



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



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

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, May 8, 2020 - **9:30 a.m.**

Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

To Provide Public Comment, Please Dial: (929) 205-6099 Meeting ID: 833 5477 1666

1. Call to Order

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

2. Adoption of Minutes

- March 13, 2020

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
 - Resolution Approving With Conditions (1) Application for Public Development: Application No. 2009-0089.002 - Buena Vista Township
Demolition of a single family dwelling, 50 years old or older
Buena Vista Township
 - Resolution Approving With Conditions (1) Application for a Waiver of Strict Compliance: Application No. 1983-5274.003 - Phil Kornbluth
Single family dwelling
Jackson Township

B. Planning Matters

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

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

A. Public Development Projects

- Application No. 1989-0023.015 – Joseph J. White, Inc.
Planting of nine acres for wildlife management
Pemberton Township
- Application No. 2000-0088.006 – Hammonton Board of Education
Installation of two synthetic turf athletic fields
Town of Hammonton
- Application No. 2007-0304.001 – Dennis Township
Recreational improvements, including two parking areas, at an existing park
Dennis Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Berkeley Township Ordinance 2019-15-OAB
- Hamilton Township Ordinance 1923-2020
- Town of Hammonton Ordinance 013-2019

7. Other Resolutions

- Resolution Authorizing the Executive Director to Execute an Extension of the Time Period for Atlantic County to Acquire the Remaining Acreage to Complete its Obligations Under the Secondary Impacts Agreement for Interchange 44 of the Garden State Parkway
- To Approve the Pinelands Commission's 2019 Annual Report

8. General Public Comment

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

10. Adjournment

Upcoming Meetings

Fri., May 29, 2020	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., June 12, 2020	Pinelands Commission Meeting (9:30 a.m.)

Upcoming Office Closures

Monday, May 25, 2020 - Memorial Day

To ensure adequate time for all members of the public to comment, we will respectfully limit comments to three minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.

Pinelands Commission and Committee meeting agendas are posted on the Commission's Website 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 13, 2020

Commissioners Present

Alan W. Avery Jr., William Pikolycky and Chairman Richard Prickett. Also present were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles.

Commissioners Participating by Phone

Daniel Christy, Sean Earlen, Jordan P. Howell, Jane Jannarone, Ed Lloyd and Mark Lohbauer. Governor's Authorities Unit representative Craig Ambrose.

Commissioners Absent

Candace M. Ashmun, Jerome H. Irick, D'Arcy Rohan Green and Gary Quinn.

Chairman Prickett called the meeting to order at 9:34 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.

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

Policy and Implementation Committee Report

Chairman Prickett provided an update on the February 28, 2020 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the January 24, 2020 meeting.

The Committee received a presentation by the State Agriculture Development Committee on its draft soil protection standards for preserved farms, noting the need to balance conservation with agricultural development.

The Committee reviewed draft CMP amendments related to the Alternate Design Wastewater Treatment Systems pilot program. This is the first in a series of presentations on various amendments that were discussed at the Committee's January 24, 2020 meeting.

The Committee met in closed session to discuss land acquisition.

Minutes

Chairman Prickett presented the minutes from the Commission's February 14, 2020 meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the February 14, 2020 Commission meeting were adopted by a vote of 9 to 0.

Personnel and Budget Committee Meeting

Commissioner Avery provided an update on the March 3, 2020 Personnel and Budget (P&B) Committee:

The Committee adopted the minutes from the August 9, 2019 meeting.

The check registers, electronic disbursements and application fees covering July 2019 to January 2020 were reviewed. It was noted that the Fiscal Year 2020 application fees are currently at 33% of the anticipated amount.

The Human Resources manager provided an update on employee actions.

Staff presented a resolution to authorize the Executive Director to submit an application to the New Jersey Historic Trust for a 2020 Preserve NJ Historic Preservation Fund Grant. The P&B Committee voted to move the resolution for Commission approval.

The Executive Director reviewed proposals for a new accounting firm.

There was no public comment.

The Committee met in Closed Session for an update on CWA contract negotiations.

ED Wittenberg said that staff will not be reporting on any other matters today due to the constraints of many Commissioners participating by phone.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval for the demolition of two single family dwellings in Pemberton Township.

Commissioner Pikolycky made a motion Approving With Conditions Applications for Public Development (Application Numbers 2020-0004.001 & 2020-0005.001) (See Resolution # PC4-20-09). Commissioner Lohbauer seconded the motion.

Chairman Prickett noted that he was a member of Pemberton Township's Committee about five years ago. He said he did not have any affiliation with the proposed single family dwellings. He asked the Commission's Ethics Liaison Officer (ELO) if he could vote on the matter.

ELO Stacey Roth advised Chairman Prickett that he could participate in the vote since he was not involved in the matter.

Director Charles Horner advised that the homes to be demolished are both ranchers from the 1950's.

Commissioner Lohbauer pointed out that neither structure had any historical significance, which was noted in the reports.

Commissioner Jannarone asked why the homes are being demolished.

Director Horner said there are no requirements in the Comprehensive Management Plan (CMP) that require the applicant to address why they are proposing to demolish a structure. He said the rules only speak to the historical importance of a structure.

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

Chairman Prickett presented a resolution recommending approval of the following three projects: sanitary sewer main and three sanitary sewer pump stations to service two recreational facilities in Galloway Township, installation of a traffic control system in the Route 322 right-of-way in Hamilton Township and paving within the Iroquois Trail right-of-way in Upper Township.

Commissioner Avery made a motion Approving With Conditions Applications for Public Development (Application Numbers 1988-0841.004, 2017-0052.002 & 2019-0080.001) (See Resolution # PC4-20-10). Commissioner Lohbauer seconded the motion.

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

Public Comment on Public Development Applications and Items where the record is open
Chairman Prickett read the list of Public Development applications up for comment.

Mark Demitroff provided comment on Application No. 2009-0089.002. He said he is directing the comment to the DAG. He said the applicant is proposing redevelopment. He said it's unclear who the applicant is and what will be proposed once the structure is demolished. (See attached comment.)

Ordinances Not Requiring Commission Action

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

- Berlin Borough Historic Preservation Element
- Berlin Borough Economic Development Element
- Berlin Borough Circulation Element
- Berlin Township Ordinance 2019-1
- Eagleswood Township 2019 Master Plan Reexamination Report
- Stafford Township Ordinance 2019-05

Commissioner Lohbauer requested a copy of Berlin Borough's Economic Development Element.

Director Susan R. Grogan said she would email that document to Commissioner Lohbauer.

Other Resolutions

Chairman Prickett presented a resolution to give authorization to the Executive Director to submit a grant.

Commissioner Avery made a motion To Authorize the Executive Director to Submit an Application to the New Jersey Historic Trust for a 2020 Preserve New Jersey Historic Preservation Fund Grant (See Resolution # PC4-20-11). Commissioner Pikolycky seconded the motion.

Tony McNichol, Cultural Resource Planner, noted that this is a matching grant and government entities are eligible to apply. He added that special consideration is being given to applicants who can make a connection to the 100th anniversary of the adoption of the 19th Amendment.

ED Wittenberg said a scope of work for the painting project has been completed and the Commission will accept bids.

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

ED Wittenberg said the resolution to adopt the 2019 Annual Report will be on the April Commission meeting agenda.

General Public Comment

Mark Demitroff of Richland Village spoke about municipal issues in Buena Vista Township.

Adjournment

Commissioner Jannarone asked if the Pinelands Short Course would be rescheduled.

ED Wittenberg said it is too early to know. She said maybe the Summer Short Course could be expanded.

Commissioner Avery moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 10:10 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: March 17, 2020



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 2009-0089.002)

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

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

2009-0089.002

Applicant:	Buena Vista Township
Municipality:	Buena Vista Township
Management Area:	Pinelands Village
Date of Report:	March 13, 2020
Proposed Development:	Demolition of a single family dwelling, 50 years old or older.

WHEREAS, after Pinelands Commission issuance on March 13, 2020 of the Public Development Application Report for this application, the April 3, 2020 Pinelands Commission monthly meeting when this application was scheduled to be acted on was canceled due to the pandemic health emergency; and

WHEREAS, on March 18, 2020, the Pinelands Commission received a written request from the applicant indicating that since the April 3, 2020 Pinelands Commission meeting was canceled, the applicant was requesting emergency authorization to demolish the single family dwelling subject of this application because it was in imminent danger of collapse and created a public safety issue; and

WHEREAS, by email dated March 18, 2020, the Executive Director notified the applicant that, after consultation with Commission Chair, the applicant's request to immediately demolish the single family dwelling subject of this application was authorized in accordance with the provision in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.5) that authorizes the Executive Director to perform whatever action is minimally necessary to remedy a danger to public safety; and

WHEREAS, it remains necessary for the Pinelands Commission to act on this after-the-fact application; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2009-0089.002 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

March 13, 2020

Teresa Kelly, Mayor (via email)
Buena Vista Township
890 Harding Highway
P.O. Box 605
Buena, NJ 08310

Re: Application # 2009-0089.002
Block 4527, Lot 5
Buena Vista Township

Dear Mayor Kelly:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 3, 2020 meeting.

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

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

Sincerely,

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

Enc (3): Appeal Procedure
March 13, 2020 public comment letter
February 7, 2020 Commission letter

c: Secretary, Buena Vista Township Planning Board (via email)
Buena Vista Township Construction Code Official (via email)
Buena Vista Township Environmental Commission (via email)

Atlantic County Department of Regional Planning and Development (via email)
David Scheidegg, PE, PP (via email)
Mark Demitroff (via email)



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RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 13, 2020

Teresa Kelly, Mayor (via email)
 Buena Vista Township
 890 Harding Highway
 P.O. Box 605
 Buena, NJ 08310

Application No.: 2009-0089.002
 Block 4527, Lot 5
 Buena Vista Township

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 5.88 acre parcel in Buena Vista Township.

STANDARDS

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

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

The parcel is located in the Pinelands Village of Richland. The demolition of a single family dwelling is permitted in the Pinelands Area.

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

The evidence of cultural activity on the parcel, including the existing dwelling, lacks any potential for designation as a historic resource. Based upon this determination, a cultural resource survey was not required.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on March 3, 2020. The Commission’s public comment period closed on March 13, 2020. A letter (attached) dated March 13, 2020 providing written public comment on the application was submitted at the Commission’s March 13, 2020 meeting. Oral public comment from the letter writer summarizing the comments provided in that letter was also provided at the Commission’s March

13, 2020 meeting.

Public Comment: The submitted public comment expresses concerns regarding the relationship between the demolition of the dwelling proposed in this application, the regulation contained in the Pinelands Comprehensive Management Plan and the New Jersey Local Redevelopment and Housing Law.

