whiting Town Highway Development
- WTO-P: Whiting Town Office - Professional
- MI: Military Installation

- BOUNDARIES**
- Pinelands/CAFRA Boundary
 - Pinelands National Reserve Boundary
 - Whiting Town Boundary
 - Beckerville Village Boundary

Air Installation Compatible Use Zone (AICUZ) Joint Base McGuire-Dix-Lakehurst

CZ - Clear Zone
 This is the area closest to the runway and includes an obstruction-free surface (except for features essential for aircraft operations) on the ground symmetrically centered on the extended runway centerline beginning at the end of the runway and extending outward 3,000 feet.

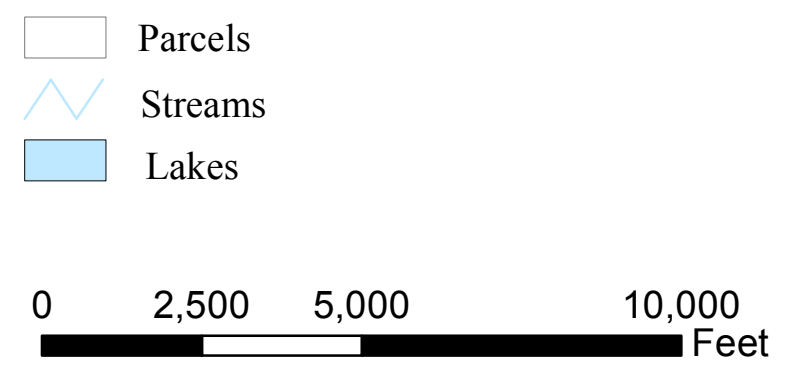
APZ I - Accident Potential Zone I
 This is an area beyond the CZ that possesses a significant potential for accidents

APZ II - Accident Potential Zone II
 The APZ II is an area beyond APZ I having a lower, but still significant potential for accidents.

The Clear Zone and Accident Potential Zones are based on statistical analysis of Air Force aircraft accidents throughout the U.S. While aircraft accident potential in APZs I and II does not warrant acquisition by the Air Force, land use planning and controls are strongly encouraged in these areas for the protection of the public.

Source: AICUZ Study Citizens Brochure Joint Base McGuire-Dix-Lakehurst - August 2009

12/10/18	18-035
11/13/17	17-025
11/13/17	17-024
02/13/17	17-002
12/12/16	16-036
05/26/15	15-009
10/14/14	14-016
10/14/14	14-015
11/28/11	11-025
02/22/10	10-006
05/29/07	07-018
11/28/05	05-053
05/23/05	05-025
05/09/05	05-023
01/22/01	00-044
08/14/00	00-019
02/22/99	99-001
01/26/98	97-038
05/22/97	97-008
Adoption Date	Ordinance Number



Revised by:

- PUBLIC OPEN SPACE AND FACILITIES ***
- State of New Jersey
 - County of Ocean
 - Manchester Township
 - Facilities
 - M: Municipal Complex
 - L: Library
 - F: Fire Station
 - FS: First Aid Squad
 - S: Elementary School
 - HS: High School
 - P: Park
 - G: Township Garage
 - MC: Medical Center
 - BE: Board of Education
 - R: Recycling Facility
- * For Informational Purposes Only

Source: Ocean County Parcels & Mod-IV database 2016

ZONING MAP
MANCHESTER TOWNSHIP
 Ocean County, New Jersey
 Adopted December 10, 2018

Susan Grogan
Chief Planner
Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

March 6, 2019

RE: Manchester Amendments to Master Plan and Land Use Ordinances

Dear Ms. Grogan:

As residents of the town of Manchester, New Jersey, we are concerned about the Pinelands Commission's pending approval of Manchester Township amendments to its Master Plan and Land Use Ordinances, specifically regarding modifications to the Pinelands Management Areas within the township.

