



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

State of New Jersey
THE PINELANDS COMMISSION
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

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

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
Executive Director

Date: May 1, 2019

Subject: Summary of the May 10, 2019 Meeting Packet

Minutes

The April 12, 2019 Commission Meeting minutes (open and closed sessions) and attachments are included in your packet.

Public Development Applications

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

1. **Application Number 1982-2560.004/Buena Vista Township**, Buena Vista Township, Rural Development Area and Pinelands Village, Construction of three miles of nature trails.
2. **Application Number 1985-0641.013/Pemberton Township Board of Education**, Pemberton Township, Regional Growth Area, Construction of a 56 stall paved parking lot.
3. **Application Number 1987-1299.005/Mullica Township Board of Education**, Mullica Township, Pinelands Village, Construction of a 50 stall paved parking lot.
4. **Application Number 2011-0075.002/NJ Department of Transportation**, Upper Township, Pinelands Rural Development Area, Construction of an electronic traffic advisory sign and associated development.
5. **Application Number 2017-0191.001/NJ Department of Transportation**, Upper Township, Pinelands Forest Area, Construction of an electronic traffic advisory sign and associated development.

Waiver of Strict Compliance

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

Letter of Interpretation

Two Pinelands Development Credit (PDC) Letters of Interpretation (attached) were issued since the last Commission meeting, allocating 3.50 PDCs to 83.36 acres.

Off-Road Vehicle Event Route Map Approval

One Off-Road Vehicle Event Route Map Approval (attached) was issued since the last Commission meeting.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on nine ordinance amendments that we reviewed and found to raise no substantial issues with respect to Comprehensive Management Plan standards. These amendments were submitted by Buena Borough, Evesham Township, Franklin Township, the Town of Hammonton, Little Egg Harbor Township, Manchester Township, Shamong Township, the City of Vineland and Woodland Township.

Other Items

Also included in this month's packet is a resolution to convert the Commission's banking from one financial institution to another.

Closed Session

The Commission may need to convene into closed session.

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

/ PC1



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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, May 10, 2019

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order

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

2. Adoption of Minutes

- April 12, 2019 (open and closed sessions)

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions Applications for Public Development Application Numbers 1982-2560.004 (construction of three miles of trails in Buena Vista Twp.), 1987-1299.005 (construction of a 50 stall paved parking lot in Mullica Twp.), 2011-0075.002 (construction of an electronic traffic sign in Upper Twp.) & 2017-0191.001 (construction of an electronic traffic sign in Upper Twp.)

- Approving With Conditions an Application for Public Development Application Number 1985-0641.013 (construction of a 56 stall paved parking lot in Pemberton Twp.)

B. Planning Matters

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

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

A. Public Development Projects

- Application No. 1981-0545.013 - Hamilton Township Municipal Utilities Authority Construction of a 3,709 square foot addition to an existing operations building Hamilton Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Buena Borough Ordinance 676
- Evesham Township Ordinance 3-3-2019
- Franklin Township Ordinance O-4-19
- Town of Hammonton Ordinance 001-2019
- Little Egg Harbor Township Ordinance 2019-05
- Manchester Township Ordinance 19-008
- Shamong Township Ordinance 2018-10
- City of Vineland Ordinance 2019-22
- Woodland Township Ordinance 2019-2

7. Other Resolutions

- Resolution Authorizing a Change of the Pinelands Commission's Fiduciary Institution

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

Upcoming Meetings

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

Fri., May 31, 2019	Policy and Implementation Committee Meeting (9:30 a.m.)
Fri., June 14, 2019	Pinelands Commission Meeting (9:30 a.m.)
Tue., June 18, 2019	Personnel and Budget Committee Meeting (9:30 a.m.)

Upcoming Office Closures

Monday, May 27, 2019 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 Web site and can be viewed at www.nj.gov/pinelands/. The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@pinelands.nj.gov) at Info@pinelands.nj.gov or call (609) 894-7300.

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

MINUTES

April 12, 2019

Commissioners Present

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

Commissioners by Phone

Jane Jannarone

Commissioners Absent

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

Chairman Earlen called the meeting to order at 9:34 a.m.

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

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

Oath of Office

Chairman Earlen introduced and welcomed Jerome Irick to the Commission.

DAG Miles administered the oath of office to Mr. Irick, who will serve as Atlantic County's appointee on the Commission.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners who participated in the meeting.)

Minutes

Chairman Earlen presented the open and closed session minutes from the March 8, 2019 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The March 8, 2019 Commission meeting minutes (open and closed sessions) were adopted by a vote of 8 to 0. Commissioner Irick, Commissioner Jannarone and Commissioner Quinn abstained from the vote.

Committee Chairs' Reports

Chairman Earlen provided an update on the March 29, 2019 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of the February 22, 2019 meeting.

The Committee recommended Commission certification of:

- Bass River Township Ordinance 2018-05 (responding to CMP amendments and implementing an alternative permitting program for single-family homes); and
- Manchester Township's master plan and land use ordinances for that portion of the municipality in the Pinelands National Reserve, outside the state-designated Pinelands Area.

The Committee recommended that the draft amendment to the 2004 Memorandum of Agreement with the South Jersey Transportation Authority for the Atlantic City Airport be advanced to the Commission, without recommendation, with modifications related to the funding timetable.

Executive Director's Reports

ED Wittenberg updated the Commission on the following items:

- Staff met with National Park Service (NPS) representatives to discuss past and future funding, the next cooperative agreement and potential changes to the monitoring work.
- The ED, Chairman and the Vice Chair met with the New Jersey Department of Environmental Protection (NJDEP) Commissioner and other NJDEP staff members to discuss coordination between the two agencies.

Director Larry Liggett updated the Commission on the following:

- Staff attended a meeting of the Governor's Interagency Work Group. The purpose of the meeting was to discuss the State Planning Commission's proposed rules, 98

expiring centers and the plan endorsement process. None of the expiring centers are in the Pinelands Area.

- The Pinelands Preservation Alliance requested to use the Commission's Kirkwood-Cohansey presentation material to share with some groups.
- AT&T has notified the Commission that it may need to amend its Comprehensive Plan due to difficulties with a number of cell tower sites in the Pinelands. The Federal Communications Commission (FCC) has shortened its review period for cellular towers so towns have less of an opportunity to reject the plans. Staff provided comments to the FCC on the proposed rules and advised them of the Commission's process.

Chief Planner Susan R. Grogan explained that Pinelands Villages and Towns are equivalent to what the State Plan refers to as a "center" and are recognized as such by the State Planning Commission through an old MOA and in the State Planning Commission's regulations.

Director Chuck Horner provided information on the following regulatory matters:

- Staff will be meeting with Mullica Township representatives to discuss opportunities for economic development within the town, which is almost entirely served by septic systems.
- Staff will be meeting with Egg Harbor City officials to discuss rezoning a parcel to accommodate a commercial development.
- Staff continues to work with Hammonton regarding its plan to acquire a portion of the Frog Rock Golf Course to use for the onsite application of treated wastewater.
- Staff continues to assist Winslow Township officials regarding a matter that is currently in municipal court. A property owner has removed a significant amount of soil from a parcel without application to the Commission.
- Staff is assisting Estell Manor officials with a situation that involves an abandoned mine and illegal Off Road Vehicle (ORV) use.

Stacey Roth, Chief, Legal & Legislative Affairs, reminded Commissioners that Financial Disclosure Statements must be filed by May 15, 2019.

Communications Officer Paul Leakan provided an update on the following:

- The 30th Annual Short Course had almost 600 attendees. Based on an on-line survey of the event, attendees were very satisfied with the program. The Summer Short Course will be held on July 18th at Kramer Hall in Hammonton.
- The Pinelands Orientation for Newly Elected Officials is scheduled for July 23rd.
- A media tour is being scheduled for the Buena Borough Water Pollution Control Plant. Commissioners will be invited to attend.

Commissioner Prickett said he enjoyed both Joel Mott's and John Bunnell's presentations at the Short Course.

Public Development Projects and Other Permit Matters

Chairman Earlen presented the Bass River Fire Tower resolution.

Commissioner Avery made a motion Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0868.031) (See Resolution # PC4-19-13). Commissioner Barr seconded the motion.

ED Wittenberg said NJDEP's original application was deemed complete in May of 2018. The Commission voted on that application at its August 10, 2018 meeting, but there were not enough votes to pass the resolution. The NJDEP withdrew the application in October and resubmitted the application in January of 2019. The NJDEP resubmitted the same application with the addition of responses to questions raised by the public and Commissioners. She noted the Commission had received four appeals of her recommendation.

Commissioner Lohbauer said he disagrees with the counsel's and the attorney general's office decision to deny the four third-party appeals that were filed on this application. He said amendments to the Comprehensive Management Plan (CMP) were placed on hold two years ago regarding this very matter. He said the original Commission wanted to afford the public the right to file these matters. He said when the Legislature changed the Administrative Procedure Act (APA) in 1993, it had no bearing on the CMP. He also said there is no case law that said the APA change in 1993 applies to the CMP. He said he feels the public does have the right to third-party appeals.

Ms. Roth said legally, the Supreme Court has spoken on the matter. She said that, as was discussed at the time of the CMP Amendments, the Commission's staff is obligated to interpret and follow the law as it exists. She said the APA removed the authority of state agencies to confer third-party hearing rights, even if those agencies had regulations to do so. She noted a decision regarding an application that was before the then Meadowlands Commission where the Court found that the Meadowlands Commission could not apply its third-party appeal regulations (In re Amico/Tunnel Carwash). She added that the Division of Law also provided written guidance in February 2018, advising that the 1993 APA amendments apply to this Commission.

Commissioner Lloyd said he disagrees and that staff is applying provisions the Commission did not agree with or adopt. He said the staff works for the Commission, not the AG's Office.

DAG Miles said further discussion on this matter is more appropriate for closed session. The Commission chose not to enter into Closed Session.

Commissioner Lohbauer thanked the Forest Fire Service for responding to the questions raised by Commissioners. He said he accepts that the Forest Fire Service needs a clear view of the forest from the Bass River Fire Tower and that certain alternatives won't meet its needs. He said he disagrees with staff's conclusion to allow clear cutting of 16.4 acres of forest. He said the tree cutting is not necessary. He said a new tower could be built;

however, it is cost prohibitive. He said the cost of the tree clearing was not addressed in the revised application. The relocation of the tower and topping of trees were also not addressed. He said in less than five years, the surrounding trees at Bass River will further obstruct the view from the tower. He said cutting the trees is not the only option or the quickest. Even if the application is approved today, it will take the NJDEP a year to cuto the trees. He said there is an alternate solution and this is why he wanted to have a discussion with the Forest Fire Service after the application was withdrawn.

Commissioner Lloyd said he shares many of Commissioner Lohbauer's concerns. He said the Commission should not be reviewing forestry applications on a case-by-case basis. He said he would like to have a discussion with the NJDEP and come up with a comprehensive plan to manage the forest. He thanked the NJDEP for answering some of the Commission's questions and said he will vote for the resolution.

Commissioner Quinn said he is prepared to vote yes on today's resolution but he agrees with Commissioner Lloyd in that the Commission needs to have broader discussions about forest management and fire safety of Pinelands communities.

Commissioner Prickett said the NJDEP and the Commission need to have a better working relationship. He agrees with the comments raised by the other Commissioners.

Commissioner Barr said the Commission needs better coordination with the NJDEP and Forest Fire Service. He said he is prepared to vote yes today but said he cautions any future votes on similar matters without a plan. He said the health and safety of the public is important to him.

Commissioner Howell compared the Bass River Fire Tower application to other instances of environmental conflict and said resolution was met by compromise. He said John Muir wanted to preserve landscapes as they were and Gifford Pinchot advocated wise use of natural resources. He said this Commission and the public want to preserve the Pinelands. He said the NJDEP answered most of the questions raised. He said he has to defer to the personnel fighting the fires because they are the experts.

Chairman Earlen noted the recent special legislative hearing on Pinelands wildfires and the recent fire that destroyed thousands of acres in Burlington County. He said he is not an expert on forestry, forest fires or threatened and endangered species.

ED Wittenberg called the roll.

The Commission adopted the resolution by a vote of 10 to 1.

Planning Matters

Chairman Earlen presented the Bass River Township Ordinance 2018-05 resolution implementing an alternate permitting process for single family dwellings.

Commissioner Lohbauer made a motion Issuing an Order to Certify Ordinance 2018-05, Amending Chapter 16 (Subdivisions and Site Plans) and Chapter 17 (Zoning) of the Code of Bass River Township (See Resolution # PC4-19-14). Commissioner Pikolycky seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Earlen presented the Manchester Township master plan and land use ordinances resolution.

Commissioner Lohbauer made a motion Issuing an Order to Certify the Master Plan and Land Use Ordinances of Manchester Township, Up to and Including Ordinance 18-035, for That Portion of the Township Outside the Pinelands Area but Within the Pinelands National Reserve(See Resolution # PC4-19-15). Commissioner Avery seconded the motion.