Staff Response: The Commission appreciates the commenter's interest in the Pinelands Area. The Commission staff has reviewed the proposed demolition of the dwelling for consistency with all regulations contained in the Pinelands Comprehensive Management Plan. Based upon that review, it is the Commission staff's opinion that the proposed demolition is consistent with all regulations contained in the Pinelands Comprehensive Management Plan. The Commission staff believes that commenter's concerns are separate and apart from the regulations administered by the Pinelands Commission. Attached please find a letter dated February 7, 2020 that the Commission staff previously sent to the commenter regarding the relationship between municipal Redevelopment Plans in the Pinelands Area and the Pinelands Comprehensive Management Plan.

CONDITIONS

1. Disposal of any debris may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.
3. Reconstruction of a single family dwelling, within five years of its demolition, does not require an application to the Pinelands Commission.

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 demolition subject to the above conditions.



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PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on March 31, 2020 and include the following information:

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

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

MARK DEMITROFF
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

RE: APPLICATION NO. 2009-0089.002

March 13, 2020
Attn: Deputy Attorney General Kristina Miles
Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Demolition of a Building

Deputy Attorney General Miles,

Pursuant to N.J.S.A. 52:17A-11, I ask your assistance in resolving the matter of Application No. 2009-0089.002. It is my understanding that the Deputy Attorney General counsels the Pinelands Commission on all legal issues in a manner that is imbued with public trust to further the public interest.

This application to demolish a historic building should be denied for one of two conflicting reasons, as jointly issues #1 & #2 present a Catch 22 paradox.

1—It is unclear who the applicant is and by what authority they operate.

The structure at issue is part and parcel of Richland Redevelopment, a project duly certified by the Pinelands Commission in January 2008. In a letter provided to me (M. Demitroff) by Mr. Horner dated February 7, 2020, the relationship between the Pinelands Commission and Richland Redevelopment is laid out. The Director of Regulatory Programs (C. Horner) states:

"The Commission reviews and Redevelopment Plan for consistency with all requirements of the CMP. Until the Commission certifies (approves) a Redevelopment Plan, it does not take effect. In addition, no actual development that is proposed in a Redevelopment Plan can occur until a development application is approved by the Commission in accordance with the provisions of the CMP."

According to Mr. Horner, “no actual development that is proposed in a Redevelopment Plan can occur until a development application is approved by the Commission.”

Herein lies the dilemma, on December 30, 2013 by Ordinance No. 8-2013 (*attached as addenda*) Richland Redevelopment officially ended in plan.

The Richland Village “White House” of demolition is “real property” that is integral to Richland Village Redevelopment scheme. Its acquisition, extant, operation, and development is only enabled in-so-far as a certified plan is in place, which would in-turn be regulated by New Jersey Local Redevelopment and Housing Law. The enabling plan that Pinelands had certified in 2008 was repealed on December 30, 2013. Thus Buena Vista Township (BVT) no longer operates in the role of either the redevelopment entity or the redeveloper. My municipality is not able to meet applicable statutory criteria that would enable it to apply to the Pinelands Commission for the demolition permit in the first place.

It stands to reason that if no actual development proposed in a Redevelopment scheme can occur until a development application is approved by the Commission, then (re)development must correspondingly cease when an approved plan is repealed. If we accept Ordinance No. 08-2013—as certified by Ms. Grogan—then BVT Richland Village Redevelopment has ended, as has BVT’s role as redeveloper, ending development.

#2—It’s complicated, but BVT’s own legal interpretation must first go to the Planning & Zoning Board.

Buena Vista Township later claimed through Ordinance that Richland Village Redevelopment had after-all not ended by the invocation of Ordinance No. 08-2013, which in process was considered *ab initio*. If the basis of BVT solicitor’s claim against Ordinance No. 08-2013 is to be accepted, then by the solicitor’s interpretation of Redevelopment Law a redeveloper first has to go the Planning & Zoning Board before reaching out to the Pinelands Commission if a redevelopment action can be deemed in compliance.

In 2004 a new governing body introduced Ordinances 2-2014 and 6-2014 to disenfranchise the will of the previous committee by the reinterpretation of a new committee. The new committee argued that Ordinance No. 08-2013 had a fatal flaw—the previous administration failed in effect of their initiative by not going before the Planning & Zoning Board first.

The Solicitor argued, “there was no public hearing held before the Planning Board as required by N.J.S.A.40A:12A-1 et seq, “The Local Redevelopment and Housing Law,” i.e., a municipality cannot circumvent the Planning and Zoning Board. I can find absolutely no reference in The Local Redevelopment and Housing Law to back up the Solicitor’s argument.

We are repeatedly told the opposite by Horner; a municipality does not have to go before a Planning & Zoning Board.

With some irony, Ordinances 2-2014 and 6-2014—as certified by Ms. Grogan—did not go before a Planning & Zoning Board. This indicates that they too are null and void. In turn, Application No. 2009-0089.002 (by the solicitor’s interpretation) is null and void since BVT too failed to go before a Planning & Zoning Board before it came before the Pinelands Commission.

It is it possible to put the toothpaste back into the empty tube.

I await your response. In the interim the Pinelands Commission cannot approve Application No. 2009-0089.002.

Sincerely,

Mark Demitroff

**ORDINANCE NO. 8 - 2013
AN ORDINANCE REPEALING ORDINANCE NO. 4 - 2006
AND ORDINANCE NO. 9 - 2006 OF THE TOWNSHIP OF BUENA VISTA**

WHEREAS, on March 13, 2006, the Township Committee of the Township of Buena Vista enacted Ordinance No. 4-2006 adopting a Redevelopment Plan which identified an area in Richland Village known as the Richland Village Redevelopment Area; and

WHEREAS, on July 10, 2006, the Township Committee of the Township of Buena Vista enacted Ordinance No. 9-2006 amending Ordinance 4-2006 to bring the Township Ordinance in conformity with the criteria set forth in N.J.S.A. 40A:12-5 or 40A:12A-14 as appropriate.

WHEREAS, the Township Committee has determined that after seven (7) years and the expenditure of millions of dollars in public funds through the acquisition of property in the Richland Village Redevelopment Area, the Redevelopment Plan has not resulted in the redevelopment of the Richland Village Area but has, in fact, contributed to and exacerbated the deterioration of the area; and

WHEREAS, the Township Committee determined that the redevelopment of Richland Village can best be accomplished by repealing the Ordinances which created the Richland Redevelopment Area and permit the area to be developed by the private sector.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Buena Vista, County of Atlantic, State of New Jersey as follows:

Section 1. Repeal of Development Plans

1. Ordinance No. 4 - 2006 is hereby repealed
2. Ordinance No. 9 - 2006 is hereby repealed

Section 2. Severability

If any section, sentence or any part of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, and pair or invalidate the remainder of the Ordinance, but shall be confined in its effect to this section, sentence or other part of this ordinance directly involved in the controversy which judgment shall have been rendered.

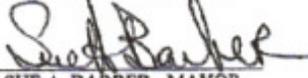
Section 3. Repealer

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

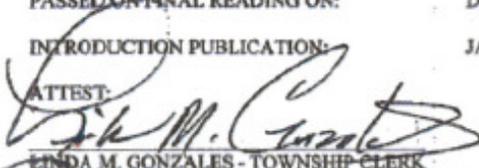
Section 4. Effective Date

This Ordinance shall take effect immediately after final passage and publication as required by law.

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BUENA VISTA

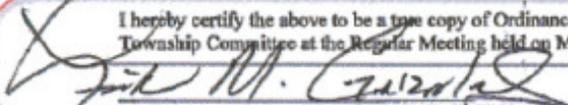
BY: 
SUE A. BARBER - MAYOR

PASSED ON FIRST READING: NOVEMBER 25, 2013
INTRODUCTION PUBLICATION: DECEMBER 11, 2013
PASSED ON FINAL READING ON: DECEMBER 30, 2013
INTRODUCTION PUBLICATION: JANUARY 8, 2014

ATTEST:

LINDA M. GONZALES - TOWNSHIP CLERK

	Y	N	ABSENT	ABSTAIN
BARBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BYLONE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KELLY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARLAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHIARELLO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby certify the above to be a true copy of Ordinance No. 8 - 2013 passed on second and final reading by the Township Committee at the Regular Meeting held on Monday, December 30, 2013.


LINDA M. GONZALES - TOWNSHIP CLERK

ORDINANCE NO. 6 - 2014

AN ORDINANCE OF THE TOWNSHIP OF BUENA VISTA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY RESCINDING ORDINANCE NO. 8-2013 AND DECLARING THE SAME NULL AND VOID AB INITIO SINCE THE SAME WAS NOT ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12A-1 THE "LOCAL REDEVELOPMENT AND HOUSING LAW"

WHEREAS, by Resolution, the Township Committee of the Township of Buena Vista directed and authorized the Planning Board of the Township of Buena Vista to undertake a preliminary investigation, pursuant to the Notice, hearing and other requirements of the local Redevelopment Housing Law, N.J.S.A.40A:12A-1 et seq in order to recommend to the Township whether the Richland area of the Township is a Redevelopment Area according to the criteria set forth in N.J.S.A.40A:12A-5 and;

WHEREAS, the Planning Board of the Township Committee after proper notice and hearings as outlined and required by the Local Redevelopment and Housing Law unanimously adopted Planning Board Resolution No. 14-2005, June 30, 2005, recommending that the Richland Area be declared an area in need of Redevelopment pursuant to the said Local Redevelopment and Housing Law, and;

WHEREAS, a Redevelopment Plan, dated January 2006 entitled "Richland Village Redevelopment Plan" was ultimately approved and adopted by Planning Board Resolution No. 13-2006 on January 26, 2006 recommending that the same be adopted by the Township Committee of the Township of Buena Vista, and;

WHEREAS, all proper procedures set forth in the Local Redevelopment and Housing Law were followed including notice to effective property owners, public hearing and studies, and;

WHEREAS, the Township Committee of the Township of Buena Vista adopted Ordinance No. 4-2006 on March 13, 2006 being known as, "An Ordinance adopting a Redevelopment Plan for the Richland Village Redevelopment Area (Exhibit C Richland Village Redevelopment Area Tax Block and Lot Map dated January 2006) in the Township of Buena Vista, Atlantic County, State of New Jersey pursuant to the Local Redevelopment and Housing Law, N.J.S.A.40A:12-1 et seq." and;

WHEREAS, the Township Committee of the Township of Buena Vista on December 11, 2013 introduced Ordinance No. 8-2013 entitled "An Ordinance Repealing Ordinance No. 4-2006 and Ordinance No. 9-2006, and;

WHEREAS, there was no notification or submission of the repeal of the Richland Village Redevelopment Area submitted to the Planning Board, or notice to property owners and;

WHEREAS, there was no public hearing held before the Planning Board as required by N.J.S.A.40A:12A-1 et seq. "The Local Redevelopment and Housing Law"; and;

WHEREAS, Ordinance No. 8-2013 is noted with an introduction publication of January of 8, 2014 which was after the adoption date of December 30, 2013, and;

WHEREAS, the adoption of Ordinance No. 8-2013 is violative of the Local Redevelopment and Housing Law.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Buena Vista, County of Atlantic, State of Jersey that this governing body hereby declares Ordinance No. 8-2013 null and void as being improperly adopted and shall be void ab initio; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Buena Vista, County of Atlantic, State of New Jersey that the statements of the Preamble be incorporated herein by this reference thereto; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication in accordance with law

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BUENA VISTA

BY: _____
CHUCK CHIARELLO - MAYOR

PASSED ON FIRST READING ON: FEBRUARY 10, 2014

INTRODUCTION PUBLISHED ON: FEBRUARY 19, 2014

PASSED ON FINAL READING ON:

FINAL PUBLICATION ON:

ATTEST:

LINDA M. GONZALES - TOWNSHIP CLERK



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

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



RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

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

February 7, 2020

Mr. Mark Demitroff
822 Main Avenue
Vineland, N.J. 08360

Re: Municipal Redevelopment Plans
in the Pinelands Area

Dear Mr. Demitroff:

I am writing in response to your letter inquiring as to the relationship between municipal "Redevelopment Plans" in the State of New Jersey and the Pinelands Comprehensive Management Plan (CMP).