We are concerned that these changes will result in a potential over development, loss of wildlife habitat, and degradation of waterways and groundwater. We are citizens engaged in our community. We attend and participate in a variety of public meetings on a regular basis, but were unaware of these changes or the opportunity to comment on them.

These changes would have significant impacts on the character of our town, ones which we believe may be negative, and as such deserve substantive public review and input.

We therefore ask you to reject the request to approve these amendments at this time.

Thank you for your consideration in listening to our voices.

Sincerely,

Cynthia Light – clight@usa.com
Irene Tysh - irenetysh@yahoo.com
Suellen Perlmutter -
Margaret Middaugh – peggymiddaugh@gmail.com
Bette Chosak – bjchosak@aol.com
Jeanne Kineyko – jkineyko309@comcast.com



March 6, 2019

Susan Grogan, Chief Planner
Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064
Via email: Susan.Grogan@pinelands.nj.gov

Re: Manchester Township Master Plan and Land Use Ordinances

Dear Ms. Grogan,

We are writing on behalf of the Pinelands Preservation Alliance (PPA) and Save Barnegat Bay (SBB) to express our concerns regarding Manchester Township's Master Plan and Land Use Ordinances, which would alter a number of Pinelands Management Areas within the township. The plan and ordinances, if certified and implemented, would result in substantial loss of habitat and degradation of water quality in the Barnegat Bay watershed.

Manchester Ordinance #18-035 seeks to amend Chapter 245 of the township code by modifying zoning district boundaries, which would result in changes to Pinelands Management Areas if certified by the Pinelands Commission. According to N.J.A.C. 7:50-3.31, each municipality "shall conform its master plan and land use ordinances applicable to such land to the minimum standards of this Plan". The Commission's certification process allows for the Management Areas to be adjusted "provided that the Commission determines that the goals and objectives of this Plan will be implemented by the proposed municipal master plan or land use ordinance" (N.J.A.C 7:50-5.11(a)). Manchester instead seeks to conform the Comprehensive Management Plan (CMP) to its own master plan in order to increase development in a previously protected area, completely reversing the original intention of the CMP.

In a December 4, 2012 memo to the New Jersey Department of Environmental Protection (NJDEP), Executive Director Wittenberg stated that the proposed development on Block 46.01, Lots 1.01 and 1.03 ("Presidential Gardens") was stated to be "inconsistent with the residential density standard in a Rural Development Area." Additionally, the Pinelands Commission pointed out that the Presidential Gardens development intended to utilize public sanitary sewer lines. According to the Coastal Area Facility Review Act (CAFRA) Individual Permit (File No. 84-0677-5) issued for the installation of said sewer lines, "no tie-ins which would serve new development in a Pinelands Forest Area or Rural Development Area will be permitted...".

In their March 26, 2014 denial of a CAFRA Individual Permit for the Presidential Gardens development (File No. 1518-11-0001.1 CAF120001), the NJDEP sites the above points from the Pineland's Commission memo. In addition, the denial letter addresses a lack of compliance by the

application on the proposed site, which is designated Coastal Suburban Planning Area. Coastal Zone Management Rule N.J.A.C. 7:7E-3.38(b) states “[d]evelopment of endangered or threatened wildlife or plant species habitat is prohibited unless it can be demonstrated, through an Endangered or Threatened Wildlife or Plant Species Impact Assessment as described at N.J.A.C. 7:7E-3C.2, that endangered or threatened wildlife or plant species habitat would not directly or through secondary impacts on the relevant site or in the surrounding area be adversely affected.” The NJDEP determined that “...most, if not all of the site features characteristics consistent with suitable habitat for the Northern Pine Snake and Corn Snake.”, and that the Presidential Gardens development “will directly or indirectly impact endangered or threatened species habitat.” Therefore, the development was considered prohibited by this rule.

The denial letter goes on to identify a total of ten Coastal Zone Management Rules that prohibit the development on the site, including 7:7E-3.39 Critical Wildlife Habitats (CWH). NJDEP found that the development “results in a direct loss of 32.5 acres of CWH on-site as this represents the area of the site to be cleared.” Further, “[t]he applicant did not provide sufficient information to demonstrate that CWH impacts could be reduced.”