Commissioner Avery said the settlement agreement for the Heritage Minerals site includes the development of 2,450 residential units and commercial development. He noted that the agreement may or may not be valid at this time and that will be determined by the Court. He said in order for the development to occur, sewer service will have to be installed through the Forest Area, which the CMP may not permit.

Chief Planner Grogan said she reread the settlement agreement and the section on sewer service does not specify where the sewer line will be installed. She said it does state that the NJDEP “shall approve sewer lines.” She said she believes the Commission would be able to permit the sewer lines because the settlement designated a development area and an area to be deed restricted in the Forest Area, where thousands of acres would remain undeveloped. She said should the application proceed, the sewer discussion will need to take place. She noted that the action the Commission is being asked to take today does not change anything with the Heritage Minerals property. She said the town is merely implementing the terms of the Settlement Agreement in addition to Manchester’s own agreement with Heritage Minerals.

Ms. Roth said the litigation is still pending in federal court. She said the NJDEP denied the Coastal Area Facilities Review Act (CAFRA) permit that proposed almost double the amount of units than the number in the settlement agreement.

Commissioner Lloyd asked if the applicant filed an appeal of NJDEP’s permit denial.

Ms. Roth said she would provide an update after speaking with Deputy Attorney General assigned to the case.

The Commission adopted the resolution by a vote of 11 to 0.

Memorandum of Agreement

Chairman Earlen presented a resolution related to the Memorandum of Agreement with the South Jersey Transportation Authority.

Commissioner Barr made a motion Authorizing the Executive Director to Execute the First Amendment to the February 26, 2004 Memorandum of Agreement between the South Jersey Transportation Authority and the New Jersey Pinelands Commission Eliminating the Seasonal Mowing Restriction Relating to the Grassland Conservation and Management Area at Atlantic City International Airport (See Resolution # PC4-19-16). Commissioner Avery seconded the motion.

ED Wittenberg said that staff informed the P&I Committee back in May of last year about the need to amend the existing MOA with SJTA to move the grassland habitat. She said it was discussed at six P&I Committee meetings and five Commission meetings and included a site visit to the airport. She noted that the P&I Committee moved the resolution to the full Commission without recommendation.

Ms. Roth said the original MOA with SJTA began in 2003. The Atlantic City Airport and SJTA proposed a number of short term projects that would impact two threatened and endangered bird species, the Uplands sandpiper and the Grasshopper sparrow, and the state designated threatened and endangered lepidoptera species, the Frosted elfin butterfly. Offsetting measures in the MOA included the creation and maintenance of a 290-acre Grassland Conservation and Management Area (GCMA). She said about three years after the 2004 MOA was executed, the Federal Aviation Administration (FAA) issued an Advisory Circular and Cert Alert related to wildlife attractants and protection of state - listed species habitat on airports and keeping a certain distance/buffer from the area of operation. She said currently the GCMA is about 30 feet from the taxiway, which does not meet the requirements of the Advisory Circular. She said at the same time, bird strikes at the airport began to increase. She said SJTA conducted a Wildlife Hazard Assessment that prompted the Authority to request that the Commission re-evaluate the location of the GCMA. She said the First Amendment would eliminate the seasonal mowing restrictions for the GCMA and permit the SJTA to continue to mow the area to a grass height of 5-10 inches year-round while encouraging a monoculture of turf grass.

Ms. Roth then explained the offsetting measures to compensate from the loss of the GCMA:

- an initial payment of \$500,000 and then five annual payments of \$500,000, to be added to the Pinelands Conservation Fund for land acquisition;
- the acquisition of a parcel for, and the creation and long-term maintenance of, a new GCMA area, that will, at a minimum provide 25 hectares of effective grassland habitat; and
- the enhancement of 12 acres in the northeastern quadrant of the airport as habitat for the frosted elfin butterfly and the designation of this enhanced habitat and the location of the existing colony at the airport within the Forest Preservation Area on the airport's layout plan.

She added that the Policy and Implementation Committee requested that provisions be included in the MOA to ensure that the Authority undertakes the offsetting measures. Ms. Roth provided an overview of those provisions.

Ms. Roth answered questions raised by Commissioners.

In response to a question from Commissioner Barr concerning what would happen if the airport were transferred to another state agency, Ms. Roth stated that should any successor takeover the airport, the obligations in this agreement will be transferred to that party and the MOA shall remain in effect. Commissioner Howell commented on the increase in bird strikes at the airport since creation of the grassland associated with the original MOA.

Ms. Roth said there is a safety concern, especially if the airport personnel cannot see what species are in the un-mowed GCMA. The airport has a process in place to deal with geese and other nuisance species that may inhabit the mowed GCMA.

Commissioner Lohbauer said he was skeptical when staff first presented the proposal to remove the GCMA. He said after reading through the many documents, he is supportive of the MOA. Commissioner Lohbauer thanked staff for its efforts.

Chairman Earlen thanked the South Jersey Transportation Authority for adjusting to the Commission's needs and working under a limited timeframe. He said the tour at the Atlantic City Airport was very helpful.

The Commission adopted the resolution by a vote of 11 to 0.

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

Mark Demitroff of Richland, NJ, provided comments on Application #1982-2560.004 (see attached handout). He indicated that Buena Vista Township may not have applied to the Commission for certain development and the Township may not have followed its own administrative code. He said he is not against the development of the trails. He noted that the trails are being constructed in a parabolic dune field.

Ordinances Not Requiring Commission Action

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

- Barnegat Township Ordinance 2019-4
- Egg Harbor Township Ordinance 4-2019
- Folsom Borough Ordinance 02-2019
- Hamilton Township Ordinance 1897-2019
- Jackson Township Ordinance 07-19
- Maurice River Township Ordinance 681
- Plumsted Township Ordinances 2019-04 and 2019-05

- Upper Township Ordinance 001-2019
- City of Vineland Planning Board Resolution 6317

No members of the Commission had questions.

General Public Comment

Commissioner Jannarone ended the call.

Margit Meissner-Jackson, Chair of the Ocean County Sierra Club, said the Bass River Fire Tower is archaic and a new one should be constructed. She said the 16 acres of trees should not be cut down. She said the pipelines could blow up and cause massive destruction to New Jersey. She said there is radioactive material at the Heritage Minerals site in Manchester Township, and it would not be a good place to build homes.

Mark Demitroff asked the Commission if Buena Vista Township is permitted to engage in redevelopment projects as both the developer and the redevelopment entity.

Karl Swanseen of Bass River Township spoke about the appeal process regarding the Commission's regulations. He said the Commission's vote on the Bass River Fire Tower was based on wrong information. He said he wished the Commission had done more due diligence. He said the NJDEP did not answer the Commission's questions. He said if the tower were moved it would have better views of the forest.

Chairman Earlen thanked Mr. Swanseen for sharing pertinent information throughout the Bass River Fire Tower application process.

Jeff Tittel, Director of the Sierra Club, read a John Muir quote about forests into the record. He said the Commission should have planned first and approved later regarding the Bass River Fire Tower application. He said the state needs to update its high hazard fire mapping and the Commission should incorporate the maps into the CMP. He asked Commissioners to use the South Jersey Gas pipeline as a lesson and not make politically expedient decisions. He said the Southern Reliability Link is currently being built while the litigation continues.

Rhyan Grech of the Pinelands Preservation Alliance said the Alliance appreciates the intent of the resolution invalidating Pinelands Resolution No. PC4-17-03 and suggested that the Commission also invalidate Resolution No. PC4-17-42, which was the resolution that set out the process to review the South Jersey Gas application. She said she submitted a letter to the Executive Director requesting that and asked the Commission to proceed with the rule making process for infrastructure projects.

Deb Smith of Burlington County raised concerns about the decision to cut trees surrounding the Bass River Fire Tower. She said the vote was shortsighted and she is very disappointed.

Dave Dempsey, Shamong Twp. asked if the Commission had time to look at the Recreational Trails Program (RTP) information that he sent to the Commission. He added that he organized a clean-up at Wharton and it was a great success.

Chairman Earlen asked that Mr. Dempsey allow the Commissioners additional time to review the information.

Karl Swansen provided additional information about the cost effectiveness of building a new fire tower rather than cutting the trees surrounding the existing aging tower.

Resolution to Retire into Closed Session

DAG Miles read a resolution to enter into closed session to discuss the appeals related to the South Jersey Gas matter.

Commissioner Lohbauer made a motion to enter into closed session. Commissioner Barr seconded the motion. The Commission agreed to retire into closed session by a vote of 10 to 0, beginning at 11:44 a.m.

Return to Open Session

The Commission entered back into open session at 12:30 p.m. DAG Miles provided a summary of the closed session. She said the Commission discussed litigation related to the South Jersey Gas matter. Commissioner Howell left the meeting

DAG Miles said the Commission received legal advice regarding the South Jersey Gas natural gas pipeline matter. The Commission discussed the potential adoption of a resolution regarding substantive provisions of the matter due to the materially changed circumstances related to BL England. She added that Commissioner Lloyd did not participate in the discussion.

Commissioner Lloyd said he recused himself from the closed session discussion about the South Jersey Gas pipeline matter because he recused from the original matter.

Chairman Earlen said based on the closed session discussion, no action will be taken at this time.

Commissioner Avery made a motion to postpone the matter (Resolution Invalidating Pinelands Resolution No. PC4-17-03) to a subsequent meeting. Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0. Commissioner Lloyd recused himself from the vote.

Adjournment

Commissioner Pikolycky moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 12:35 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: April 30, 2019



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 13

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

Commissioner Avery moves and Commissioner Barr seconds the motion that:

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

1990-0868.031

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

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

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

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

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

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

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

Record of Commission Votes

AYE	NAY	NP	AR*	AYE	NAY	NP	AR*	AYE	NAY	NP	AR*
		X		Irick	X			Prickett	X		
X				Jannarone	X			Quinn	X		
X				Lloyd	X			Rohan Green			X
		X		Lohbauer		X		Earlen	X		
X				Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 12, 2019

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean W. Earlen
Sean W. Earlen
Chairman



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Executive Director

March 22, 2019

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

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

Dear Applicant:

The Commission staff has completed its review of this application for tree clearing to restore visibility from the Bass River State Forest fire tower. Enclosed is a copy of a Public Development Application Report and Certificate of Appropriateness. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 12, 2019 meeting.

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

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

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

Please do not hesitate to contact me with any questions.

Sincerely,



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

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

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



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 THE PINELANDS COMMISSION
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 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT
 AND CERTIFICATE OF APPROPRIATENESS**

March 22, 2019

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

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

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

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

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

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

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

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

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

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

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

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.22)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

result in a risk to public safety.

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

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

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

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

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

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

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

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

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

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

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

(Commenters: N & P)

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

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

(Commenter: G)

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

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

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

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

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

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

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

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

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

A. Howard Chew

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

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

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

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

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

List of Documents Submitted by the Public

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

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

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

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

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

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

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

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

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

CONDITIONS

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

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

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 14

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

Commissioner Lohbauer moves and Commissioner Piholycky seconds the motion that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that

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

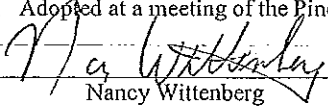
Record of Commission Votes

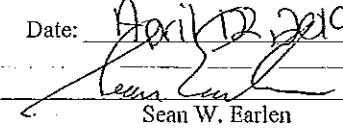
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun			X		Irick	X				Prickett	X			
Avery	X				Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Christy			X		Lohbauer	X				Earlen	X			
Howell	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 12, 2019


Nancy Wittenberg
Executive Director


Sean W. Earlen
Chairman



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

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

March 29, 2019

Bass River Township
PO Box 307
New Gretna, NJ 08224

FINDINGS OF FACT

I. **Background**

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

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

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

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

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

II. Master Plans and Land Use Ordinances

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

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

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

1. **Natural Resource Inventory**

Not applicable.

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

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

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

This standard for certification is met.

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

Response to CMP Amendments

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

Alternative Permitting Program

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

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

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

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

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

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

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

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

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

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

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

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Response to CMP Amendments

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

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

Alternate Permitting Program

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

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

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

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

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

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

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

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

Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

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

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

CONCLUSION

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

SRG/DBL/CBR
Attachments

Bass River Township Preliminary Zoning Permit Application

Updated on 3/29/2019

1. Applicant Name(s)

Mailing Address _____

City _____ State _____ Zip _____

Telephone Number _____ Email Address _____

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

Agent Name

Mailing Address _____

City _____ State _____ Zip _____

Telephone Number _____ Email Address _____

3. Property Owner Name(s)

Mailing Address _____

City _____ State _____ Zip _____

Telephone Number _____ Email Address _____

4. Property Subject of Development Application:

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

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

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

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

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

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

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

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

Signatures of Applicant(s):

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

Signatures of Property Owner(s)

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

BASS RIVER TOWNSHIP PRELIMINARY ZONING PERMIT

Bass River Township Permit No. _____

Pinelands Application No. _____

Issue Date: _____ Expiration Date: _____

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

CONDITIONS

1. This permit is not valid unless accompanied by the plan dated _____ **and** signed by each of the individuals whose signatures appear on this permit.
2. The following type of sewer service or sewage disposal shall be required (check one):
_____ Public Sewer _____ Standard sewage disposal system
_____ Other: _____
3. All development shall be located on the property as specified on the accompanying plan.
4. Conformance with the area, yard and bulk requirements of Chapter 17 of Bass River Township that are in effect as of the date this permit is issued shall be re-verified as a prerequisite to the issuance of a construction permit.
- 5.
- 6.