Although your letter specifically inquires about Buena Vista Township, this letter addresses the relationship of all municipal Redevelopment Plans in the Pinelands Area, including Buena Vista Township's, to the CMP.

In the Pinelands Area, any municipal Redevelopment Plan is subject to the same Pinelands Commission review and certification (approval) process as any other Pinelands Area municipal land use or zoning ordinance. The Commission reviews any Redevelopment Plan for consistency with all requirements of the CMP. Until the Commission certifies (approves) a Redevelopment Plan, it does not take effect. In addition, no actual development that is proposed in a Redevelopment Plan can occur until a development application is approved by the Commission in accordance with the provisions of the CMP.

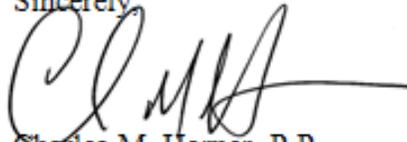
I also wanted to note that it remains necessary for a municipality/applicant to secure all other approvals or permits that may be required by other agencies in the State of New Jersey.

Except as applicable to the Commission's regulations, I do not have the expertise or knowledge to offer guidance on the role and requirements of the New Jersey Department of Community Affairs and New Jersey municipalities with respect to the designation of redevelopment areas or the adoption, review, approval and implementation of Redevelopment Plans.

I hope this letter clarifies the role of the Pinelands Commission with Redevelopment Plans in the Pinelands Area.

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1983-5274.003)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1983-5274.003

Applicant: Phil Kornbluth
Municipality: Jackson Township
Management Area: Pinelands Regional Growth Area
Date of Report: March 13, 2020
Proposed Development: Single family dwelling.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1983-5274.003 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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



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

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

March 13, 2020

Phil Kornbluth
5 Benner Court
Bridgewater, NJ 08807

Re: Application # 1983-5274.003
Block 20601, Lots 17 & 18
Jackson Township

Dear Mr. Kornbluth:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (Waiver) proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 3, 2020 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling serviced by an individual on-site septic waste water treatment system on the above referenced 1.07 acre parcel in Jackson Township. The parcel is located within a Pinelands Regional Growth Area and in Jackson Township's RG-2 zoning district. In this zoning district, Jackson Township's certified land use ordinances establishes a residential density requirement of 1.0 acre to develop a single family dwelling unit that is serviced by an individual on-site waste water treatment system.

On June 6, 1983, the Pinelands Commission denied an application (App. No. 1983-5274.001) for a Waiver to develop five single family dwellings, one each, on old Block 59, Lots 2, 2A, 2B, 55C and 55D. Those five lots were subsequently consolidated into three lots now known as Block 20501, Lot 2 and Block 20601, Lots 17 and 18. On March 2, 1992, certain amendments to the Waiver regulations contained in the Pinelands Comprehensive Management Plan (CMP) became effective. One of those amendments eliminated the requirement to attempt to purchase vacant adjacent land as part of a Waiver application if the parcel subject of the Waiver application met certain minimum standards. The current application proposes to develop one single family dwelling on combined 0.55 acre Block 20601, Lot 17 and 0.52 acre Block 20601, Lot 18.

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

A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2). The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development would not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that, to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on wetlands.

The Ocean County Soils Survey indicates that there are Downer, Galloway and Mullica soils on this parcel. A site inspection and soil borings taken at the highest topographic elevation on the parcel indicates that the soils on the parcel have a seasonal high water table of less than five feet below the natural ground surface. The applicant has submitted no information to demonstrate that the septic system could be located in an area on the parcel where the seasonal high water table is at least 5 feet below the natural ground surface. Since the available information indicates the seasonal high water table on the parcel is less than 5 feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table standard contained in the CMP (N.J.A.C. 7:50- 6.84(a)5vi).

The CMP (N.J.A.C. 7:50-4.65(b)8) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that a septic system could be located in an area on the parcel where the seasonal high water table is at least 2 feet below the natural ground surface and not within 50 feet of any surface water body. The applicant has demonstrated that a proposed septic system could be located in an area on the parcel where the seasonal high water table is at least 2 feet below the natural ground surface and not within 50 feet of any surface water body.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Jackson Township's certified land use ordinances.

The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. A single family dwelling can be developed on the parcel without violating any of the substantial impairment and consistency criteria contained in the CMP (N.J.A.C. 7:50-4.65).

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on wetlands and groundwater quality be minimized.

PUBLIC COMMENT

The applicant provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on February 11, 2020. Newspaper public notice was completed on February 13, 2020. The application was designated as complete on the Commission's website on March 3, 2020. The Commission's public comment period closed on March 13, 2020. No public comments were received by the Commission regarding this application.

CONCLUSION

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

The first condition is that the only relief sought is from one or more of the standards contained in the CMP (N.J.A.C. 7:50-6) for certain specified types of development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area which is at least 20,000 square feet, excluding road rights of way, in size and is not served by a centralized wastewater treatment system. This application is for a Waiver from the wetlands buffer standard and minimum depth to seasonal high water table standard when utilizing and an onsite septic system contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an individual on-site waste water treatment system on a 1.07 acre (46,609 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights-of-way, and is located in a Pinelands Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Jackson Township's master plan and land use ordinances have been certified by the Pinelands Commission. The development of a single family dwelling on this 1.07 acre lot serviced by an individual on-site waste water treatment system does not require a municipal lot area or density variance. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the wetlands buffer and groundwater quality standards (N.J.A.C. 7:50-6.84(a)5vi.), a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

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

1. Except as modified by the below conditions, the proposed development shall adhere to the Potential Development Plan, prepared by WJH Engineering, dated 7/27/2018 and revised to 1/6/2020.
2. To maintain the maximum feasible buffer to wetlands, all proposed development, including clearing and land disturbance, shall be located at least 50 feet from all wetlands and be located in the northwest corner of the parcel.
3. The septic system must be located in an area where the seasonal high water table is at least two feet below the natural ground surface.
4. The proposed dwelling must utilize an alternate design onsite wastewater treatment system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands.
6. Sufficient drywells or comparable alternative shall be installed to contain all stormwater runoff from the house.

7. The driveway shall be constructed of crushed stone or comparable material.
8. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
9. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a copy of a recorded deed (or stamped, receipted deed filed for recordation) consolidating Block 20601, Lots 17 and 18 into one lot must be submitted to the Commission.
10. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicated that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
11. This Waiver shall expire April 3, 2025 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after April 3, 2025 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
12. Prior to completion of an application for the development of the dwelling, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a March 13, 2020 Pinelands Commission Report on an Application for a Waiver of Strict Compliance for App. No. 1983-5274.003. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Jackson Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14 and 6.84(a)5vi.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission APPROVE the requested Waiver of Strict Compliance subject to the above conditions.

APPEAL

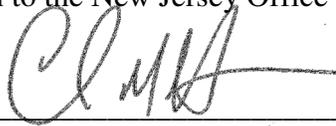
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on March 31, 2020 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;

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

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

Recommended for Approval by: _____



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

- c:
- Secretary, Jackson Township Planning Board (via email)
 - Jackson Township Construction Code Official (via email)
 - Jackson Township Environmental Commission (via email)
 - Secretary, Ocean County Planning Board (via email)
 - Ocean County Health Department (via email)
 - Walter Joseph Hopkin, PE, PP, CME (via email)



Dennis Levinson
County Executive

Atlantic County

Department of Regional Planning and Development

John Peterson
Department Head

Division of Planning
609/645-5898 FAX: 609/645-5836
TDD: 348-5551

Division of Engineering
609/645-5898 FAX: 609/645-5964

Office of GIS

March 5, 2020

Nancy Wittenberg, Executive Director
NJ Pinelands Commission
PO Box 359
15 Springfield Road
New Lisbon, New Jersey 08064

RE: GSP Interchange 44, Galloway Twp. – Secondary Impacts Agreement

Ms. Wittenberg,

Please accept this letter as a request to extend the agreement between Atlantic County and the NJ Pinelands Commission, previously executed in connection with the NJ Turnpike Authority's expansion of Interchange 44 of the Garden State Parkway. To date, Atlantic County has completed acquisition of 327 acres of land within the Tier 1 area targeted for preservation, and will be closing on an additional 15 acres in the next thirty days, bringing our total to 342 acres with over \$1.1 million expended.

The County is continuing its pursuit of lands owned by Galloway Township within the Tier 1 target area, next turning its focus to a 10-acre lot requiring action to clear title. As we work with the Township to address title issues, the County plans to pursue the purchase of a number of smaller privately held lots. The purchase of these lots would ultimately result in total preserved acreage exceeding the requirements of the County's agreement with the Pinelands Commission.

The County has and continues to work diligently to meet its obligations under the agreement, with only 14 acres remaining. In fact, our primary strategy of acquiring and preserving all parcels in fee, rather than pursuing agreements to limit parcel development to what is allowable under current zoning, results in the strongest possible preservation outcomes contemplated by the agreement. However, due to the number of individual acquisitions involved, the process of negotiating, and project delays beyond the County's control, we were unable to meet the deadlines previously established for this project. Based on our progress to date and our planned course of action to purchase and preserve the remaining acreage, we respectfully request the Commission's consideration of an 18-month extension of time to complete this project.



P.O. Box 719 • New Road and Dolphin Avenue • Northfield, New Jersey 08225-0719

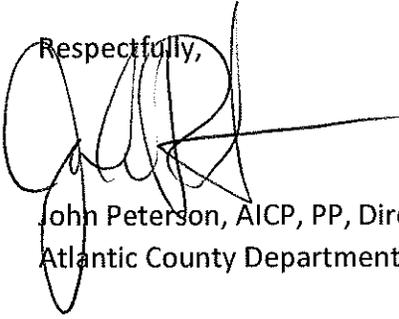
Visit our web site at: <http://www.aclink.org>

Atlantic County is an Equal Opportunity Employer



The Commission's consideration of this request is greatly appreciated. If you or your staff have any questions regarding this request or the County's progress to date, please feel free to contact me, or Ranae Fehr, Principal Planner, at 609-645-5898. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to be 'JP', with a long horizontal line extending to the right.