According to N.J.A.C. 7:50-5.11(b), management area change by certification procedures may be inappropriate if a “single management area change would [i]ncrease development potential for an area which predominantly includes land that [i]s not appropriate for increased development levels because of known environmental limitations or because of the known presence of important natural... resources”. This perfectly describes Block 46.01, Lots 1.01 and 1.03, the site of the proposed Presidential Garden development, which we highlight as an example of the negative impacts to be felt over the entire area included in the master plan, if certified and implemented.

Manchester Ordinance #18-035 states, in its first paragraph “Whereas, Manchester Township received a request from the developer of Presidential Gardens...” These changes to the Management Areas via the master plan are clearly an effort to change the CAFRA standards in the Pinelands National Reserve in aid of a particular non-conforming development. Changing Rural Development Area to Regional Growth Area, and Rural Development Area to Pinelands Town, will yield increased pollution in the form of run-off into the Barnegat Bay watershed during construction of the Presidential Gardens and other future developments, and the habitat of threatened and endangered species will be put at risk. We strongly encourage the Commission not to certify Manchester’s master plan.

Sincerely,

Rhyan Grech
Policy Advocate
Pinelands Preservation Alliance

Britta Wenzel
Executive Director
Save Barnegat Bay

Karen Argenti
61 Clear Lake Road
Whiting, NJ 08759
Kabx101@gmail.com
732-350-1183

March 6, 2019

Susan R. Grogan, PP, AICP
NJ Pinelands Commission
PO Box 359
New Lisbon NJ 08064

planning@pinelands.nj.gov

Re: Manchester Township, Ocean County, Pinelands Certification
of Township Zoning Ordinances within Pineland National Reserve

Dear Ms. Grogan:

As a resident of the Whiting section of Manchester Township of Ocean County, I offer the following comments to the Town's proposed changes. At the Town Council meeting, it was explained that the change was minimal and there was no map included in the Town Council resolution.

However, the February 2018 letter from the town asked for this:

The Township desires the existing Rural Development Area along Route 37 to be changed to Regional Growth Area in order to accommodate the Town Center (TC) Zone and the previously approved affordable housing project known as Presidential Gardens.

I oppose the change for the following reasons:

1. The regrowth Town Center area is not a town center and not in need of growth.
2. The proposed TC area is zoned residential and includes a polluted area that was only cleaned where the pollution was found, and not the complete area.
3. The attached map includes another area in yellow, which I circled below. This was not in the previous Master Plan. It is the Heritage Minerals site, is zoned senior residential and includes a polluted area the cleaning of which is undetermined.
4. A Town Center should not be at the edge of the town. It should be toward the middle and where most of the town population is found -- in the area known as Whiting. In Whiting, there are plenty of empty storefronts that once were trees. We should not be promoting new growth where there is ample space for the reuse of original areas that are vacant.