NOTICE TO PERMITTING AND APPROVAL AGENCIES

- 1. This permit shall be accepted in lieu of a Pinelands Certificate of Filing until the expiration date shown above.
- 2. Permits and approvals shall adhere to the accompanying plan and above conditions to ensure consistency with the Code of Bass River Township and the Pinelands Comprehensive Management Plan.
- 3. A copy of any permit or approval which identifies the above noted application number shall be provided to the Pinelands Commission within 5 days of its issuance. The Pinelands Commission shall thereafter determine whether that permit or approval can take effect.

Pinelands Commission

Bass River Township

Signature Date

Signature Date

Name (Print) _____

Name (Print) _____

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

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

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

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 15

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

Commissioner Lohbauer moves and Commissioner Avery seconds the motion that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that

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

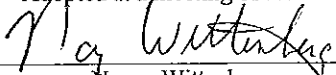
Record of Commission Votes

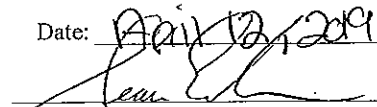
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun			X		Irick	X				Prickett	X			
Avery	X				Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Christy			X		Lohbauer	X				Earlen	X			
Howell	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 12, 2019


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
 (609) 894-7300
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PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

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

March 29, 2019

Township of Manchester
 1 Colonial Drive
 Manchester, NJ 08759

FINDINGS OF FACT

I. **Background**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Prior CMP Amendment Petitions

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

Presidential Gardens Application

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

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

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

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

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

II. Master Plans and Land Use Ordinances

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

1. **Pinelands Management Areas**

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

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

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

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

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

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

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

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

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

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

2. Township Zoning Districts and District Regulations

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

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

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

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

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

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

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

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

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

III. Public Hearing

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

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

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

IV. Executive Director's Response

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Conclusion

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

SRG/DBL/CMT
Attachments



MANCHESTER TOWNSHIP

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

DEPARTMENT OF ADMINISTRATION

FEB 15 2018

DONNA L. MARKULIC, MAS
BUSINESS ADMINISTRATOR

KENNETH T. PALMER
MAYOR

February 12, 2018

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

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

Dear Ms. Grogan:

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

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

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

Very truly yours,

Kenneth T. Palmer
Mayor

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

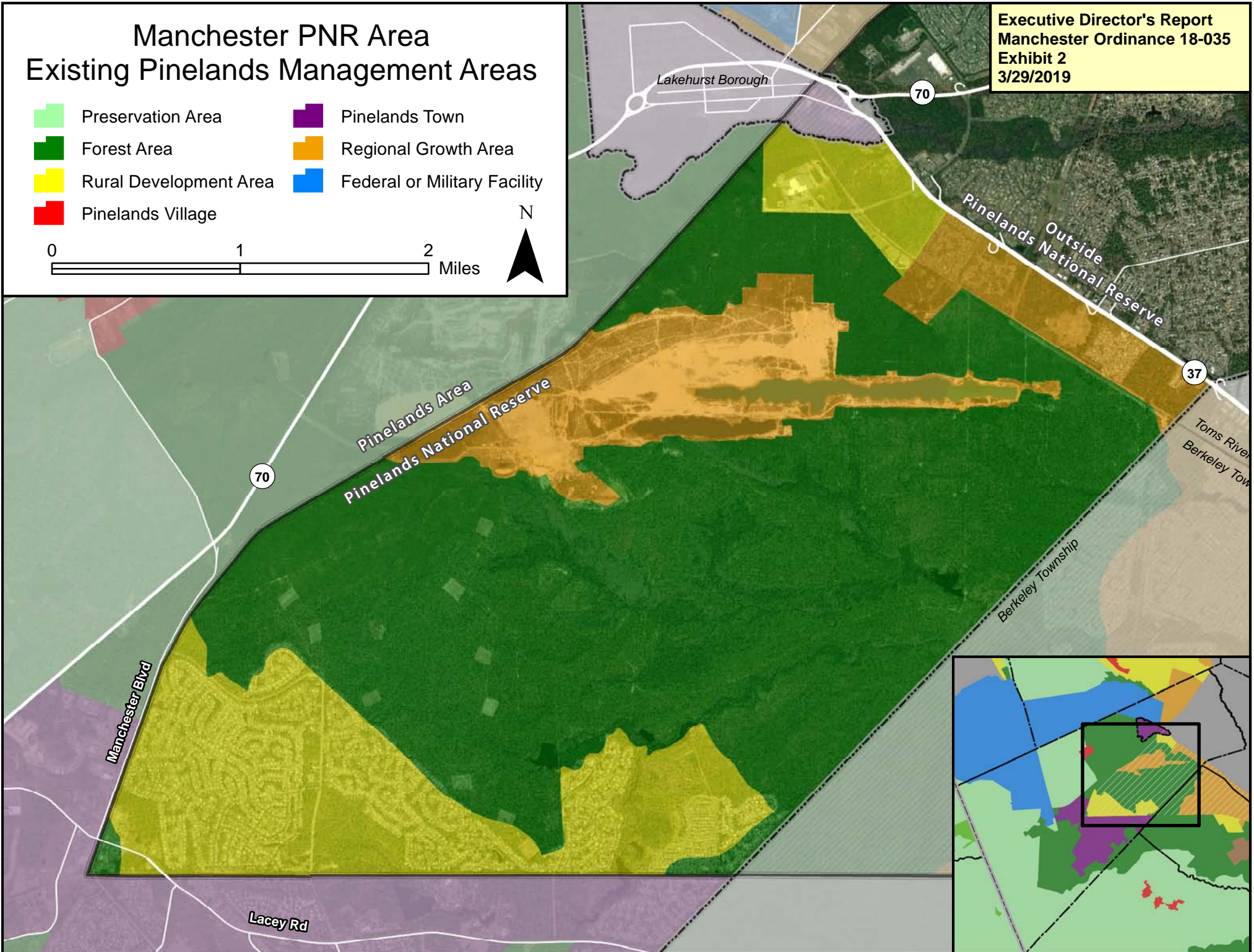
Manchester PNR Area Existing Pinelands Management Areas

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

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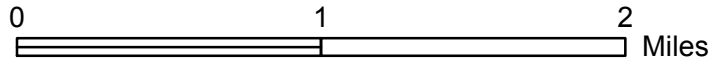


Executive Director's Report
Manchester Ordinance 18-035
Exhibit 2
3/29/2019

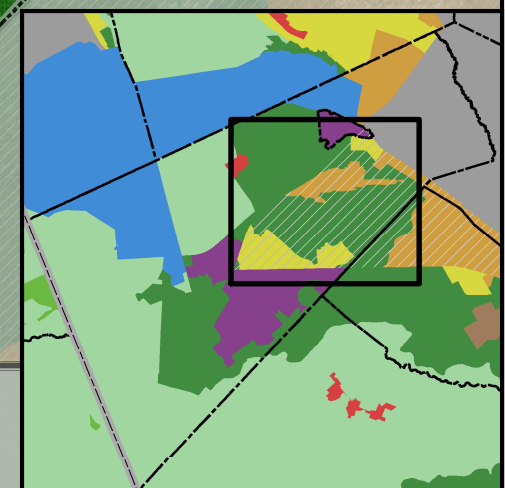
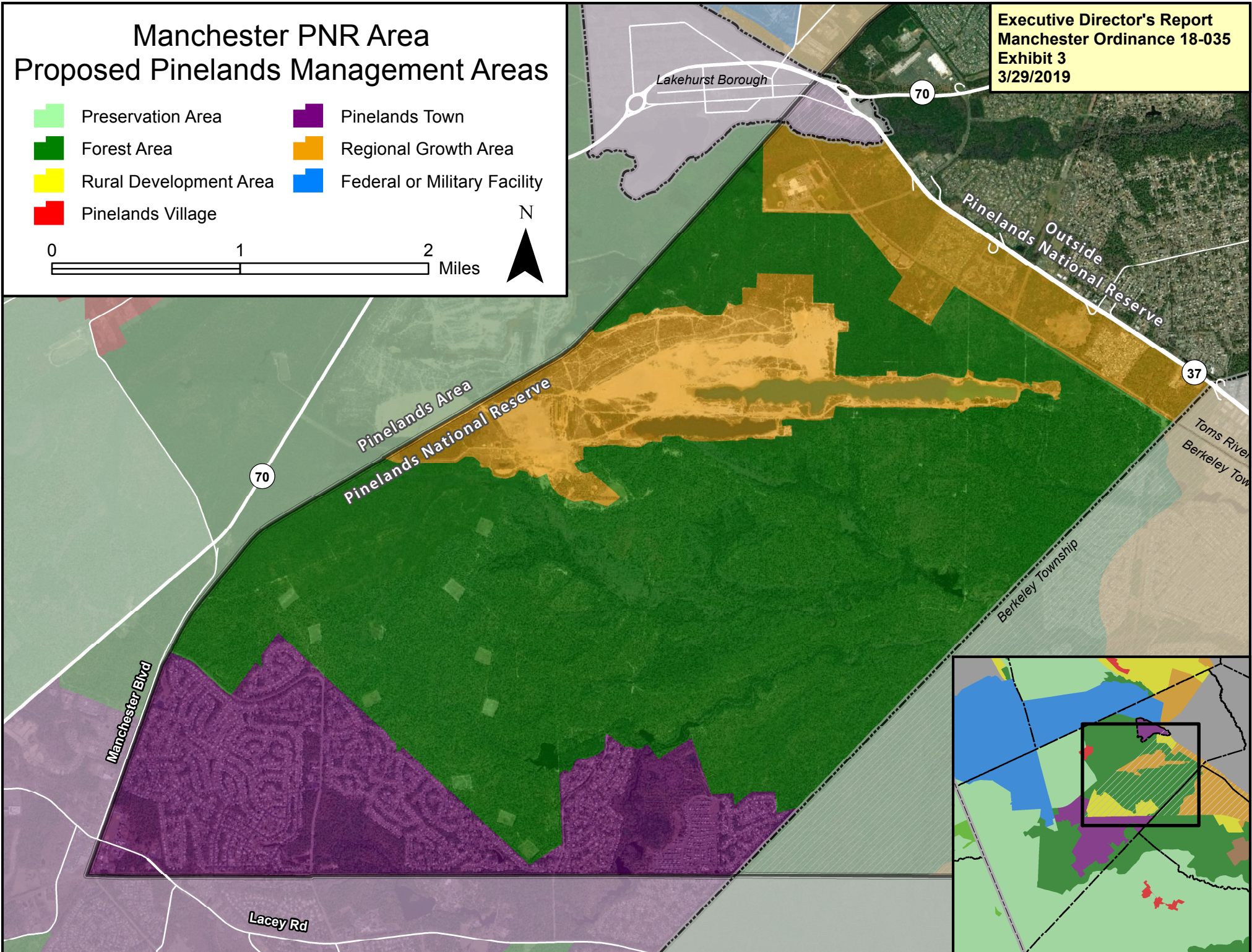