John Peterson, AICP, PP, Director, D/H
Atlantic County Department of Regional Planning and Development



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____

TITLE: Resolution Authorizing the Executive Director to Execute an Extension of the Time Period for Atlantic County to Acquire the Remaining Acreage to Complete its Obligations Under the Secondary Impacts Agreement for Interchange 44 of the Garden State Parkway

Commissioner _____ moves and Commissioner _____
seconds the motion that:

WHEREAS, on January 7, 2014, the Pinelands Commission (Commission) and Atlantic County (the County) entered into a Secondary Impacts Agreement (the Agreement) as a means of obviating the potential secondary impacts associated with the completion of Interchange 44 of the Garden State Parkway; and

WHEREAS, this Agreement obligated the County to limit the development potential of parcels located within 1.5 miles of Interchange 44 (356 acres) within the Pinelands Area; and

WHEREAS, the County had 3 years to obviate the secondary impacts within this 1.5 mile area, referred to in the Agreement as Tier 1; and

WHEREAS, the Agreement afforded the County the opportunity to request an extension of the time period to complete its obligation to obviate secondary impacts from the Commission's Executive Director for a period of up to 18 months with the submission of documentation demonstrating that completion of the task to obviate secondary impacts in Tier 1 was imminent and would be completed within the extended time period; and

WHEREAS, the County has focused all of its efforts to obviate secondary impacts associated with the Interchange 44 project within Tier 1; and

WHEREAS, on March 5, 2020, the County sent a letter advising that it had completed acquisition of 327 acres of lands within Tier 1 and would be closing on an additional 15 acres within the next thirty days; and

WHEREAS, the County will need to identify and acquire only 14 additional acres to complete its obligations under the Agreement; and

WHEREAS, the County has indicated that it is continuing its efforts to work with Galloway Township to acquire lands owned by the Township located in Tier 1; and

WHEREAS, the County has requested an 18-month extension to complete its acquisition of the remaining 29 acres required by the Agreement; and

WHEREAS, the Agreement contains a provision that requires the County to pay an amount equal to fair market value of any acreage that it fails to acquire within Tier 1 within six years from the effective date of the Agreement; i.e. January 7, 2020, to a non-profit, government entity or university or college to undertake the acquisition of Pinelands Development Credits from agricultural lands or other projects, including land acquisition, to improve water quality within the boundaries of Tiers 1 through 3 in Atlantic County; and

WHEREAS, the Commission believes it is preferable to allow the County to complete its acquisition of the remaining 29 acres rather than having the County provide funds to a non-profit, governmental entity or university to complete the task for it, given the County's diligent effort to date to complete its obligations under the Agreement; and

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

NOW, THEREFORE BE IT RESOLVED that the Commission authorizes the Executive Director to execute an addendum to the Secondary Impacts Agreement granting the County another 24 months from January 7, 2020 to complete its acquisition of 29 acres within Tier 1.

Record of Commission Votes

AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
				Irick					Quinn				
				Jannarone					Rohan Green				
				Lloyd					Prickett				
				Lohbauer									
				Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____

TITLE: To Approve the Pinelands Commission’s 2019 Annual Report

Commissioner _____ **moves and Commissioner** _____ **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 2019 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				Irick				Quinn			
Avery				Jannarone				Rohan Green			
Christy				Lloyd				Prickett			
Earlen				Lohbauer							
Howell				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



Cover image: Pitch pines are silhouetted by a setting sun in the Franklin Parker Preserve in the Pinelands.

Photo/John Bunnell

2019 Annual Report

New Jersey Pinelands Commission

Protecting the New Jersey Pinelands

The New Jersey Pinelands Commission is an independent state entity whose mission is to preserve, protect, and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities consistent with that purpose.

The Commission was created by the passage of the Pinelands Protection Act in 1979.

To accomplish its mission, the Commission implements a comprehensive plan that guides land use, development and natural resource protection programs in the 938,000-acre Pinelands Area of southern New Jersey. The Commission's 15-member board consists of state, county and federal appointees who volunteer their time and expertise. The panel meets monthly and receives guidance from its Executive Director and staff.



The Pinelands is home to vast forests, farms and towns that cover portions of seven counties in southern New Jersey. Photo/Paul Leakan

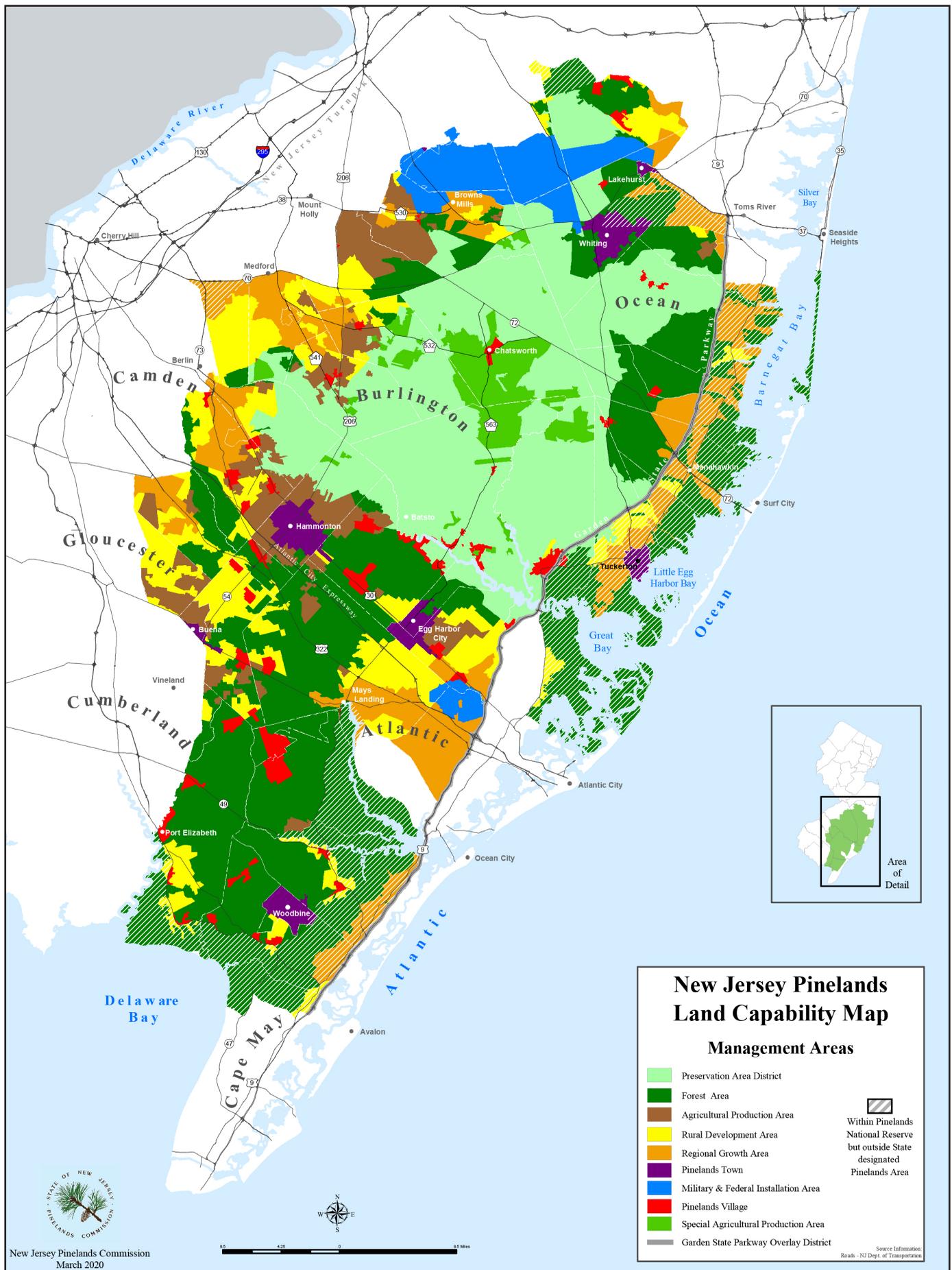
Commissioners:

Richard H. Prickett, Chairman
Alan W. Avery, Jr., Vice Chairman
Candace McKee Ashmun
Daniel Christy
Sean W. Earlen
D'Arcy Rohan Green
Jordan P. Howell
Jerome H. Irick
Jane Jannarone
Edward Lloyd
Mark S. Lohbauer
William Pikolycky
Gary Quinn

Nancy Wittenberg, Executive Director

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Executive Director's Message

While Pinelands Commission staff maintain their ongoing work responsibilities, they are often called upon to expand their efforts to address changes in the world around us. The core of the Commission's work remains the review of development applications and local government plans and ordinances, as well as conducting baseline economic and environmental monitoring.

2019 brought an increased focus on climate change. The Commission has a great head start on addressing the impacts of climate change. As a regional land use planning entity, the Pinelands Commission established an overall land use plan for the Pinelands Area that has served to protect large areas of forested land while encouraging development in defined areas.

The Commission's Comprehensive Management Plan already provides the basis for the protection of trees and wetlands and includes forestry provisions. These regulatory provisions help address climate change impacts by providing for carbon storage and improving water management.

Adding to this great framework, the Commission has been working on other ways to address the impacts of climate change. Staff members are evaluating ways to encourage solar installations in the Pinelands, including on many old landfill sites that are no longer in use. Water supply is a key climate change issue.

During 2019, with the help of many stakeholders, staff worked on new regulations to protect the Kirkwood-Cohansey aquifer. The draft rules will move to the proposal stage in 2020. The Commission's Land Use, Climate Impacts and Sustainability Committee (LUCIS) continues to be educated by climate change experts and has identified other topics to be considered, including agricultural practices, forest management and imperious cover alternatives. Improving the energy efficiency of our offices and adding solar and electric vehicle charging capacity are also being investigated.

The Pinelands Commission was established 41 years ago. The original Comprehensive Management Plan was ahead of the curve in ensuring the protection of large forested areas, streams and wetlands. Our staff is inspired to build on this framework to address issues we face today.



The Pinelands is home to vast, unbroken forests that provide for carbon storage and help to improve water management. Photo/Joel Mott

A handwritten signature in black ink, appearing to read 'Nancy Wittenberg'. The signature is fluid and cursive, with a large initial 'N'.

Nancy Wittenberg
Executive Director

Planning Activities

Permanent Land Protection

The permanent protection of land remains among the top priorities for the Pinelands Commission.

In 2019, the Commission contributed \$66,667 from its Pinelands Conservation Fund (PCF) toward the permanent preservation of a 202-acre property located in the Pinelands Area of Pemberton Township, Burlington County.

The property is a former blueberry farm that is located in a Pinelands Agricultural Production Area. It connects portions of the 33,647-acre Brendan T. Byrne State Forest, and it contains extensive wetlands.