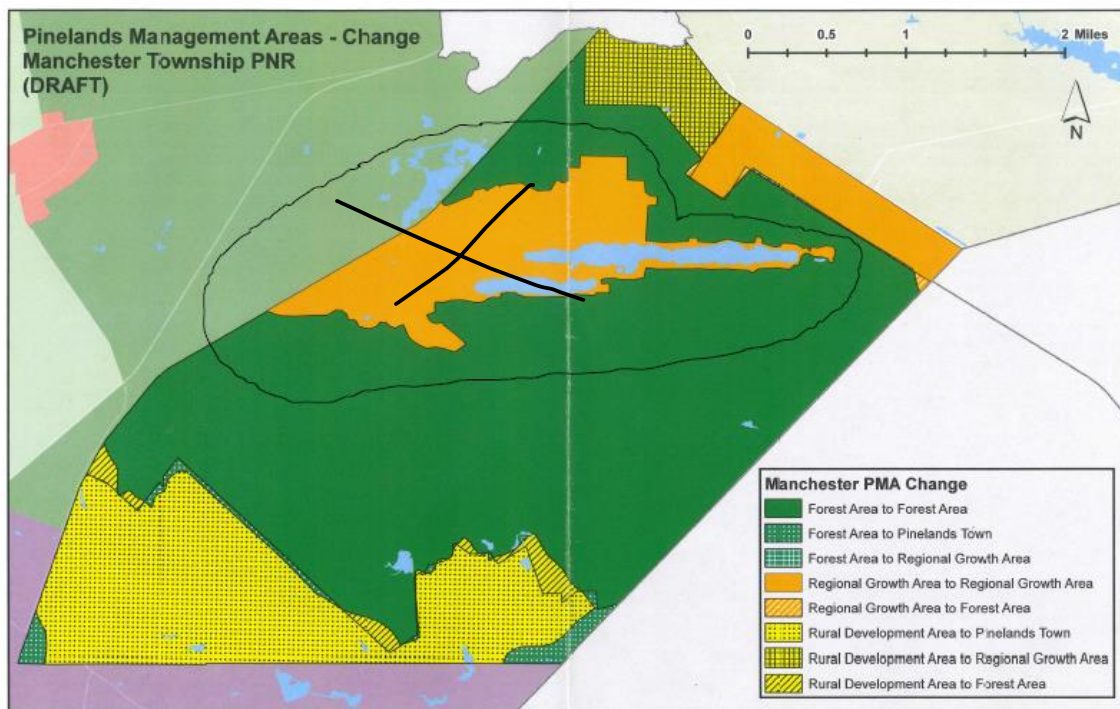
Thank you for your time and consideration. I look forward to your response.

Sincerely,

Karen Argenti

Attachments

Included here is a copy of the proposed map - section circled is not in the 2011 Master Plan:



The 2011 Master Plan states:

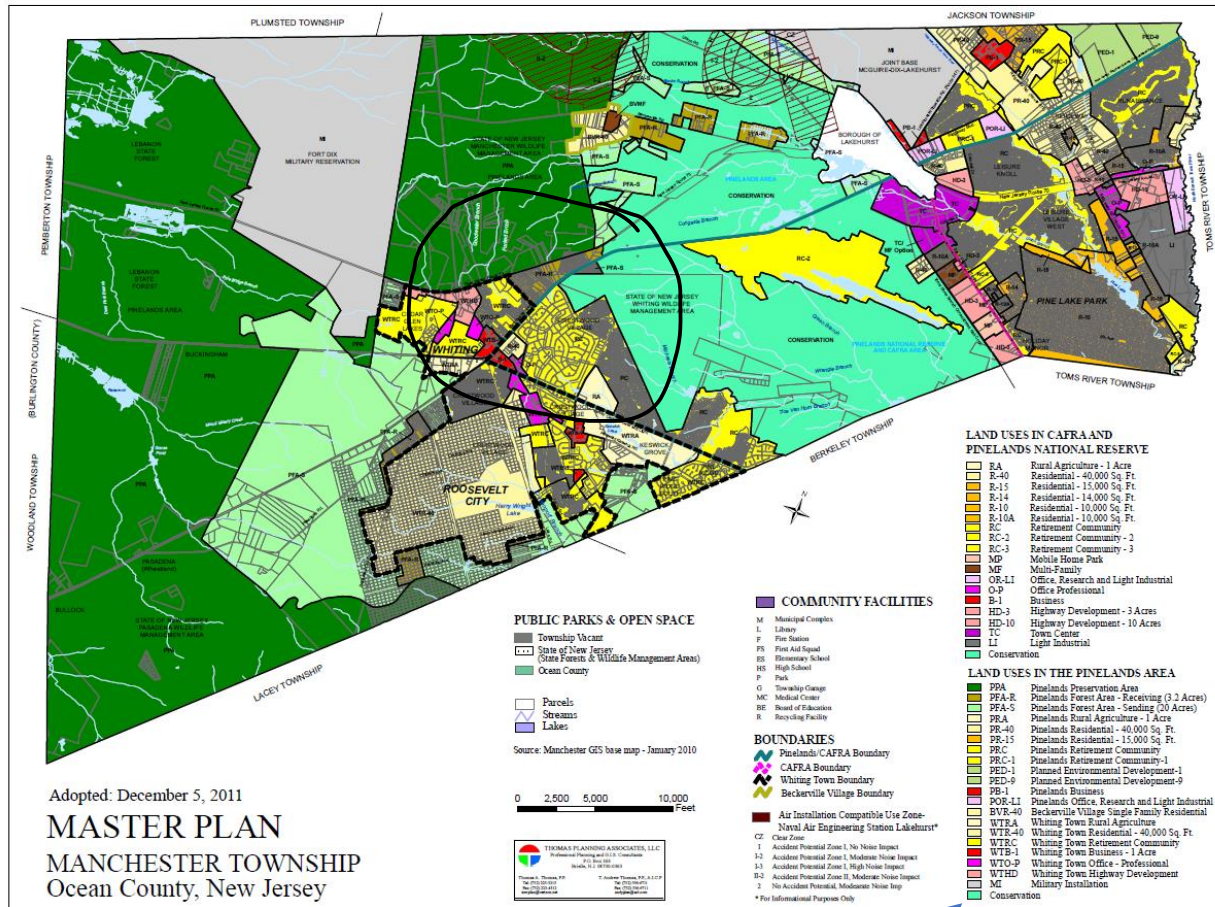
PINELANDS COMPREHENSIVE MANAGEMENT PLAN

Approximately 73 percent of Manchester Township in the area west of Route 70 and south of the Jersey Central Power and Light easement (north of and parallel to Route 530), is designated as the New Jersey Pinelands. The State Development and Redevelopment Plan has been designed to coordinate this designation with the "Pinelands Protection Act", N.J.A.C. 7:50-1 et seq. For the Pinelands portion of the Township, the Master Plan has been designed to be consistent with the adopted Pinelands Comprehensive Management Plan. Zoning changes adopted in 1993 to conform with mandatory conformance requirements provide the basis for the Master Plan designations for Preservation, Forest - Sending and Receiving, Whiting Town, and Beckerville Village, and for development densities consistent with Regional Growth Areas along Route 571 and Route 547.

CAFRA

The Manchester Master Plan incorporates the overall growth policies of the Coastal Area Facilities Review Act (adopted in 1973) within the Pine lands National Reserve Area and CAPRA areas north of Route 537. Development intensity provided within the Master Plan is less than the maximum permitted under CAPRA development policies but the permitted development densities and intensity are consistent with the rural/suburban character and desired policies of the Planning Board. The Master Plan will be submitted to CAPRA and to the Pinelands Commission for comments and recommendations.

The 2011 Master Plan is here – the center of town which is Whiting is circled:



Here is the enlarged legend:

LAND USES IN THE PINELANDS AREA	
PPA	Pinelands Preservation Area
PFA-R	Pinelands Forest Area - Receiving (3.2 Acre)
PFA-S	Pinelands Forest Area - Sending (20 Acres)
PRA	Pinelands Rural Agriculture - 1 Acre
PR-40	Pinelands Residential - 40,000 Sq. Ft.
PR-15	Pinelands Residential - 15,000 Sq. Ft.
PRC	Pinelands Retirement Community
PRC-1	Pinelands Retirement Community-1
PED-1	Planned Environmental Development-1
PED-9	Planned Environmental Development-9
PB-1	Pinelands Business
POR-LI	Pinelands Office, Research and Light Indust
BVR-40	Beckerville Village Single Family Residenti
WTRA	Whiting Town Rural Agriculture
WTR-40	Whiting Town Residential - 40,000 Sq. Ft.
WTRC	Whiting Town Retirement Community
WTB-1	Whiting Town Business - 1 Acre
WTO-P	Whiting Town Office - Professional
WTHD	Whiting Town Highway Development
MI	Military Installation
Conservation	Conservation