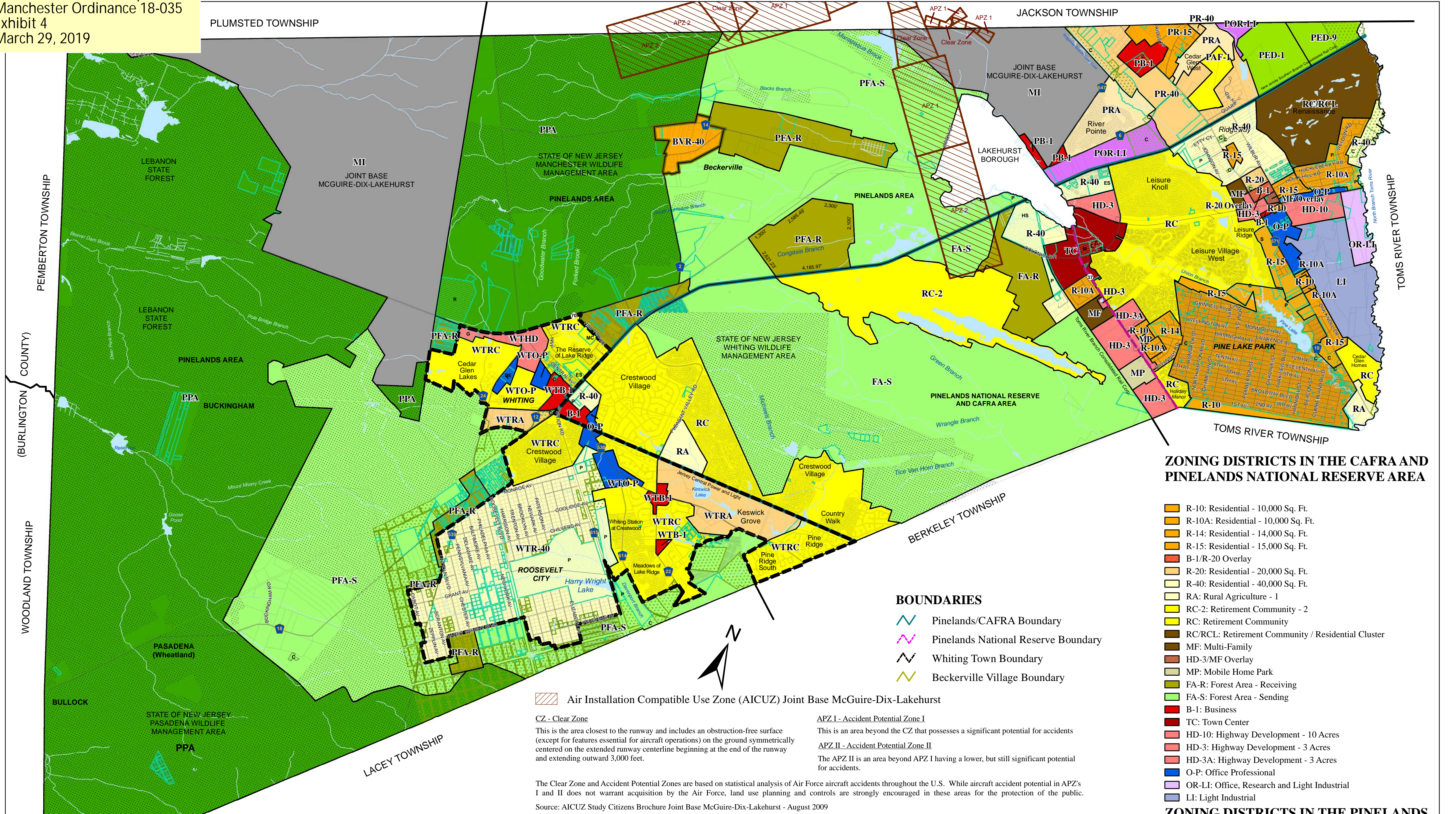
Manchester PNR Area Proposed Pinelands Management Areas

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



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





ZONING DISTRICTS IN THE CAFRA AND PINELANDS NATIONAL RESERVE AREA

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

ZONING DISTRICTS IN THE PINELANDS AREA

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

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

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

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

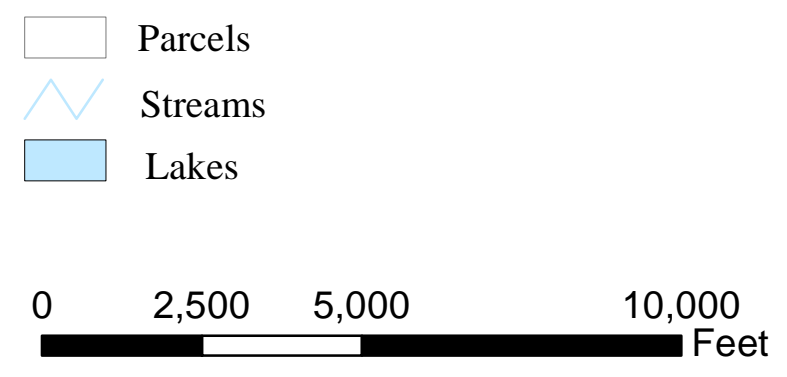
APZ I - Accident Potential Zone I
 This is an area beyond the CZ that possesses a significant potential for accidents

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

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

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

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



- Parcels
- Streams
- Lakes

PUBLIC OPEN SPACE AND FACILITIES *

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

* For Informational Purposes Only
 Source: Ocean County Parcels & Mod-IV database 2016

ZONING MAP

MANCHESTER TOWNSHIP

Ocean County, New Jersey

Adopted December 10, 2018



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

March 6, 2019

RE: Manchester Amendments to Master Plan and Land Use Ordinances

Dear Ms. Grogan:

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

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

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

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

Thank you for your consideration in listening to our voices.

Sincerely,

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



March 6, 2019

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

Re: Manchester Township Master Plan and Land Use Ordinances

Dear Ms. Grogan,

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

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

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

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

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

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

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

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

Sincerely,

Rhyan Grech
Policy Advocate
Pinelands Preservation Alliance

Britta Wenzel
Executive Director
Save Barnegat Bay

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

March 6, 2019

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

planning@pinelands.nj.gov

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

Dear Ms. Grogan:

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

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

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

I oppose the change for the following reasons:

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

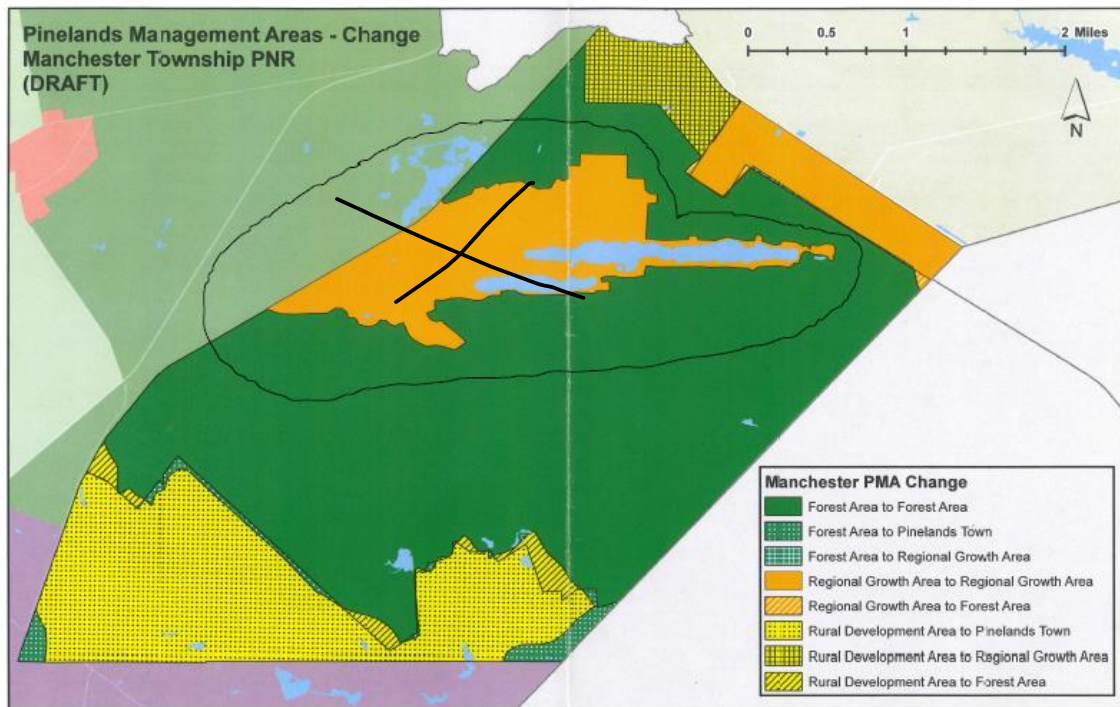
Thank you for your time and consideration. I look forward to your response.

Sincerely,

Karen Argenti

Attachments

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



The 2011 Master Plan states:

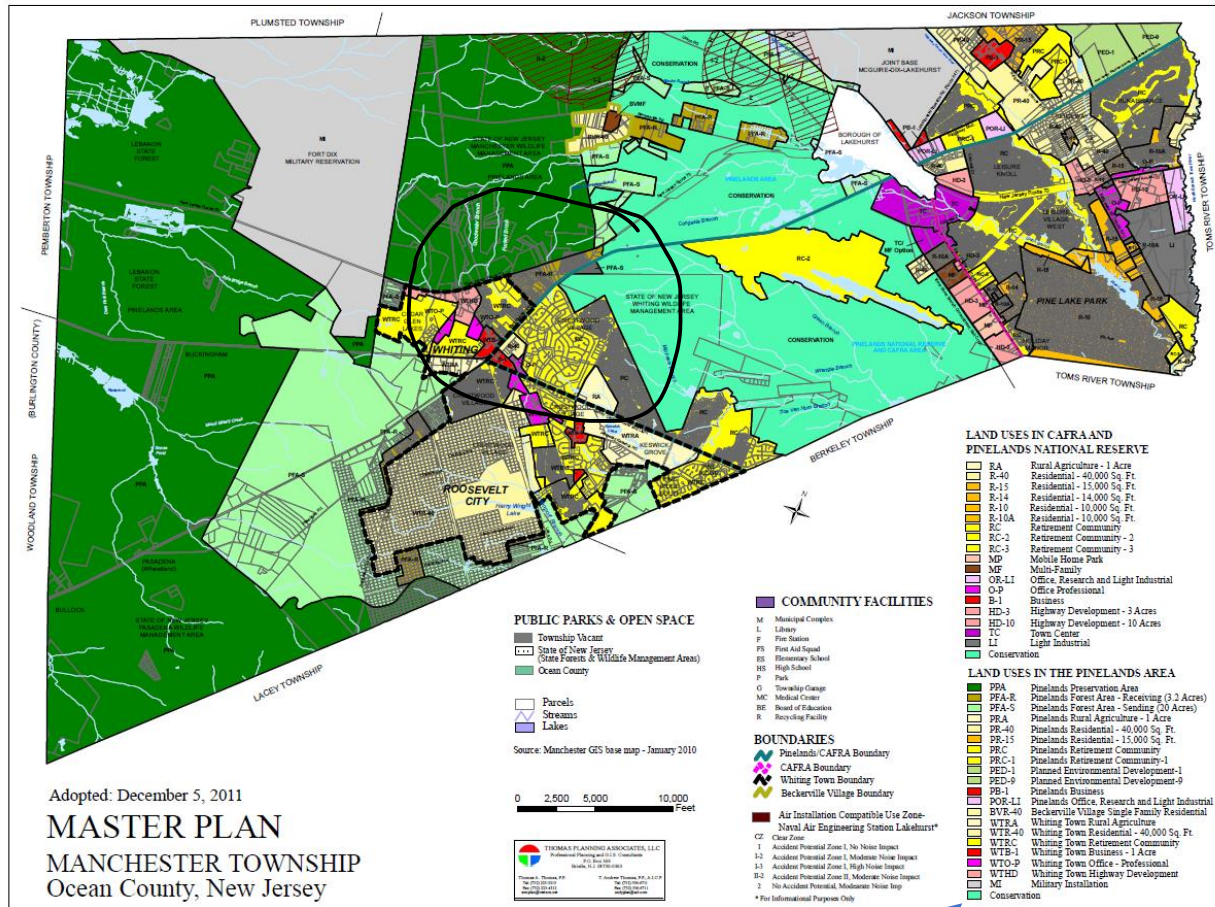
PINELANDS COMPREHENSIVE MANAGEMENT PLAN

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

CAFRA

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

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



Here is the enlarged legend:

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 116

TITLE: Authorizing the Executive Director to Execute the First Amendment to the February 26, 2004 Memorandum of Agreement between the South Jersey Transportation Authority and the New Jersey Pinelands Commission Eliminating the Seasonal Mowing Restriction Relating to the Grassland Conservation and Management Area at Atlantic City International Airport

Commissioner Barr moves and Commissioner Avery seconds the motion that:

WHEREAS, the New Jersey Pinelands Commission (hereinafter "Commission") is a public body, corporate and politic which was established to prepare and administer the Pinelands Comprehensive Management Plan (the "CMP") to protect the resources of the Pinelands Area of the State of New Jersey; and

WHEREAS, the South Jersey Transportation Authority is an instrumentality of the State of New Jersey exercising public and essential governmental functions and is the owner and operator of the Atlantic City International Airport ("ACY") located in Egg Harbor Township, Atlantic County, New Jersey; and

WHEREAS, the New Jersey Pinelands Commission (the "Commission") and the South Jersey Transportation Authority ("SJTA" or the "Authority") (both of which are collectively referred to herein as the "Parties") entered into a Memorandum of Agreement ("MOA"), dated February 26, 2004, which authorized the development of certain short-term development projects at ACY; and