The parcel provides habitat for numerous threatened or endangered plant and animal species, including Pickering's morning-glory, argos skipper, Pine Barrens treefrog, northern pine snake and corn snake.

The Commission supported the acquisition of the property based on its high ecological value and the need to prevent further damage from illegal off-road vehicle use onsite. The Rancocas Conservancy, which is the recipient of the PCF grant, will enforce a ban on motor vehicle activity on the property.

The Commission permanently preserved a total of 800 acres in the Pinelands Area through its most recent round of PCF acquisitions.

By the Numbers:

- From 2007 to 2019, the Commission contributed \$9.42 million to 40 land acquisition projects in the Pinelands Area.
- All 40 projects have been completed as of December 31, 2019, resulting in the permanent protection of 8,969 acres.
- More than half (477,000 acres) of the land in the Pinelands Area has been permanently preserved.



In 2019, the Commission provided funding for the permanent preservation of a 202-acre property in Pemberton Township. The former blueberry farm contains extensive habitat for numerous rare plant and animal species.

Photos/Paul Leakan

Commission Forms New Land Use, Climate Impacts and Sustainability Committee



In early 2019, the Commission formed a new committee that is identifying potential impacts caused by climate change in the Pinelands. Photo/Paul Leakan

In 2019, then-Chairman Sean Earlen called for the creation of a new committee to review the potential effects of climate change in the Pinelands and consider measures to mitigate impacts.

The seven-member Land Use, Climate Impacts and Sustainability (LUCIS) Committee has met twice since its formation.

Thus far, the Committee has discussed various challenges posed by climate change, while expressing a desire to hear from experts on the topic before prioritizing potential actions, including amendments to the Pinelands Comprehensive Management Plan, the rules that govern land-use, development and resource protection in the

Pinelands Area. In addition to gathering information from staff members, the Commission hosted a presentation on the state's community solar program, as well as a presentation entitled "Climate Projections and Potential Actions."

Pinelands Development Credit Program

The Pinelands Development Credit Program is a regional transfer of development rights program that preserves important agricultural and ecological land. Pinelands Development Credits (PDCs) are allocated by the Commission to landowners in the Preservation, Agricultural Production and Special Agricultural Production Areas, which are the sending areas. PDCs can be purchased by property owners and developers who are interested in developing land in Regional Growth Areas, which serve as the receiving areas.

Once PDCs are "severed" from a sending area property, the property is permanently protected by a conservation or agricultural deed restriction and the PDCs allocated to that property can be sold on the private market.

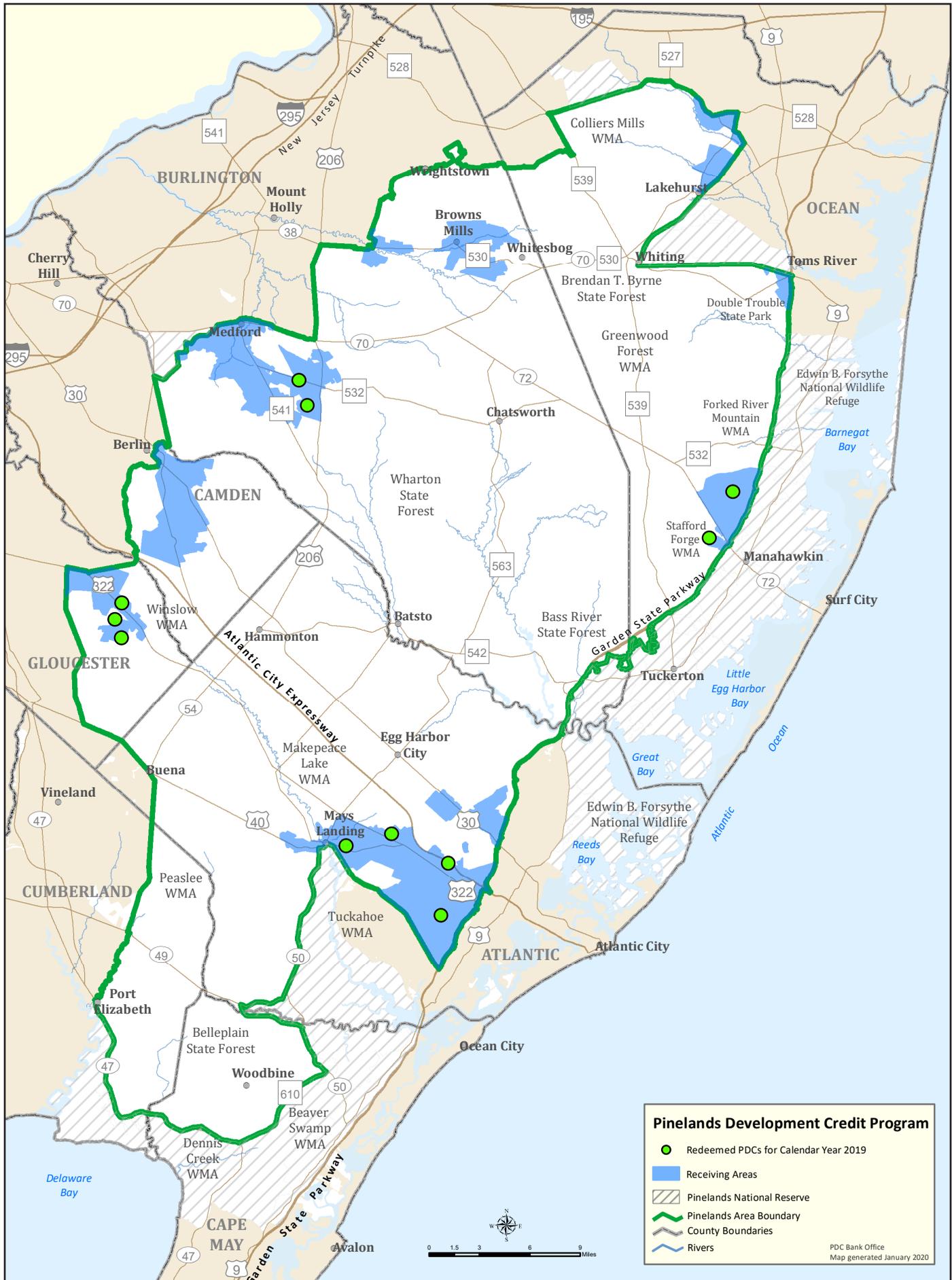
During 2019, 96.50 PDCs were allocated by the Commission to 21 sending area properties. A total of 69.75 PDCs were severed, protecting 3,046 acres of land in the Preservation Area District in Lacey



Pinelands Development Credits were redeemed for the construction of this 194-unit residential development in Egg Harbor Township's Regional Growth Area in 2019.

Photo/Paul Leakan

and Ocean townships. Since 1982, 55,392 acres in the Pinelands Area have been permanently preserved through the PDC Program. In 2019, a total of 16.00 PDCs were sold, with an average sales price of \$38,138 per PDC. A total of 69.25 PDCs were redeemed for nine residential projects in Barnegat, Egg Harbor, Monroe, Shamong and Stafford townships and two nonresidential projects in Hamilton and Tabernacle townships during 2019. Please see page 3 for a map that illustrates all PDC redemptions that occurred in 2019.



Reviewing Municipal Ordinances

The master plans and land use ordinances of all Pinelands municipalities and counties must be consistent with the Pinelands Comprehensive Management Plan (CMP). Consistency is ensured through the conformance process, by which municipalities and counties submit their plans, ordinances and amendments to the Commission for review and certification.

During 2019, the Commission received and reviewed 118 municipal master plan and ordinance amendments.

The Commission staff works closely with Pinelands municipalities to help them achieve their objectives in a manner that is consistent with the CMP.

In 2019, the Commission certified several redevelopment plans for properties in Regional Growth Areas and Pinelands Towns. This included plans in Pemberton Township (the former Rowan College at Burlington County campus), Monroe Township (mixed use development on the Black Horse Pike), Winslow Township (a residential area on Route 73), Egg Harbor City (commercial development on the White Horse Pike) and Hammonton (adaptive reuse of a former motor inn).

Pinelands Infrastructure Trust Fund

In 2019, the Pinelands Commission recommended the funding of five infrastructure projects from the Pinelands Infrastructure Trust Fund (PITF).

The PITF was established in 1985 to help local governments and utility authorities defray the costs associated with supporting the population and economic growth targeted to Pinelands Regional Growth

Management Areas. The types of infrastructure that may be funded include wastewater treatment and collection systems, stormwater management facilities, water supply systems, and transportation projects.

In 2019, the Commission adopted an amendment to the Pinelands Infrastructure Master Plan that includes criteria for ranking project proposals.

After adopting the amendment, the Commission received and evaluated a total of 10 projects that sought funding for various water supply, wastewater and transportation projects. A second Infrastructure Master Plan Amendment allocated the remaining portions of the PITF and recommended awarding a total of nearly \$16 million in PITF grants and loans to the following project sponsors:

■ **Pemberton Township** - \$2.6 million for water system

improvements;

■ **Jackson Municipal Utilities Authority and Manchester Township** - \$5.4 million for water and sanitary sewer main extensions;

■ **Monroe Township** - \$3.2 million for transportation improvements at the Williamstown Square project;

■ **Galloway Township** - \$3.1 million for sanitary sewer main extensions in the Pinehurst Area; and

■ **Winslow Township** - \$1.4 million for water and sanitary sewer main extensions in the Route 73 Redevelopment Area.

The infrastructure project sponsors may advance to the New Jersey Infrastructure Bank to complete the funding administrative process, although no project sponsor is required to continue.

Project sponsors are responsible for completing the administrative process and for obtaining any other permits or documents necessary for project construction.

Given the Commission's adoption of the amended Infrastructure Master Plan and the recommendations for funding, all available funding from the Pinelands Infrastructure Trust Fund has been allocated.



Pine Barrens Byway

The Pinelands Commission took several steps to increase its involvement with the Pine Barrens Byway in 2019.

After consulting with the New Jersey Department of Transportation (NJDOT), the Commission agreed to assume the role as the formal management entity for the Byway, which is a state-designated route that traverses 130 miles of existing roadways in portions of Atlantic, Burlington, Cape May, Cumberland and Ocean counties.

The Commission plans to convene a meeting of stakeholders and interested parties in early 2020. When new federal application rounds are announced, the Commission will also complete the application for National Scenic Byway status. The national designation could provide additional grant opportunities to support the byway.

Meanwhile, Commission staff has been assisting the NJDOT with its efforts to market the Byway. The NJDOT is developing a Scenic Byways “marketing toolkit” that will include an overview book, tri-fold brochure and all-season photo library of all eight scenic byways in New Jersey. The NJDOT hired a



The Pine Barrens Byway meanders through 16 municipalities in the Pinelands, offering scenic views of the region’s natural and historic sites, including the remains of the Pleasant Mills Paper Mill in Mullica Township (shown above). Photo/Joel Mott

team of consultants to take photographs of each byway and interview byway representatives. Staff met with the consultants in September 2019 and provided detailed information on the Pine Barrens Byway as part of a “content gathering interview.”