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

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




SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

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

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: March 29, 2019

Subject: No Substantial Issue Findings

During the past month, we reviewed 10 master plan and ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These amendments were:

Barnegat Township Ordinance 2019-4 - amends Chapter 55 (Land Use) of the Township's Code in response to amendments to the CMP. These amendments include revisions to definitions, types of development exempt from application, notice requirements and standards for the installation of advanced wastewater treatment systems.

Egg Harbor Township Ordinance 4-2019 - amends Chapter 225 (Zoning) of the Township's Code in response to amendments to the CMP. These amendments include revisions to definitions, types of development exempt from application and notice requirements.

Folsom Borough Ordinance 02-2019 - amends Chapter 200 (Zoning) of the Borough's Code in response to amendments to the CMP. These amendments include revisions to definitions, types of development exempt from application, notice requirements and standards for the installation of advanced wastewater treatment systems.

Hamilton Township Ordinance 1897-2019 - adopts the Redevelopment Plan for Rehabilitation in the Township of Hamilton, dated October, 2018. The purpose of the Plan is to enable a more focused approach for redevelopment and rehabilitation. Under the Plan, the Rehabilitation Area encompasses the entirety of the Township, including that portion in the Pinelands Area. Importantly, the existing use, bulk, design, and performance standards currently set forth in the Township's Development Regulations and Zoning Ordinances continue to apply.

Jackson Township Ordinance 07-19 - amends Chapter 244 (Land Use and Development Regulations) of the Township's Code in response to amendments to the CMP. These amendments include revisions to

definitions, types of development exempt from application, notice requirements and standards for the installation of advanced wastewater treatment systems.

Maurice River Township Ordinance 681 - amends Article 35 (Land Development) of the Township's Code in response to amendments to the CMP. These amendments include revisions to notice requirements and standards for the installation of advanced wastewater treatment systems.

Plumsted Township Ordinance 2019-04 and 2019-05 - amend Chapter 14 (Land Development) and Chapter 15 (Zoning) of the Township's Code in response to recent CMP amendments. Ordinance 2019-04 includes revisions to notice requirements. Ordinance 2019-05 includes revisions to definitions, types of development exempt from application, notice requirements and standards for the installation of advanced wastewater treatment systems.

Upper Township Ordinance 001-2019 - amends Chapter XX (Zoning) of the Township's Code in response to amendments to the CMP. These amendments include revisions to definitions, types of development exempt from application, notice requirements and standards for the installation of advanced wastewater treatment systems.

City of Vineland Planning Board Resolution 6317 - adopts the City's 2018 Master Plan Reexamination Report. The 2018 Reexamination Report includes: a review of Vineland's past planning efforts; an update on the major problems and objectives related to land development identified in the previous Master Plan Reexamination Report (2008); a discussion of the changes in policies and objectives since the prior report; and a summary of recommended changes to the master plan, redevelopment plans, and the zoning ordinance. Among these recommendations is the development of a right-of-way management and telecommunications ordinance to address the expected deployment of 5G telecommunication infrastructure in the public right-of-way.



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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

MEMORANDUM

To: Members of the Commission

From: Charles M. Horner, P.P.^{C.M.H.}
Director of Regulatory Programs

Date: March 29, 2019

Subject: Public Development Memorandum of Agreement (MOA) Determinations

Between February 20, 2019 and March 29, 2019, the Commission staff determined that the following public development application was consistent with the Commission approved public development MOAs and that the proposed development may proceed:

2018-0160.001 - Ocean County Engineer

Improvements to the Ridgeway Boulevard and Ridgeway Road intersection, including stormwater collection system improvements.

Please do not hesitate to contact me with any questions.