WHEREAS, the ACY property is comprised of approximately 2,100 acres, approximately 84 acres of which are owned by the SJTA and upon which the terminal building and associated airport support facilities are located; the other 2,000+ acres of which the Authority leases from the United States of America (the "Property"); and

WHEREAS, as an airport that services commercial air carriers, ACY is required to be certified under 49 U.S.C. 44706 as implemented by 14 C.F.R. Part 139; and

WHEREAS, as a Part 139 Certified Airport, ACY is subject to regulation by the Federal Aviation Administration ("FAA"); and

WHEREAS, the Property is located within a Pinelands Regional Growth Area and a Pinelands Military and Federal Installation Area; and

WHEREAS, as part of the measures included in the February 26, 2004 MOA, intended to provide an equivalent level of protection for the resources of the Pinelands, the Authority was required to create and enhance a 290 acre modified grass community, the Grassland Conservation and Management Area, located in the northwest quadrant of the airport; and

WHEREAS, the Authority created the required Grassland Conservation and Management Area and has continued to manage it in accordance with Paragraph III.A.6.d of the February 26, 2004 MOA; and

WHEREAS, environmental commitments were incorporated into the February 26, 2004 MOA by Paragraph III.A.5 and designated as Attachment 3; and

WHEREAS, Paragraph 23 of Attachment 3 of the February 26, 2004 MOA prohibits activities within the Grassland Conservation and Management Area from April 15 through August 15 in order to protect the Upland sandpiper and Grasshopper sparrow during their critical breeding and brooding period; and

WHEREAS, Paragraph 9 of Attachment 3 of the February 26, 2004 MOA also requires all grassland management activities to adhere to the approved mowing plan that restricts mowing in the Grassland Conservation and Management Area from April 15 through August 15, to reduce potential nest destruction and mortality of incubating adults or flightless chicks; and

WHEREAS, following the execution of the February 26, 2004 MOA, the FAA issued updated Advisory Circular FAA AC 150/5200-33B, which was originally published in 1997 and updated in 2004 and again in

2007, and CertAlert 06-07 issued in 2006; Both the Advisory Circular FAA AC 150/5200-33B and CertAlert 06-07 relate to potential wildlife attractants and protection of state-listed species' habitat on airports.; and

WHEREAS, as a result of these updates, the Authority contracted with the United States Department of Agriculture, Wildlife Services in 2009 to conduct a new Wildlife Hazard Assessment for ACY, which was completed and accepted by FAA in March 2011, and which contained a recommendation for the Authority to re-examine the impact of the February 26, 2004 MOA on airport safety; and

WHEREAS, upon completion of the Wildlife Hazard Assessment, the United States Department of Agriculture, Wildlife Services, worked with Authority staff at ACY to develop a new Wildlife Hazard Management Plan for ACY and to implement wildlife hazard management activities according to such plan; and

WHEREAS, ACY currently operates under an FAA approved Wildlife Hazard Management Plan, dated April 2017, that continues to identify the need for reevaluation of the February 26, 2004 MOA, specifically, the continued requirement to maintain the Grassland Conservation and Management Area on the ACY property, in order to allow for management provisions to protect health and safety and continuation of safe airport operations; and

WHEREAS, on or about December 2017, representatives of the Authority in response to these safety concerns expressed an interest in pursuing an amendment of the February 26, 2004 MOA to a) relocate the Grassland Conservation and Management Area off the ACY property in order to b) allow the Authority to mow this area year-round without the existing seasonal restrictions contained with Attachment 3 of the February 26, 2004 MOA; and

WHEREAS, the Authority has submitted documentation, including letters from the FAA, the USDA Wildlife Biologist working with the Authority to implement the Wildlife Hazard Management Plan at ACY, the Commander of the New Jersey Air National Guard stationed at ACY to the Commission to substantiate its need to mow the Grassland Conservation and Management Area and maintain it a height of 5 to 10 inches after April 15, 2019, and to maintain the grass at that height year round, in order to address safety concerns related to its presence on the airport property; and

WHEREAS, removal of the Grassland Conservation and Management Area constitutes a change to one of the offset measures that was included in the February 26, 2004 MOA and was intended to afford, at a minimum, an equivalent level of protection of the resources of the Pinelands; and

WHEREAS, such measures were required pursuant to N.J.A.C. 7:50-4.52(c)2 in order for the Commission to permit the deviations from the standards of the Pinelands CMP that were authorized by the February 26, 2004 MOA; and

WHEREAS, the removal of the Grassland Conservation and Management Area, through mowing the grasses to a height that is not consistent with the habitat requirements of local populations of the Upland sandpiper, Grasshopper sparrow and the Frosted elfin butterfly would itself constitute a deviation from the threatened and endangered wildlife standards of the Pinelands CMP at N.J.A.C. 7:50-6.33; and

WHEREAS, the Authority has been working to identify new measures that will ameliorate the loss of the Grassland Conservation and Management Area and, thereby provide a replacement offset for the deviations from the standards of the Pinelands CMP authorized February 26, 2004 MOA; and

WHEREAS, the Authority has proposed to undertake the following offsetting measures:

- 1) Make an initial payment of \$500,000 to the Commission to be added to the Pinelands Conservation Fund ("PCF") for land acquisition within the Pinelands Area in accordance with the priorities established by the Commission for that fund and, if available, contains habitat suitable for threatened or endangered grassland birds;
- 2) Make five additional annual payments of \$500,000 each which would also be added to the PCF and dedicated for land acquisition in the same manner as the initial \$500,000 payment;
- 3) Acquire land within the Pinelands for and creation and long term maintenance of a new Grassland Conservation and Management Area, of which at least 62 acres is already cleared and located at least 50 meters from any structure or forest edge; and
- 4) Enhance an approximately twelve (12) acre site located adjacent to the Forest Preservation Area in the northeast quadrant of the airport, for the frosted elfin butterfly through the planting of wild indigo (hereinafter collectively referred to as the "offsetting measures"); and

WHEREAS, these offsetting measures are being offered by the Authority to ameliorate for the loss of the Grassland Conservation and Management Area and in order to demonstrate continued compliance with the threatened and endangered species standards of the Pinelands CMP, N.J.A.C. 7:50-6.33, as a result of the

elimination of the seasonal mowing restrictions and the construction of the short-term projects delineated in the February 26, 2004 MOA; and

WHEREAS, in addition to these offsetting measures, the proposed First Amendment to the February 26, 2004 MOA includes provisions to provide assurances to the Commission that these new offsetting measures will be implemented and completed timely, and include:

- 1) A suspension provision that prohibits any new development at ACY should the SJTA fail to make a required annual payment to the Commission or fails to meet the time lines for either 1) the acquisition, creation and maintenance of the new off-airport Grassland Conservation and Management Area or 2) the enhancement and maintenance of the Frosted elfin butterfly habitat in the northeast quadrant of the Property; and
- 2) An payment acceleration provision which would require immediate payment to the Commission of all remaining annual payments that have been not been made up to the date of the events listed in 1) above; and

WHEREAS, should the Authority be unable to obtain a suitable parcel of land for the creation of the new GCMA off the airport property, within the timelines designated in the proposed MOA Amendment, it is obligated to make an additional payment to the Commission based on the fair market value of land at that time and the present day value of the costs SJTA incurred to create and maintain the original GCMA; and

WHEREAS, Section 6 of the Pinelands Protection Act authorizes the Commission "to enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the purposes of the Commission to carry out any power expressly given in this act"; and

WHEREAS, N.J.A.C. 7:50-4.52(c)2 authorizes the Commission to enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorizes such agency to carry out specified development activities that may not be fully consistent with the provisions of N.J.A.C. 7:50-5 and 6, provided such agency demonstrates and the Commission finds that variation from the standards of the Pinelands CMP is accompanied by measures that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands as would be provided through strict application of the CMP's standards; and

WHEREAS, in accordance with the requirements of N.J.A.C. 7:50-4.52(c)3, a public hearing to receive testimony concerning the First Amendment to the February 26, 2004 MOA was duly advertised and noticed on March 8, 2019 in the Press of Atlantic City and on the Commission's website, and the public hearing was subsequently conducted on March 19, 2019 at the Commission's offices in New Lisbon, New Jersey; and

WHEREAS, the public was provided the opportunity to submit written comments concerning the proposed First Amendment to the February 26, 2004 MOA to the Commission until 5:00 p.m. on March 19, 2019; and

WHEREAS, the Commission's CMP Policy and Implementation Committee was briefed at a number of its meetings on the development and contents of the proposed First Amendment to the February 26, 2004 MOA in accordance with the Commission's "Process for Considering An Intergovernmental Agreement", last revised February 8, 2016; and

WHEREAS, the Commission's CMP Policy and Implementation Committee reviewed the draft of the proposed First Amendment to the February 26, 2004 MOA at its March 29, 2019 meeting, provided direction concerning revisions and referred the First Amendment to the full Commission for its consideration; and

WHEREAS, the Executive Director in her report entitled "Report on a Proposed First Amendment to the February 26, 2004 Memorandum of Agreement Between the South Jersey Transportation Authority and the New Jersey Pinelands Commission Regarding Atlantic City International Airport" dated April 10, 2019 concludes that the proposed First Amendment to the February 26, 2004 MOA is consistent with the requirements of the Pinelands CMP and, therefore, recommended that the Commission approve the First Amendment to the February 26, 2004 MOA; and

WHEREAS, the Commission finds that the offsetting measures proposed by the Authority provide an equivalent level of protection for the resources of the Pinelands as would be provided through strict application of the threatened or endangered wildlife standards of the Pinelands CMP as required by N.J.A.C. 7:50-4.52(c), because it will result in:

- 1) Funding, creation and maintenance of a new Grassland Conservation and Management Area, consisting of viable habitat for the Upland sandpiper and the Grasshopper sparrow, on a site where these species are not susceptible to airstrike and, resultant mortality;
- 2) As a result of the \$3,000,000 payment to the PCF over the course of six (6) years, the acquisition and preservation of the equivalent of approximately \$9,000,000 worth of ecologically sensitive lands located within the Pinelands Area, including lands containing grassland bird habitat, if available, will occur, because of the leveraging of these funds through 1/3 grants of the fair market value land acquisition cost; and

3) The enhancement and preservation of twelve (12) acres of land located within the northeast quadrant and outside of the airport's operation area for the Frosted elfin butterfly in the vicinity of an existing Frosted elfin butterfly colony.

WHEREAS, the Commission, based upon the Executive Director's Report dated April 10, 2019 and the administrative record, also finds that the First Amendment to the February 26, 2004 MOA, attached hereto, satisfies the standards of N.J.A.C. 7:50-4.52(c), which authorizes the Commission to enter into such agreements; 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 agrees to enter into the First Amendment to the February 26, 2004 MOA between the South Jersey Transportation Authority and the New Jersey Pinelands Commission, attached hereto.

BE IT FURTHER RESOLVED that the Commission authorizes its Executive Director to execute the First Amendment to the February 26, 2004 MOA between the South Jersey Transportation Authority and the New Jersey Pinelands Commission.

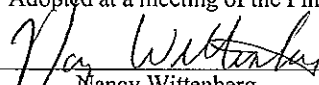
Record of Commission Votes

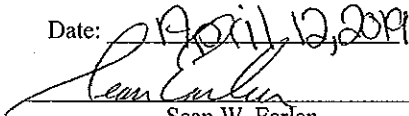
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun			X		Irick	X				Prickett	X			
Avery	X				Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Christy			X		Lohbauer	X				Earlen	X			
Howell	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 12, 2019


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



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



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

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

April 10, 2019

**REPORT ON A PROPOSED FIRST AMENDMENT TO THE FEBRUARY 26, 2004
MEMORANDUM OF AGREEMENT BETWEEN THE SOUTH JERSEY TRANSPORTATION
AUTHORITY AND THE NEW JERSEY PINELANDS COMMISSION REGARDING
ATLANTIC CITY INTERNATIONAL AIRPORT**

FINDINGS OF FACT

The South Jersey Transportation Authority (the “Authority”) has requested an amendment of the February 26, 2004 Memorandum of Agreement (the “2004 MOA”), between it and the Pinelands Commission (the “Commission”) which authorized construction of certain short-term projects at the Atlantic City International Airport (“ACY”). The Proposed Amendment would eliminate the seasonal mowing restriction contained within the Environmental Commitments, Attachment 3, to the 2004 MOA and permit the Authority to mow the grass within the Grassland Conservation and Management Area (the “GCMA”) located at the airport to a height of 5 to 10 inches year round.

I. Background and Purpose of the 2004 MOA

Creation and maintenance of a 290-acre GCMA was one of the offsetting measures included in the 2004 MOA to provide an equivalent level of protection for the resources of the Pinelands as would be provide through strict application of the standards of the Pinelands Comprehensive Management Plan (the “Pinelands CMP”), N.J.A.C. 7:50. Specifically, the GCMA was intended to compensate for irreversible adverse impacts to critical habitat for two threatened and endangered grassland bird species, the Upland sandpiper (*Bartramia longicauda*), a State designated endangered species and Grasshopper sparrow (*Ammodramus savannarum*), a State designated threatened species, as well irreversible adverse impacts to suitable habitat for a State designated threatened species of Lepidoptera, the Frosted elfin butterfly (*Callophrys [Incisalia] iris*), associated with the development of the short-term projects at ACY.