Commission staff also accompanied a photographer who was hired by the consultant to take photos of various sites along the byway. Additional photo shoots are planned for the winter, spring and summer of 2020.

Alternate Design Treatment Systems Pilot Program

The Commission issued its annual Implementation Report for the Alternate Design Treatment Systems Pilot Program in November 2019.

The Pilot Program was launched in 2002 as a means to test high-performance wastewater treatment systems that better protect Pinelands water resources. Through the program, the Commission has evaluated numerous septic systems technologies and identified several that successfully meet Pinelands water quality standards for residential development on lots as small as one acre.

The Implementation Report calls for the continuation of the Pilot Program, while recommending the removal of three treatment system technologies: BioBarrier, Busse and Hoot. The report also recommends recognizing the success of one system technology (SeptiTech) by authorizing its use for residential development on a permanent basis. Lastly, the report calls for adding as many as six new technologies in 2020. The new technologies would be certified by the NSF International and/or U.S. Environmental Protection Agency ETV programs. The recommendations will be incorporated into a proposed amendment to the Pinelands Comprehensive Management Plan in early 2020.

Regulatory Activities

Applications

The Pinelands Commission reviews applications for development by evaluating proposals to ensure that they meet the regulations contained in the Pinelands Comprehensive Management Plan.

Development proposals must meet a series of environmental standards, including those that protect water quality, wetlands and threatened and endangered species.

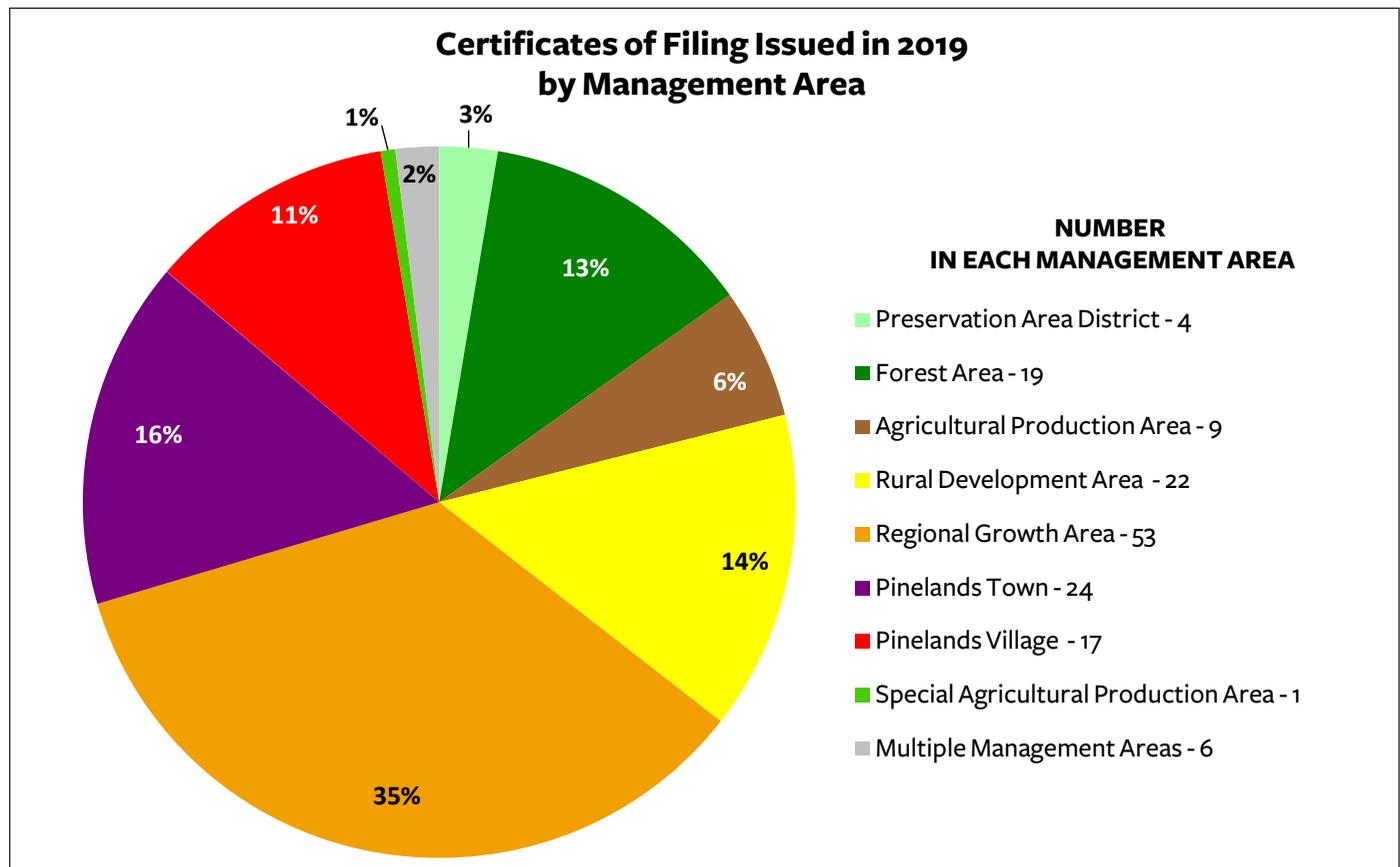
The Commission’s development approval process varies, depending on whether the application is submitted by a public agency or a private landowner. The Commission’s staff reviews private development proposals, such as single-family dwellings, subdivisions and commercial projects. After applicants provide all of the necessary information, the Commission issues a Certificate of Filing (or CF) that allows applicants to seek all municipal and county approvals for the proposed development.



Branwen Ellis, an Environmental Specialist with the Pinelands Commission, takes soil borings as part of reviewing an application for development.

Photo/Paul Leakan

The Commission issued 152 Certificates of Filing (CFs) in 2019, most of which (53) were for proposed development in Regional Growth Areas (as shown in the chart below). There are 24 municipalities with Regional Growth Areas in the Pinelands Area. Most development in the Pinelands is channeled to Regional Growth Areas, which are areas of existing growth and adjacent lands capable of accommodating additional residential and nonresidential development.



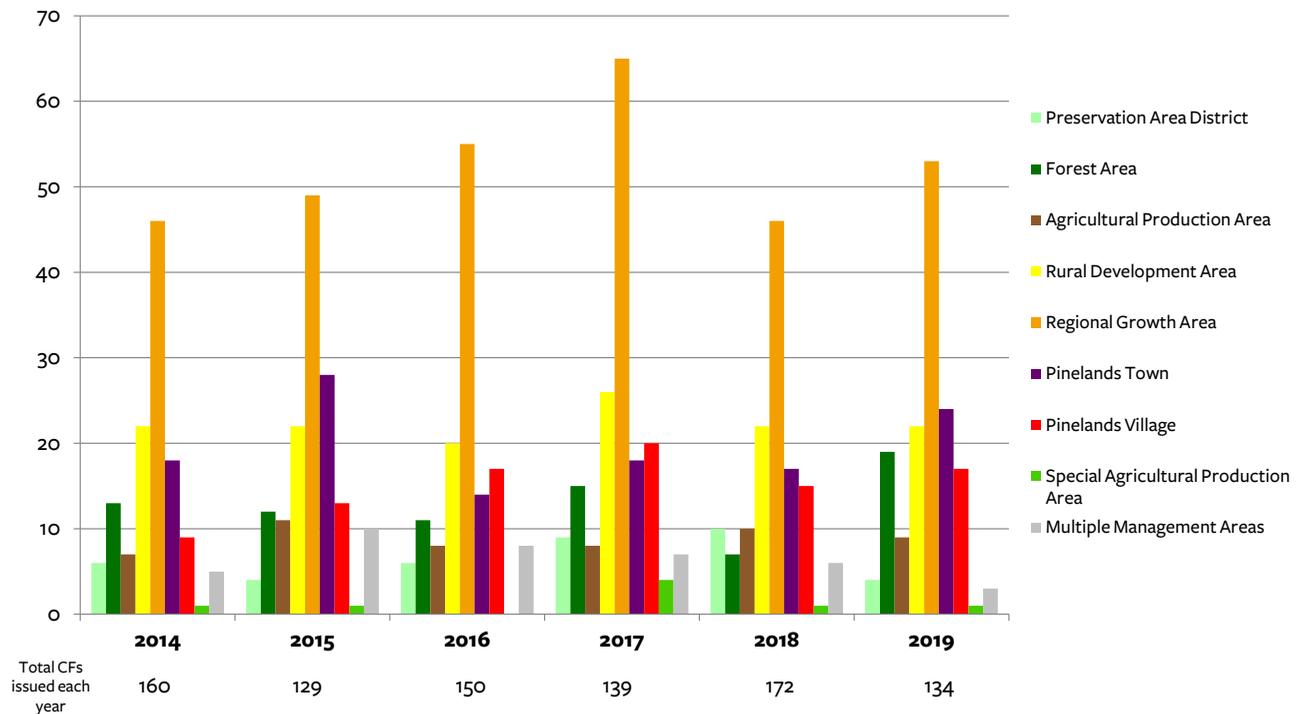
Of the 152 CFs that were issued in 2019, most involved proposals for residential development, followed by commercial development (as shown in the table below).

Certificates of Filing Issued in 2019 by Management Area and Type of Development

	Residential	Commercial	Infrastructure	Institutional	Resource extraction	Totals by management area
Preservation Area District	2				2	4
Forest Area	15	1	1		2	19
Agricultural Production Area	8	1				9
Rural Development Area	13	5			4	22
Regional Growth Area	29	22	2			53
Pinelands Town	14	9		1		24
Pinelands Village	11	2	2	2		17
Special Agricultural Production Area		1				1
Multiple management areas	2	1				3
Totals by type of development	94	42	5	3	8	152

The Commission issued similar numbers of CFs from 2014 to 2019, with the majority of the proposals for development located in Regional Growth Areas (as shown on the bar graph below).

Certificates of Filing by Management Area 2013 - 2019



The Pinelands Commission is also responsible for reviewing and approving development applications that are submitted by public entities, such as a municipality, county or a State agency. The full, 15-member Commission votes on whether to approve these applications during its monthly meetings.

The Commission approved a total of 33 applications for public development in 2019. Examples included the construction of a municipal building and the installation of ground-mounted solar panels, as well as improvements to roads, dams, sewer mains and water treatment facilities.

Recreation Permits

In 2019, the Commission issued 17 Recreation Permits for organized, off-road vehicle events in the Pinelands.

In order to receive a Recreation Permit, groups must submit a completed “Off-Road Vehicle Event Application” for each proposed event. In addition to the application form, the group must submit the course route in electronic format, an application review fee, proof of insurance, property owner permission and proof that the township and New Jersey State Police have been notified.