II. Atlantic City International Airport, Updated FAA Guidance, Subsequent Studies and Recommendations

Following execution of the 2004 MOA, the Federal Aviation Administration (“FAA”) issued updated Advisory Circular FAA AC 150/5200-33B, which was originally published in 1997, updated in 2004 and updated again in 2007. It also issued Cert Alert 06-07 in 2006. Both FAA AC 150/5200-33B and Cert Alert 06-07 relate to potential wildlife attractants and protection of state-listed species’ habitat on airports. As a result of these updates, the Authority conducted a Wildlife Hazard Assessment for the Airport. This assessment was completed and accepted by the FAA in March 2011. One of the recommendations of this assessment was for the Authority to re-examine the impact of the 2004 MOA on airport safety, specifically the continuation of the Grassland Conservation and Management Area on site.

Upon completion of the initial Wildlife Hazard Assessment, the Authority contracted with the United States Department of Agriculture, Wildlife Services, to develop a Wildlife Hazard Management Plan for ACY and to implement wildlife hazard management activities at ACY. The current Wildlife Hazard Management Plan for the airport, dated April 2017, identifies the need for reevaluation of the 2004 MOA, specifically the continuation of the GCMA on the ACY property, in order to allow for management provisions to protect health and safety and continuation of safe airport operations.

In addition to the creation and maintenance of the GCMA, the 2004 MOA required the Authority to conduct development of the short-term projects according to specified environmental conditions. One of these conditions was a seasonal restriction, which prohibited the disturbance of grassland habitat on the airport between April 15 and August 15. The purpose of the seasonal restrictions were to protect the Upland sandpiper and Grasshopper sparrow during their critical breeding and brooding period. These seasonal restrictions were subsequently incorporated into the mowing plan (hereinafter referred to as the seasonal mowing restrictions) for the GCMA, which is a part of the Atlantic City International Airport – Wildlife Hazard Management Plan.

The Authority has indicated the need to mow the GCMA prior to the start of this year's seasonal restriction period, i.e. April 15, 2019, and to continue to mow the area year round in order to maintain the grass height at 5 to 10 inches. The basis for this request is its concern regarding bird strikes and airport safety. The Authority has submitted documentation, including letters from the FAA, USDA and the Commander of the New Jersey Air National Guard stationed at the airport substantiating airport safety concerns resulting from the presence of the GCMA at the airport.

III. FAA Regulations and Guidance

Specifically, in its letter dated April 4, 2018, FAA stated its position that not only is the GCMA at ACY placing state-listed species in an unsafe wildlife setting, which is in direct conflict with the intent of the original conservation goal for this area, but it could be detrimental to aviation safety at ACY. In support of this position, the FAA provided details concerning its regulations and guidance relative to wildlife hazard management at Part 139 Certified Airports, such as ACY. ACY is a commercial service airport that is regulated by the FAA under 49 USC §§44701 *et seq.* as implemented through 14 CFR Part 139.

The regulations pertaining to wildlife hazard management at certified airports are set forth at 14 CFR 139.337. These provisions require the airport operator to take immediate action to alleviate wildlife hazards whenever they are detected. 14 CFR 139.337(a). Wildlife hazard is defined as the potential for a damaging aircraft collision with wildlife on or near an airport. 14 CFR 139.5. The regulations also require the airport operator to conduct a wildlife assessment when any of the following triggering events occur on or near the airport: 1) an air carrier aircraft experiences multiple wildlife strikes, 2) an air carrier aircraft experiences substantial damage from striking wildlife, 3) an air carrier aircraft experiences an engine ingestion of wildlife, or 4) wildlife of a size or in numbers capable of causing one of these enumerated events is observed to have access to any airport flight patterns or aircraft movement area. 14 CFR 139.337(b). The wildlife assessment must be conducted by a wildlife damage management biologist¹ or someone under direct supervision of such an individual. 14 CFR 139.337(c).

¹ This title is outdated and was replaced by FAA with the term “qualified airport wildlife biologist”, which has the same meaning for the purposes of complying with Part 139. See AC 150/5200-38, dated August 20, 2018.

Once a wildlife hazard assessment is completed, it must be submitted to the FAA Administrator for approval and a determination of the need for a wildlife hazard management plan. Id. When the Administrator determines that a wildlife hazard management plan is needed, the airport operator must formulate and implement a plan, based on the wildlife hazard assessment that must, among other requirements, provide measures to alleviate or eliminate wildlife hazards to air carrier operations. 14 CFR 139.337(e).

SJTA contracted with the United States Department of Agriculture (“USDA”), Wildlife Services in 2009 to conduct a new Wildlife Hazard Assessment for ACY. This Assessment was completed and accepted by FAA in March 2011 and included a recommendation that SJTA re-examine the impact of the February 26, 2004 MOA on safety at ACY. Upon completion of the Wildlife Hazard Assessment, the USDA worked with SJTA’s staff at ACY to develop a new Wildlife Hazard Management Plan for and to implement wildlife hazard management activities at ACY. ACY currently operates under an FAA approved Wildlife Hazard Management Plan, dated April 2017. This current Plan continues to identify the need for reevaluation of the February 26, 2004 MOA, specifically, the continued requirement to maintain the Grassland Conservation and Management Area on the ACY property, in order to allow for the implementation of management practices that protect health and safety and continuation of safe operations at ACY.

As noted by FAA in its letter, in addition to the regulatory requirements delineated above, the FAA has published Cert Alert 06-07 regarding state-listed species at airports and Advisory Circular FAA AC 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports. Since 2004, when the MOA requiring creation and maintenance of the GCMA at ACY was implemented, the FAA has put greater emphasis on controlling wildlife hazards and establishing minimum separation distances between an airport’s operations area (“AOA”) and identified hazardous wildlife attractants.

FAA AC 150/5200-33B provides guidance to airport operators on how to assess and address wildlife attractants when locating new facilities and implementing certain land-use practices on or near public use airports. The Advisory Circular contains separation distances between hazardous wildlife attractants and the AOA. According to the Advisory Circular, these separation distances were determined based on: 1) flight patterns of piston-powered and turbine powered aircraft, 2) the altitude at which most strikes happen (78% occur under 1,000 feet and 90% occur under 3,000 feet) and 3) the National Transportation Safety Board’s recommendations. The recommended separation established by FAA AC 150/5300-33B for piston-powered aircraft is a minimum of 5,000 feet and a minimum of 10,000 feet is the recommended separation for turbine-powered aircraft. Both types of aircraft utilize ACY. The GCMA is located approximately 30 feet from adjacent taxiway and aircraft ramps and 250 feet from adjacent runway centerlines. Thus, the GCMA is located within ACY’s AOA and within the minimum separation areas established in FAA AC 150/5200-33. Consequently, it would not be permissible to establish the GCMA on the airport today.

FAA’s Cert Alert 06-07 provides procedures for airport operators to use when responding to requests by state wildlife agencies to facilitate and encourage habitats for state-listed threatened or endangered species or species of concern that occur on airports and may pose a threat to aviation safety. As was the case with FAA AC 150/5200-33B, Cert Alert 06-07 was promulgated after the 2004 MOA was executed. Cert Alert 06-07 advises airport operators to decline to adopt habitat management techniques that jeopardize airport safety. Although it recognizes that not all state-listed threatened and endangered species pose a direct threat to aviation, it notes that these species may still pose an indirect threat and be hazardous, because they attract other wildlife species or support prey management practices attractive to species that are directly hazardous to aircraft. Notably, Cert Alert 06-7 illustrates this point through the

example of the grassland habitat preferred by the Grasshopper sparrow. This habitat supports a wide variety of insects and small mammals that pose an indirect threat to aviation, because they are very attractive to large birds (hawks, owls, gulls, etc.) that can pose a direct threat to aviation. Consequently, Cert Alert 06-07 states that on-airport habitat and wildlife management practices designed to benefit wildlife that directly or indirectly create safety hazards where none existed before are incompatible with safe airport operations. Moreover, it warns airport operators, to avoid adopting habitat management techniques that jeopardize aviation safety, because it could result in violation of their obligations and subject them to an enforcement action and possible civil penalties under 49 USC §44706, as implemented by 14 CFR §139.77.

IV. Requirements Attributable to Federal Funding

In addition to being a commercial service airport and certified under Title 14 CFR Part 139, ACY receives federal Airport Improvement Program (AIP) grants. As an AIP grant recipient, the SJTA is required to make certain assurances, which include: 1) Grant Assurance 19 (Operations and Maintenance) that requires SJTA to maintain the airport in a safe and serviceable condition and to avoid activities on the airport that would interfere with its use for airport purposes; 2) Grant Assurance 20 (Hazard Removal and Mitigation) that requires SJTA to take appropriate actions to assure ACY's terminal airspace is adequately cleared and protected by mitigating existing airport hazards and preventing the establishment or creation of future airport hazards; and 3) Grant Assurance 21 (Compatible Land Use) that requires SJTA to take appropriate action to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes that are compatible with normal airport operations. FAA letter dated April 4, 2018. Moreover, as an AIP grant recipient, SJTA is obligated to adhere to FAA Advisory Circulars, including the standards, practices and recommendations contained within FAA AC 150/5200-33B. Failure to adhere to Title 14 and FAA Advisory Circulars or to comply with its grant assurances could result in penalties or denial of future AIP funding. Id.

V. Safety Concerns Raised by the Department of the Air Force, Headquarters Air Force Safety Center and the New Jersey Air National Guard 177th Fighter Wing

In memoranda to the SJTA, dated November 17, 2017 and December 6, 2017, and a letter dated April 7, 2018 to the Pinelands Commission, both the Department of the Air Force, Headquarters Air Force Safety Center and the Commander of the New Jersey Air National Guard, 177th Fighter Wing, stationed at ACY, expressed safety concerns regarding the grass heights in the GCMA. As a result, both recommended that the 2004 MOA be reevaluated.

According to the Air Force Safety Center, airfields are artificially maintained environments designed for the safe launch and recovery of aircraft and, as such, should not be used as a wildlife conservation easement. Additionally, it advised that Air Force Instruction 91-202 mandates:

“Mow aircraft movement area (AMA) to maintain a grass height between 7 and 14 inches. The AMA is that area of the airfield encompassed by the Primary Surface and the Clear Zones, as well as apron areas and taxi ways, regardless of their location. As a minimum, turf shall be maintained 500 feet outside the AMA boundary where able....”

Additionally, it stated that maintaining or modifying vegetation on and/or surrounding an airfield to attract wildlife is in contrast to the flight safety paradigm.

Similarly, the Commander of the Air National Guard, 177th Fighter Wing, in his November 7, 2017 Memorandum of Record also referenced the Air Force's 7 to 14 inch airfield grass height recommendation and provided an excerpt current Bird Airstrike Hazard (BASH) Plan that recommends "a more uniform turf, elimination of bare areas, and management of grass heights between 7 to 14 inches (6-12 per FAA guidance) where possible." The Commander also expressed his support for a change to the airfield grass management strategy to enhance safety in support of the 117th Fighter Wing's mission.

The Commander reiterated his safety concerns in his April 7, 2018 letter to the Commission, in which he stated that, because the height of the grass surrounding the airport does not meet United States Air Force flight safety standards, the risks of wildlife strikes continues to present the risk of aircraft damage or destruction while engaged in flight operations. According to the Commander, the mowing restrictions create an extremely concerning hazard with respect to the safe operation of F-16 aircraft and that the 177th Fighter Wing continued to experience several wildlife strikes. To emphasize this concern, he provided information concerning a bird strike incident involving an F-16 that occurred two years prior and cause such significant damage to the front of the aircraft that it completely restricted the pilot's visibility. The aircraft could only be landed by flying in close formation with another F-16. He further stated that continued compliance with the mowing restrictions for the GCMA was incompatible with the 177th Fighter Wing's mission, safety and national defense and urged the Commission to mitigate for the environmental concerns in a manner that does not impact safety of flight.

VI. Technical Memorandum Prepared by ERS, Inc. for SJTA

The potential safety concerns articulated by the FAA and others are substantiated by the data provided by SJTA in the report entitled "Technical Memorandum" dated August 31, 2017. This report was prepared by Sarah Brammell, a FAA qualified airport wildlife biologist. The report examines wildlife strike data for ACY including frequency of strikes, the time of year when strikes occur, the species involved and whether there has been a change in the strike data since the GCMA at ACY was implemented. Based on this data, the Technical Report concluded that the GCMA is functioning as a wildlife attractant and that should be eliminated.

As documented by the Technical Memorandum, since creation of the GCMA, the number of bird strikes at ACY has increased. On average, prior to 2004, there were approximately 23 bird strikes involving non-military aircraft a year. After implementation of the MOA, starting in 2004, the annual average increased to approximately 46 bird strikes per year. Additionally, the highest numbers of bird strikes involving non-military aircraft occur from May through August; this correlates with the time during which mowing of the GCMA is not permitted.

Additionally, bird strikes involving the two threatened and endangered bird species of concern, the Upland sandpiper and the Grasshopper sparrow, increased following creation of the GCMA. Prior to 2004, the number of strike reports involving the Upland Sandpiper and the Grasshopper sparrow were 2 and 0, respectively. After 2004, the number of strikes increased to 8 for the Upland sandpiper and 20 for the Grasshopper sparrow. This data indicates that not only is the GCMA acting as a hazardous wildlife attractant, it is negatively impacting the mortality of the threatened or endangered species sought to be conserved through its creation.

Moreover, based on a review of the data regarding the species of birds involved in collisions with aircraft from 1990 through 2017, the Technical Memorandum found that a higher percentage of species with potential to be attracted to the GCMA were reported struck after the establishment of the GCMA. Prior to 2004, 36% of the strikes involved species with the potential to be attracted to the GCMA and after 2004, 58% of the strikes involved these species.

The vegetative components of the GCMA are defined in paragraph 13 of the Environmental Commitments, Attachment 3 to the 2004 MOA, which required that the grassland creation and enhancement activities at ACY achieve the following vegetation characteristics:

a.	Grass Cover	Min 60%	Max 80%
b.	Forb Cover	Min 10%	Max 30%
c.	Total Herbaceous Cover	Min 70%	Max 80%
d.	Shrub Cover	Min 0%	Max 10%
e.	Nuisance Species	Min 0%	Max 10%
f.	Bare Ground	Min 20%	Max 30%
g.	Vegetation Height		
	Mid May through Mid June	Min 10"	Max 16"
	June through August	Min 10"	Max 16"

As discussed in Cert Alert 06-0, the grassland habitat preferred by grasshopper sparrows supports a wide variety of insects and small mammals. Thus, it is the above referenced vegetative characteristics that cause the GCMA to be a hazardous wildlife attractant. This was confirmed by the Technical Memorandum. According to the Technical Memorandum, the best way to manage an airfield is to have a dense monoculture of grass/fescue devoid of broad leaf species (weed, herbs, forbs) and bare ground patches, at a height of 6 to 12 inches. This is because such a monoculture is less attractive to smaller flocking birds than a mix of plants species with sparse vegetation. As noted in the Technical Memorandum, the birds commonly observed in the vicinity of ACY, with the exception of Canada geese, do not feed on grass. Rather, they forage in habitats with insects, seeds, broad leaf plants and small vertebrates. Additionally, the bare areas and less dense vegetation allow birds to move through the habitat easily.

With regard to grass height, grasses in excess of 12 to 14 inches create a habitat conducive to higher prey species populations such as mice, rats, rabbits, snakes, insects and other small animals. This food source attracts species with higher average body mass, such as raptors. Additionally, this taller vegetation provides cover areas for birds and larger animals such as Upland sandpipers, larks, sparrows, foxes, white-tailed deer and coyotes which are a greater risk to aircraft. Technical Memorandum, dated August 31, 2017, pg 23. These species would be considered higher ranked species relative to the hazard they present to aircraft. FAA AC 150/5200-33B, Table 5.

The taller vegetation heights at the GCMA during the seasonal mowing prohibition, also reduces the ability of wildlife hazard management staff to observe wildlife on the airfield that could pose a threat to aviation. FAA regulations require such situations, the inability to readily observe and detect a wildlife hazard that could a threat to aviation, to be remediated. 14 CFR §139.337

VII. Findings

The data in the Technical Memorandum as delineated above supports the finding that the existence of the GCMA is acting as a wildlife hazard attractant, which in turn increases the risk of for a damaging

aircraft collision with wildlife on or near an airport. Moreover, in accordance with 14 CFR §139.377(a), SJTA as the operator of a certified Part 139 has the regulatory obligation to alleviate this wildlife hazard. The data provided in the Technical Memorandum documents the need to remove the seasonal mowing restrictions, and effectively the GCMA at ACY, by maintaining the grass in the area at a height between 5 to 10 inches year round.

Additional findings are included in the “whereas” paragraphs of the proposed MOA amendment and are incorporated herein by reference.

VIII. Basis for the First Amendment to the February 26, 2004 MOA

In order for the Commission to enter into a MOA with a governmental entity that permits development that may not be fully consistent with the land use and development standards (N.J.A.C. 7:50-5 and 6) of the Pinelands CMP, the governmental entity must demonstrate and the Commission must find that variations from the Plan are accompanied by measures that will, at a minimum, afford an equivalent level of protection for the resources of the Pinelands than would be provided through strict application of the CMP. N.J.A.C 7:50-4.52(c)2. As discussed above, the creation and maintenance of the GCMA was one of the measure proposed in the 2004 MOA to offset the impacts to threatened or endangered wildlife from the short-term projects authorized through the MOA. Specifically, the GCMA was intended to compensate for irreversible adverse impacts to approximately 77 acres of critical habitat for the endangered Upland sandpiper and approximately 62 acres of critical habitat for the threatened Grasshopper sparrow. It also provided an offset for the impacts to approximately 4 acres of suitable habitat for the threatened Frosted elfin butterfly.

Mowing of the GCMA is inconsistent with the habitat requirements of the local populations of these threatened or endangered wildlife species. As a result, the continued mowing of this area to height of 5 to 10 inches will result in the elimination of the GCMA on ACY. In order to compensate for this loss, and thereby provide a replacement offset for the deviations from the standards of the Pinelands CMP authorized by the 2004 MOA, SJTA has proposed the following offsetting measures:

1. Make an initial payment of \$500,000 to the Commission to be added to the Pinelands Conservation Fund (“PCF”) for land acquisition within the Pinelands Area in accordance with the priorities established by the Commission for that fund and, if available, contains habitat suitable for threatened or endangered grassland birds;
2. Make five additional annual payments of \$500,000 each which would also be added to the PCF and dedicated for land acquisition in the same manner as the initial \$500,000 payment;
3. Fund the acquisition of land within the Pinelands for and create and maintain a new Grassland Conservation and Management Area, of which at least 25 hectares (62 acres) is already cleared and the cleared acreage is located at least 50 meters (164 feet) from any structure or forest edge;
4. Enhance an approximately twelve (12) acre site located adjacent to the Forest Preservation Area in the northeast quadrant of the airport, for the frosted elfin butterfly through the planting of wild indigo;

5. Execute and filing of a Deed of Conservation Restriction for the new Grassland Conservation and Management Area to protect it as grassland bird habitat in perpetuity; and
6. Amend the Layout Plan for ACY to extend the area currently designated as “Forest Preservation Area – to be Held in Reserve. No Development Shall Occur” to include not only the twelve (12) acres that will be enhanced for the Frosted elfin butterfly, but also the area approximately 2,000 feet away where are well-document colony of this species is currently located.

Development of the short-term projects authorized by the 2004 MOA was expected to result in the loss of approximately 77 acres of critical habitat for the Upland sandpiper and 62 acres of habitat for the grasshopper sparrow. In order to offset these habitat impacts, as required in the FEIS, the Commission accepted the creation and maintenance of the 290 acre GCMA. The FEIS derived the required acreage of the GCMA based on a no net loss of habitat value standard. The FEIS found that a 290 acre GCMA would not only result in no net loss of habitat value for the Upland sandpiper and the Grasshopper sparrow, it would yield a 24% and 14% increase in habitat value for each species, respectively. .

For determining whether an equivalent value is provided for a deviation of the threatened or endangered animal species standards at N.J.A.C. 7:50-6.33, The Commission applies a 3:1 replacement ratio for impacts to critical habitat and a 1:1 ratio for impacts to suitable habit. However, in the present case, the habitat needs of both the Upland Sandpiper and the Grasshopper sparrow are similar. Thus, in order to be considered an equivalent level of protection for these resources, the proposed offset must provide for the replacement of at least 231 acres (3 x 77 acres) of grassland bird habitat. As noted above, the offsetting measures provided by the SJTA include the creation of a new GCMA off the airport property that will consist of, at a minimum, 25 hectares (62 acres) of cleared land that is located 50 meters (164 feet) from any structure or tree edge. Given the 50 meter buffering requirements of the Upland sandpiper, the site acquired by SJTA for the new GCMA will need to be greater than 62 acres in size.

Moreover, because of the area sensitive species requirements of the Upland sandpiper and the lack of available and suitable property in the vicinity of the airport, SJTA has also agreed to make a \$3,000,000 payment over a six year time period to the Commission for land acquisition. These monies will be added to the Pinelands Conservation Fund and used for land acquisition within the Pinelands Area in accordance with the priorities established by the Commission for that fund and, if available, to preserve habitat suitable for threatened or endangered grassland birds. Through the Pinelands Conservation Fund, the Commission contributes up to 1/3 of the fair market value for acquisition of lands within the Pinelands that meet its guidelines. Consequently, in addition to creation of the new GCMA, SJTA’s \$3,000,000 monetary contribution will result in the conservation of the approximately \$9,000,000 worth of ecologically sensitive lands within the Pinelands. Based on historical land acquisition costs for comparable sites, such funds could be expected to result in the acquisition and preservation of an additional approximately 1125 acres of ecologically sensitive lands in the Pinelands Area depending upon land costs at the time of acquisition. Consequently, these two offsetting measures provide, at a minimum, an equivalent level of protection of the resources of the Pinelands as would have been provided through strict application of the CMP as required by N.J.A.C. 7:50-4.52(c)2.

Additionally, SJTA will be enhancing 12 acres of land in the northeast quadrant of the airport for the Frosted elfin butterfly. This results in a 3:1 replacement ratio to compensate for the impacts of the short-terms projects on suitable habitat for the Frosted elfin butterfly. However, the Commission only requires a 1:1 replacement ratio for impacts to suitable threatened or endangered wildlife habitat impacts.

Furthermore, not only is SJTA enhancing habitat for the Frosted Elfin, it will be preserving such habitat and habitat used by an existing colony of Frosted elfin butterfly at ACY, through the inclusion of both of these areas on ACY's layout plan as within the area designated as "Forest Preservation Area – to be Held in Reserve. No Development Shall Occur." Therefore, SJTA has provided measures for the Frosted elfin butterfly that, at a minimum, afford and equivalent level of protection as would be provided through strict application of the CMP.

IX. Assurances

The proposed MOA Amendment includes a number of measures to ensure the SJTA undertakes and completes the offsetting measures which include the following:

1. A suspension provision that prohibits any new development at ACY should the SJTA fail to make a required annual payment to the Commission or fails to meet the time lines for either 1) the acquisition, creation and maintenance of the new off-airport Grassland Conservation and Management Area or 2) the enhancement and maintenance of the Frosted elfin butterfly habitat in the northeast quadrant of the Property (i.e. triggering events); and
2. A payment acceleration provision which would require immediate payment to the Commission of all remaining annual payments that have been not been made up to the date of the triggering event.

Additionally, should the SJTA be unable to obtain a suitable parcel of land for the creation of the new GCMA off the airport property, within the timelines designated in the proposed MOA Amendment, it is obligated to make an additional payment to the Commission based on the fair market value of land at that time and the present day value of the costs SJTA incurred to create and maintain the original GCMA. The proposed MOA Amendment also requires the SJTA to attend future meeting of the Commission's CMP Policy and Implementation Committee to provide updates as to its efforts to fulfill the offsetting measures required by the proposed MOA Amendment.

PUBLIC HEARING

Pursuant to N.J.A.C. 7:50-4.52(c)3, a public hearing to receive testimony concerning the proposed First Amendment to the 2004 MOA was duly advertised and noticed. The hearing was held by Executive Director Nancy Wittenberg on March 19, 2019 at 10:00 a.m. at the Pinelands Commission's Offices at 15 Springfield Road, New Lisbon, New Jersey. Approximately ten (10) people attended the hearing of which two (2) individuals provided oral testimony. In addition to Executive Director Wittenberg, Stacey Roth and Jessica Noble of the Commission's staff were present at the hearing.

At the outset of the public hearing, Executive Director Wittenberg read a prepared statement informing the members of the public present as to the nature of the MOA amendment being requested and the offsets proposed by the Authority, as well as additional offsetting measures which the Commission was considering and about which it was seeking comment. Ms. Wittenberg also noted that written comment concerning the proposed amendment would be accepted by mail, fax or email until 5:00 p.m. that day.