Commission staff reviews the course route to determine if there are any issues with wetlands, threatened and endangered species, deed-restricted land and private and public ownership. Any portions of the route that have potential issues are site inspected by a member of the Commission’s staff. If any route changes are necessary, a revised route is required and must again be submitted for review.



Brian Szura, an Environmental Specialist with the Pinelands Commission, conducts site inspections of proposed course routes for organized, off-road vehicle events. Photo/Paul Leakan

Resolving Violations

In 2019, Commission staff members worked closely with a municipality to address the offsite removal of soil from a 62 acre parcel. The parcel contained a fallow agricultural field. The owner initially represented that the soil was being removed to level the parcel for the installation of agricultural greenhouses. It is estimated that soil was extracted and removed from approximately 35 acres of the parcel. The CMP requires the completion of an application with the Commission if more than 2,000 cubic yards of soil is removed from a parcel for agricultural purposes in a given year. The responsible party pleaded guilty to the violation in municipal court, agreed to a substantial monetary penalty and agreed to address certain remaining issues with the Pinelands Commission.

Amended Memorandum of Agreement with the South Jersey Transportation Authority

In 2019, the Commission amended its Memorandum of Agreement (MOA) with the South Jersey Transportation Authority (SJTA) to eliminate seasonal mowing restrictions at the Atlantic City International Airport in Egg Harbor Township.

The SJTA sought the amendment, citing concerns about aviation safety at the airport. Specifically, the SJTA reported an increase in the number of damaging interactions between planes and birds, and raised concerns

that the presence of the onsite Grassland Conservation Management Area (GCMA) was contributing to these increased bird strikes. The GCMA was created onsite as part of the original MOA that was reached in 2004 in order to offset impacts from development approved by the MOA to two protected bird species, the grasshopper sparrow (a threatened species) and the upland sandpiper (an endangered species.)

The amended MOA authorizes the SJTA to relocate the grassland and conservation management area off the airport property and allows it to mow the existing grassland habitat on the property year-round. Previously, the SJTA was restricted from mowing the grassland management area between April 15th and August 15th.



Aerial map of the Atlantic City International Airport in Egg Harbor Township

In exchange for lifting the mowing restrictions, the amended agreement requires the SJTA to:

- Make an initial payment of \$500,000 to the Commission's Pinelands Conservation Fund (PCF). The funds will be used to acquire land within the Pinelands Area in accordance with the priorities established by the Commission and, if available, will contain suitable habitat for threatened or endangered grassland birds;
- Make five additional annual payments of \$500,000 each. The funds will be added to the PCF for land acquisition;
- Acquire land within the Pinelands for creating and maintaining a new grassland conservation and management area. At least 62 acres of the property must be already cleared and must be located at least 50 meters from any structure or the forest edge; and
- Enhance an approximately 12-acre site located adjacent to the Forest Preservation Area in the northeast quadrant of the airport by planting wild indigo. The site would provide habitat for the frosted elfin butterfly, which is a threatened species in New Jersey.

Electric Transmission Right-of-Way Vegetation Management Plan and Pilot Program

In 2019, the Commission continued to analyze the success of a pilot program that implements a vegetation-management plan for rights-of-way located beneath 233 miles of high-voltage electric-transmission lines in the Pinelands.

The Commission approved the right-of-way (ROW) vegetation-management plan in 2009, in cooperation with the New Jersey Board of Public Utilities and three utility companies, and as part a 10-year Pilot Program in the Pinelands Comprehensive Management Plan. Under the plan, the utility companies are required to manage the vegetation within rights-of-way according to specific prescriptions that are designed to maintain early successional habitats and preserve wetlands integrity while ensuring transmission line safety.

The Commission's Regulatory Programs Office conducts site inspections of the ROWs to determine if the prescriptions are being followed correctly. Meanwhile, Commission scientists survey vegetation study plots to

assess the effects of the prescriptions. Commission scientists have completed all field work associated with the vegetation-monitoring component of the program. In 2019, scientists analyzed the vegetation data and began preparing a report on the vegetation monitoring component.

In 2019, the Commission extended the Pilot Program for two years in order to provide an opportunity to fully assess the results of the program, evaluate any necessary amendments and come up with a long-term plan for implementing the ROW Plan.

Science & Research Activities

Long-term Environmental Monitoring Program

The Commission continued to conduct long-term environmental monitoring research, which included an ongoing study of snake fungal disease.

In 2018, Commission scientists began collaborating with Dr. Joanna Burger and her colleagues at Rutgers University, Robert Zappalorti of Herpetological Associates, and Dr. Jeffrey Lorch of the United States Geological Survey (USGS) to conduct research on snake fungal disease in the Pinelands. Snake fungal disease is an emerging disease found in populations of captive and wild snakes and has been found to infect snakes in North America, parts of Europe, and Australia. Laboratory analyses have demonstrated that the fungus *Ophidiomyces ophiodiicola* is consistently associated with snake fungal disease, but often additional fungi are also found. Although snakes can show signs of fungal disease just after spring emergence from hibernation, it was previously unknown if *O. ophiodiicola* was present inside the hibernacula.

Dr. Burger and Mr. Zappalorti have been excavating a group of northern pine snake hibernacula, or winter dens, annually for the past 35 years. Their long-term study provides a unique opportunity to sample inside snake dens to determine if the fungus is present in the soil or on the hibernating snakes. Excavating the dens during hibernation also allows the sampling of a number of individual snakes from a population at one time. A passive integrated transponder (PIT) tag is inserted into each snake found during the excavations. A PIT tag is a tiny, glass-coated microchip commonly used in wildlife research that allows for the permanent identification of an animal through the use of a special scanner that reads the unique tag number.

Initial sampling completed in 2018 indicated that *O. ophiodiicola* was present on snakes and in the soil inside the dens. In 2019, a second round of sampling was completed on hibernating snakes. A total of 35 pine snakes, one corn snake, one black racer, and one timber rattlesnake were found during the excavations. Each snake was swabbed for the fungus on the head, belly, vent, and on visible body sores. Preliminary results show that the fungus was present on the visible body sores much more than the other body locations sampled. During the winter of 2020, all snakes found during the den excavations will be swabbed again in an effort to determine the best method and body location to sample a snake for the presence of the fungus and to document changes in fungal infection for individual snakes over time.

Other 2019 environmental monitoring activities included surveying calling frogs and toads at a group of ponds that are surveyed annually, measuring bimonthly water quality at 47 stream sites, recording monthly water levels at 35 forest plots and 30 ponds, and maintaining continuous water-level recorders installed in seven other ponds and in a shallow observation well installed within a pine lowland forest.



The soft and crusty brown blotches on this northern pine snake indicate potential snake fungal disease.

Photo/ John Bunnell

Microorganism Study

In 2017, the Commission was awarded funding to study the effects of land use on water quality and microorganisms in 60 natural ponds, excavated ponds, and stormwater basin study sites. The following year, field work was initiated at 20 of the 60 wetlands. Commission scientists and collaborators with the N.J. Department of Environmental Protection and U.S. Geological Survey sampled surface water for nutrients, metals, pesticides, and chlorophyll-a (an indirect measure of algal plant growth) and collected samples of diatoms (single-celled algae), phytoplankton (free-floating algae in the water), zooplankton (tiny animals that swim or drift in the water), and benthic macroinvertebrates (primarily aquatic larval insects).

The goals of the Microorganism Study are to assess the relationship between surrounding land use and the various water-quality and biological attributes and to compare the plants and animals from natural and created wetlands.

In 2019, scientists collected water quality data and microorganism samples at 20 different sites. Taxonomic consultants are in the process of



Zooplankton samples were collected at 20 sites in 2018 and 20 sites in 2019. This species (*Tropocyclops prasinus mexicanus*) is less than 1 mm long and was primarily associated with excavated ponds.

Photo/ John Bunnell

identifying zooplankton, algae, diatoms, and macroinvertebrates from collections made in 2018 and 2019.

This research is being funded by a grant from the U.S. EPA and a match by the Commission through its Pinelands Conservation Fund.

Endocrine Disruption Study

The William Penn Foundation recently dedicated significant funding towards scientific research in the Delaware River Watershed through the Delaware Watershed Research Fund. The Academy of Natural Sciences is administering the funding. The Kirkwood-Cohansey aquifer, which underlies the Pinelands, was identified as one of the research areas eligible for funding. Commission scientists and U.S. Geological Survey scientists Kelly Smalling, Dr. Vicki Blazer, and Heather Walsh proposed a study to investigate point and non-point sources of endocrine disrupting chemicals and the potential impacts on fish and frogs in the Pinelands. The proposed study was awarded funding in 2016.

The endocrine system is a collection of tissues in animals that produce hormones to regulate essential life processes, such as metabolism, tissue function, reproduction, and development. A large group of natural and synthetic chemicals are known to disrupt endocrine function. Examples include plant hormones, plastic components, flame retardants, surfactants, fragrances, pesticides, etc. Endocrine disrupting chemicals, or EDCs, are a global environmental problem and have been linked to



Non-native largemouth bass (top) and bluegill (bottom) will be sampled for evidence of endocrine disrupting chemicals at sites upstream and downstream of sewage treatment plants.

Photos/ John Bunnell

reproductive and developmental abnormalities in a variety of animal species, especially fish and amphibians.

Commission and U.S. Geological Survey scientists will sample water chemistry and fish above and below municipal wastewater treatment plants, which represent direct point sources of EDCs, and water chemistry and frogs at ponds and stormwater basins, which may receive indirect non-point sources of EDCs from runoff and the aquifer. Results from these sites will be compared to those from appropriate minimally impacted reference sites.

In 2017, 2018, and 2019, green frogs were collected from ponds and stormwater basins for histological analysis, and water chemistry was sampled at the sites on multiple occasions. In 2019, fish were collected from stream sites above and below a sewage treatment plant for histological analysis, and water chemistry was also sampled. The remaining sites, which are lakes above and below a different sewage treatment plant, will be surveyed in 2020.

The study is being funded by a grant from the Delaware Watershed Research Fund, a match by the Pinelands Commission, and a match by the USGS.

Corn Snake Radio Tracking and Drift Fence Study

In 2017, Commission scientists began to collaborate with Dr. Howard Reinert of The College of New Jersey, Mr. Robert Zappalorti of Herpetological Associates, and the New Jersey Department of Environmental Protection (NJDEP) Endangered and Nongame Species Program staff to conduct an intensive research project on the corn snake in the Pinelands.

The corn snake is a colorful, secretive species of rat snake that reaches the northern limit of its range in the New Jersey Pine Barrens. Also called the red rat snake, the corn snake is listed as an endangered species by the NJDEP.

The goals of the corn snake research is to better understand the habitat requirements and life history of this secretive serpent in order to develop meaningful conservation management programs for the species and ensure its continued survival in the Pinelands.

The research includes two components: radio-telemetry and headstarting, which is a conservation technique where vulnerable young animals are raised in captivity until they attain a larger size and then released into the wild.

For the telemetry aspect, researchers surgically implant small radio-transmitters in adult corn snakes and locate the snakes on a regular basis to collect data on their activity range; types of habitats used; and the locations for nesting, shedding, and hibernation. In 2019, scientists completed radio tracking of 29 corn snakes. Corn snake telemetry data will be analyzed by research collaborators at The College of New Jersey.

For the headstarting component of the study, researchers collect corn snake eggs from nest areas and transport



Pinelands Commission Chief Scientist John Bunnell is among several researchers who are radio tracking corn snakes in the Pinelands.

Photo/Paul Leakan

them to a laboratory for incubation and hatching. All of the hatchlings are microchipped and one-half of them are released back to the primary nest area as “cold released” snakes. (Cold released snakes are hatchlings that are released the same year that they were born). The other group of hatchlings are kept in the laboratory over the winter and released the following spring as headstarted snakes. The goal is to recapture as many of these snakes as possible to assess growth and survivorship of the cold released and headstarted hatchlings over time.

While in the laboratory, hatchlings are fed, weighed, and measured to determine the efficiency of assimilating food and their growth rates. Researchers are also conducting experiments on the laboratory hatchlings to understand their preferences for temperature, the amount of vegetation canopy cover, and whether they prefer to lay on sand, soil, leaf litter, or pine needles.

In 2019, 28 headstarted corn snakes from 2018 and 11 newly hatched corn snakes from 2019 were released at the primary nest area. Twenty-two newly hatched corn snakes were selected to be held over the winter to be released in the spring of 2020. A drift fence was established at the primary nest area to help recapture corn snake hatchlings to assess the survival of headstarted and cold released hatchlings and to compare the effectiveness of using a drift fence outfitted with box traps and artificial cover to detect corn snakes and other species of snakes. In 2019, a total of 1,994 animals were found along the drift fence, under the artificial cover, or in the box traps. Thirteen species of snakes were captured, including 19 corn snakes.

The Joint Corn Snake Study is being funded by the Pinelands Commission and the New Jersey Department of Environmental Protection.

Eastern Kingsnake Study

In 2019, the Commission was awarded funding for a grant proposal, titled “Activity range, habitat use, shedding, denning, and nesting of the wetland-dependent eastern kingsnake.”

The eastern kingsnake is listed as a species of special concern in New Jersey because it is vulnerable to multiple threats, is potentially declining, and its distribution and population status are not known. Although kingsnakes are a wetland-dependent species that use wetlands for overwintering, the specific wetland habitat types needed for hibernation and the amount and type of associated upland habitats used for foraging, shedding, and nesting have not been documented.

Commission scientists are collaborating with Mr. Robert Zappalorti of Herpetological Associates and Dr. Howard Reinert of The College of New Jersey on this four-year study.



A four-year study will focus on the wetland-dependent eastern kingsnake.

Photo/John Bunnell

Scientists will use radio telemetry to determine the activity range; upland and wetland habitat use; and timing of shedding, denning, and potentially nesting of the eastern kingsnake.

In anticipation of obtaining funding and to ensure an adequate number of snakes to track if funding was secured, radio transmitters were surgically implanted in 13 kingsnakes in 2019. Although one kingsnake was killed by a predator, the remaining 12 snakes were tracked to their winter dens. These 12 kingsnakes and other kingsnakes found that are large enough to accept a radio transmitter will be tracked throughout 2020.

This research is being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund.

Public Information, Education & Outreach

Raising Awareness, Fostering Stewardship

In 2019, the Commission’s staff organized and executed two dozen educational programs that raised awareness and appreciation of the Pinelands.

The Commission partnered with Stockton University to carry out the 30th annual Pinelands Short Course on March 9th and the third-annual Pinelands Summer Short Course on July 18th. The two events featured a total of 52 presentations that showcased the natural, cultural and historic resources of the Pinelands. More than 600 people attended the events.

On July 23rd, staff organized the annual Pinelands Orientation for Newly Elected Officials. The event is co-sponsored by the Pinelands Municipal Council, and it provides municipal officials with an opportunity to learn about the inner-workings of the Pinelands protection program. Twenty-five municipal officials attended.

On October 25th, staff organized and carried out its 13th annual, Pinelands-themed World Water Monitoring Challenge event. Held at the historic Batsto Village, the event attracted 200 students and teachers who gauged Pinelands water quality and learned about how the Commission and other agencies safeguard Pinelands resources.

The Commission also created a “scavenger hunt” that was used to educate students who visited the Candace McKee Ashmun Pinelands Education Exhibit, which is located in the Commission’s headquarters.

By the Numbers:

In 2019, the Commission’s staff:

- Organized and carried out 20 educational programs;
- Educated more than 1,500 people about the Pinelands;
- Responded to more than 1,500 public inquiries about recreation and other non-development application questions; and
- Maintained the Commission’s website, which was viewed a total of 152,669 times.



Above: Jeff Dragon, a Commission Research Scientist, helped students catch numerous aquatic species at the World Water Monitoring Challenge.

To the right: The third annual Pinelands Summer Short Course included a tour of a Hammonton brewery that uses local ingredients such as blueberries.

Photos/Paul Leakan



Pinelands Speaker Series Returns

The Commission hosted three educational presentations in 2019 as part of its newly revived Pinelands Speaker Series.

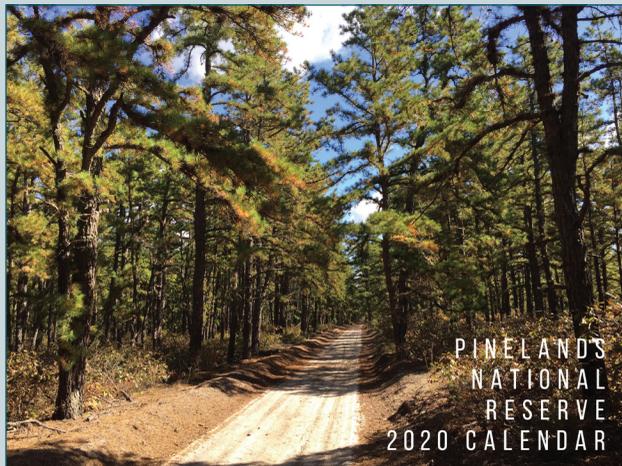
More than 60 people attended the programs, which included presentations on the sights and sounds of the Pinelands, tips on combating climate change with a “Jersey-friendly” yard, and a detailed history of the 18th century Head of the River Cemetery and Church in Estell Manor. The programs were offered to the public at no cost.

The Commission launched the Pinelands Speaker Series in 2006. Presentations were held at the Commission’s headquarters until 2011. Given the opening of the Candace McKee Ashmun Pinelands Education Exhibit, the Commission felt it was the perfect time to revive the educational initiative.



Becky Laboy, an Outreach Specialist for the Ocean County Soil Conservation District, discussed ways to combat climate change in the residential landscape during a talk that was held as part of the Pinelands Speaker Series. Photo/Paul Leakan

The Commission will host the next round of Pinelands Speaker Series presentations in the spring of 2020.



Pinelands National Reserve Calendar

The Pinelands Commission issued its fourth edition of the Pinelands National Reserve wall calendar in November 2019.

The calendar was funded by the Commission, and it features 38 stunning photos that showcase the natural, cultural and historic treasures found in Pinelands National Reserve.

The Commission worked with Rowan College at Burlington County to design and the calendar.

All of the photos were taken by members of the Commission’s staff.

Aside from the photos of the region’s resources, the calendar includes State and Federal holidays, dates of Pinelands Commission meetings and important dates in Pinelands history.

Copies of the calendar were distributed free of charge at Bass River State Forest, the Batsto Visitor Center and Brendan T. Byrne State Forest.



Finances

Fiscal & Budget

The Commission's Operating Budget for Fiscal Year 2019 totaled \$5,915,074. Of this, \$4,839,943, or 81% percent, was budgeted for personnel expenses.

Budgeted revenue sources included \$779,708 in federal grants, a \$2,799,000 State appropriation, \$1,133,733 in State grants and other State funding, \$430,000 in application fees and \$772,633 from the Commission's fund balance and reserves.

The 2019 budget for the Kirkwood-Cohansey Study, funded through legislation passed in 2001, was \$115,270. The budget for the Pinelands Conservation Fund was \$863,397.

The Commission's Audit Report for Fiscal Year 2018, which ended June 30, 2018, is posted on the State Auditors web site. The website address is: https://www.njleg.state.nj.us/legislativepub/auditreports_department.asp#PINE.

Pinelands Application Fees

Since April 2004, the Pinelands Commission has received application fees to partially underwrite the direct costs associated with reviewing development applications in the Pinelands Area. During Fiscal Year 2019, unaudited application fee revenues actually collected totaled \$690,000 (\$256,048 more than Fiscal Year 2018).

Certification

As required by State Executive Order #37, all State authorities are required to certify that during the preceding year the authority has, to the best of its knowledge, followed all of the authority's standards, procedures, and internal controls. I hereby certify to the best of my knowledge that, during the 2019 calendar year, all of the Commission's standards, procedures, and internal controls were followed.



Nancy Wittenberg
Executive Director



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

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

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

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Director of Planning

Date: April 30, 2020

Subject: No Substantial Issue Findings

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

Berkeley Township Ordinance 2019-15-OAB - amends Chapter 35 (Land Development) of the Township's Code by revising the definition of "Accessory use, structure or building" to exclude man-made ponds up to 100 square feet with a maximum depth of 30 inches and a maximum height of 18 inches above grade.

Hamilton Township Ordinance 1923-2020 - adopts an amendment to the Township-Wide Redevelopment Plan. The purpose of the amendment, entitled "Redevelopment Plan Amendment for Block 1321, Lot(s) 1 and 2, Township of Hamilton, Atlantic County, State of New Jersey" is to facilitate the development, redevelopment, and rehabilitation of the aforementioned lots which total approximately 7.5 acres in area and are in the Design Commercial (DC) district. The Redevelopment Plan Amendment permits auto dealerships focused on the resale of previously owned vehicles of multiple manufacturers, provided that it is a franchise or owned facility of a national or regional entity with multiple locations. The standards and requirements of the underlying DC district remain applicable except as modified by the amendment. The amendment includes modifications to lot size requirements, bulk requirements, landscaping, signage, lighting, and vehicular access and parking. The DC district is a nonresidential zone located in the Pinelands Regional Growth Area.

Town of Hammonton Ordinance 013-2019 - amends Chapter 175 (Land Development) of the Town's Code by revising Section 175-88, development requirements for solar energy systems. The ordinance establishes application requirements and conditional use standards for ground mounted solar arrays, including minimum lot size, setbacks, maximum lot coverage, maximum height, placement, glare, fencing, and tree clearing. Ordinance 013-2019 permits ground mounted solar arrays in the B-1, B-2, AP and AP/CLI districts, and conditionally permits them in the PA, SAP, RR, R-1, R-2, and R-3 districts.

Ground mounted solar arrays are expressly prohibited in the HB, Downtown, and Gateway districts. All of these zoning districts are located within the Pinelands Area.