Ms. Wittenberg advised the public that following the hearing a draft staff recommendation report would be prepared concerning the MOA amendment, which would include the relevant points raised during the hearing and through written comments and staff's analysis of the same for the Commission's review. Ms. Wittenberg further advised that the Commission's CMP Policy and Implementation Committee

would be discussing the proposed MOA Amendment at its March 29, 2019 meeting and that the full Commission would likely consider the proposed MOA Amendment at its meeting on April 12, 2019.

The following testimony was received at the hearing.

Rhyan Grech, Pinelands Preservation Alliance (PPA), Policy Advocate, submitted comments on behalf of PPA. Ms. Grech read her comment letter dated March 18, 2019 into the record. These comments will be summarized under written comments and a copy of this letter, as well as all other written comments received by the Commission are attached to this report.

Sarah Brammell, FAA Qualified Wildlife Biologist, Blue Wing Environmental, testified on behalf of SJTA² in support of the proposed MOA Amendment. She advised that she was the FFA qualified wildlife biologist who conducted a site visit at ACY and prepared the August 2017 Technical Memorandum. She stated that she had been working in the field of aviation for about 20 years. She has worked at ACY on both the civilian side and as part of the Air National Guard Bird/Wildlife Aircraft Strike Hazard Team. She stated that she has an undergraduate degree in biology and a Masters in Public Administration, with a focus on environmental policy. She also noted that she has worked as an environmental manager and planning coordinator for a medium hub and general aviation airports in Florida and that she had worked at probably over 30 civilian airports in Florida, California, Mexico and California. She also served over 35 Air National Guard Units. She stated that this was the background for her testimony.

Ms. Brammell said that at the times the GCMA was instituted at ACY, it was prior to FAA guidance (Advisory Circulars and Cert Alerts), referenced in the Technical Report, that advises airports not to accept conservation areas on the airport operations area due to a risk to aviation safety.

With regard to the proposed MOA Amendment, she said that from the information that SJTA provided, it was clear that the GCMA was a wildlife hazard attractant. She noted that when considering the GCMA, you have to consider not just the Upland sandpiper and the Grasshopper sparrow, but also other species the GCMA attracts, which are the real concern here. Rodents, broad leafed plant species, insects, lizards, amphibians, invertebrates, and anything that serves as a food or prey source will attract other wildlife such as raptors. The GCMA attracts those species and, thus could be a source of some of the raptor strikes at ACY.

The other difficulty from a wildlife hazard and attractant perspective is the height and type of vegetation within the GCMA. Ms. Brammell stated that when the airport cannot mow and the grass gets knee to hip high, you can't see potential hazards in the grasses. For instance, if a goose or a coyote was on the airport and decided to lie down, it could not be seen because of the grass. FAA requires airport operators to remediate situations when potential hazards can neither be seen nor identified. That is why mowing is so important. In addition, Ms. Brammell advised that mowing gets rid of all of the broad leafed species. She testified that the best way to manage an airfield for fewer invertebrates and birds is to have a thick monoculture of turf. According to Ms. Brammell, that is the ultimate, the gold standard for airport safety.

With regard to the Upland sandpiper and the Grasshopper sparrow, Ms. Brammell stated that although they do not present a high risk for damage to aircraft, there are F-16s at ACY, a single engine aircraft,

² Ms. Brammell did not provide a written copy of her testimony. As a result, the full content of her testimony is provided here.

used by the Air National Guard at ACY and are always on alert. Ms. Brammell described the alert system like a fire truck getting a call. Neither the Air National Guard nor the USDA has time to go out and clear the airfield or conduct harassment activities to shoo the birds. Rather, according to Ms. Brammell, the Air National Guard gets the call, they spin out the F-16 aircraft and they take off immediately for their homeland security mission. Thus, she noted, there is a different scenario at ACY than at other civilian airports. She also stated that F-16s are more susceptible to a strike with a smaller bird. She relayed the example of a strike that occurred in Portland involving a horned lark that resulted in a Class A mishap; the aircraft was completely disabled and no longer viable for flight. She said that once ingested a small bird, such as an Upland sandpiper, could do that type of damage. She indicated that although bird strikes can be rare, when they do happen, they can be catastrophic, especially with an armed F-16.

Ms. Brammell also testified that when you look at the goals for the GCAM, i.e. the long term management of the Upland sandpiper and the grasshopper sparrow, you are actually putting the species at risk for strike and mortality. She stated that she did an analysis of the bird strike data prior to and after the creation of the GCMA. With regard to the Upland sandpiper, she found that there were two reported strikes prior to creation of the GCMA and 10 after. With regard to the Grasshopper sparrow, she found that there were over 20 strikes of Grasshopper sparrows and many unknown (unidentified) sparrows. She said that having these species breed and have site fidelity to ACY puts them in harm's way. She indicated that offsite mitigation, such as many airports do for wetland impacts, is more suitable for the species and meeting the long terms goals for the species.

In closing, Ms. Brammell stated that as a FAA qualified biologist, she is looking at whether the wildlife attractant of an area is different, higher and/or more risky than the rest of the airport. It was her opinion that, with regard to the GCMA, the answer to all three factors was an absolute "yes". She indicated that this is the reason that the GCMA needs to be addressed now. According Ms. Brammell, the airport has documented the issue and has the concurrence of a FAA qualified wildlife biologist and the FAA national wildlife coordinator. The GCMA is a wildlife hazard attractant that needs to be remediated. Lastly, she said that from her perspective as a wildlife biologist, not just an FAA qualified wildlife biologist, if you're worried about the species and the resource, adding to an existing preservation fund that can actually benefit the species in an area where they are not susceptible to strike and mortality, is a win-win.

There being no further testimony, the hearing concluded at approximately 10:30 a.m.

Written comments on the proposed MOA Amendment were accepted until 5:00 p.m. on March 19, 2019 and are summarized below:

- 1) March 18, 2019 email from Robert R. Blumberg, Margate resident, opposing the proposed MOA amendment, because of concerns regarding the potential impact on the overall survival of the Upland sandpiper and the Grasshopper sparrow of eliminating the GCMA. The Commenter was not aware of any safety issues at ACY since the 2004 MOA went into effect, felt it would be very difficult to duplicate the birds' habitat at another location, and was concerned about potential impacts on other bird species as a result of clear cutting of forested lands to create the new GCMA. The Commenter thought it would be more prudent to leave the existing MOA in place.
- 2) Letter dated March 19, 2019 from Rhyan Grech, Policy Advocate, PPA, urging the Commission not to approve the proposed Amendment and expressing PPA's concern that the proposed MOA

amendment set a bad precedent for the protection of rare species habitat throughout the Pinelands; that the offsetting measures were inappropriate here because SJTA has failed to demonstrate that there were genuine and unique public safety needs at ACY that could not be addressed another way; and that SJTA had failed to demonstrate that removal of the GCMA will impact the species that experience shows are a danger to aircraft at ACY.

- 3) Letter dated March 19, 2019, from David S. Mizrahi, Ph.D., Vice-President, Research and Monitoring, New Jersey Audubon petitioning the Commission not to approve the proposed MOA Amendment, because the increase in bird/aircraft interactions at ACY is not attributable to the bird species associated with GCMA; peer-reviewed literature indicates that the mowing of the GCMA can potentially attract avian species capable of causing greater damage to aircraft than species associated with the GCMA; the proposed MOA is not supported by the data provided given bird strikes involving non-grassland species have increased by the same magnitude since 2004; and allowing modification of the MOA sets a bad precedent regarding the safe guarding of protected species.

In accordance with N.J.A.C. 7:50-4.53(h), SJTA was advised of the written public comments that were submitted concerning the proposed MOA Amendment. SJTA requested copies of these comments and subsequently submitted additional information to the Commission in response to these comments.

EXECUTIVE DIRECTOR'S ANALYSIS OF THE COMMENTS

As is evident from the oral testimony offered at the hearing and the written comments the Commission received, commenters cited a variety of reasons for supporting and opposing the proposed MOA Amendments. A number of points were raised that bear upon the Commission's decision in this matter. These generally relate to whether the SJTA has demonstrated a need for the elimination of the GCMA based on genuine and unique safety concerns; whether removal of the GCMA will address bird/aircraft interactions at ACY given that species of greatest danger to aircraft are purportedly not attracted to the GCMA; sufficiency of the proposed offsets with the requirements of the Pinelands CMP and the precedent set by the proposed MOA Amendment.

A. Elimination of the GCMA Will Not Address the Safety Concerns at ACY Regarding Bird/Aircraft Collisions.

Comments:

Three commenters expressed concerns regarding whether there was a safety concern at ACY as a result of the creation of the GCMA. All three commenters urged the Commission to leave the existing 2004 MOA in place and not to amend its terms. Specifically, one commenter noted that he was not aware of any safety issues that had arisen at ACY since the 2004 MOA went into effect. He found it disturbing that SJTA was attempting to change the MOA, which protects vital habitat for the Upland sandpiper and the Grasshopper sparrow. The commenter stated that prior to rendering a decision on the proposed MOA Amendment he hoped legitimate scientific studies and species impact statements would be addressed for the GCMA habitat and environment.

Another commenter stated that the safety concerns identified by SJTA had not been verified by relevant data. According to this commenter, the data needed to be verified by the FAA based on real data relevant to the species inhabiting ACY. The commenter was concerned that absent such data the safety concern was being used as an excuse to permit future development of the area occupied by the GCMA.

The commenter also felt that the SJTA must demonstrate that elimination of the GCMA will result in the removal of those bird species that endanger aircraft at ACY. The commenter felt that the data submitted, in particular the Technical Memorandum dated August 31, 2017, failed to meet this standard, because there had been a reduction in bird strikes between 2011 and 2016; Upland sandpipers and Grasshopper sparrows were not among the top ten species involved in bird/aircraft collisions at ACY; only one strike at ACY resulted in substantial damage and that involved an American kestrel and the 14 minor or uncertain damage incidents at ACY since 1990 involved species other than the species for which the GCMA was created; and of the 15 bird/aircraft strikes over the past 29 years, the memo only identifies the Cooper's hawk as likely attracted to the GCMA.

Another commenter also expressed concerns regarding the data supporting the relationship between increased bird strikes at ACY, i.e. safety concerns, and the creation and maintenance of the GCMA. That commenter felt the relationship had been overstated because, although the number of bird/aircraft interactions at ACY after creation of the GCMA nearly doubled, that increase was not attributable to grassland species that would be attracted to the GCMA. Similarly, this commenter stated that the request to amend the 2004 MOA was not supported by the data and will not address bird strikes involving non-grassland birds, which have increased by the same magnitude at ACY as those involving grassland species since 2004.

Response:

The data provide by the SJTA, including the Technical Memorandum dated August 31, 2017, amply document the safety concerns associated with the GCMA. As discussed in the Findings of Fact, ACY as a Part 139 certified airport is regulated by the FAA. 14 CFR §139.337 sets forth the regulations pertaining to Wildlife Hazard Management at certified airports. These provisions require the airport operator to take immediate action to alleviate wildlife hazards whenever they are detected. 14 CFR 139.337(a). Wildlife hazard is defined as the potential for a damaging aircraft collision with wildlife on or near an airport. 14 CFR 139.5. ACY also receives Airport Improvement Program grants from the FAA. As a grant recipient SJTA is obligated to comply with FAA Advisory Circulars and to operate in accordance with certain grant assurances.

As discussed in the August 31, 2019 Technical Memorandum, the GCMA has been found to be a wildlife hazard attractant. Although the species for which the GCMA was created and maintained, the Upland Sandpiper and the Grasshopper sparrow, do not, themselves, create a high risk of damage to aircraft if there is a collision, their habitat does provide a food/prey source for larger species that do pose a risk to aircraft. Technical Memorandum, dated August 31, 2017, pg 23. Moreover, the precise type of habitat found within the GCMA was used by the FAA in its Cert Alert 06-07 as an example of an indirect wildlife hazard attractant. This Cert-Alert noted that the grassland habitat preferred by the Grasshopper sparrow supports a wide variety of insects and small mammals that pose an indirect threat to aviation, because they are very attractive to large birds such as hawks, owls, gulls, and other birds that can pose a threat to aircraft.

As a result, Cert Alert 06-07 states that on-airport habitat and wildlife management practices designed to benefit wildlife that directly or indirectly create safety hazards where none existed before are incompatible with safe airport operations. Moreover, it warns airport operators, to avoid adopting habitat management techniques that jeopardize aviation safety, because it could result in violation of their obligations and subject them to an enforcement action and possible civil penalties under 49 USC §44706, as implemented by 14 CFR §139.77.

Although Cert Alert 06-07 was issued in 2006, approximately three years after execution of the 2004 MOA, it was issued specifically to provide guidance to airports on how to address state-listed species' habitat protections on airports when those species, either directly or indirectly pose a threat to aviation. Notably, Cert Alert 06-07's recommendations include reevaluation of existing agreements with federal, state or local wildlife agencies where the terms of the agreement are or may be contrary to federal obligations concerning hazardous wildlife on or near public-use airports and aviation safety. Recommendation #4. Cert Alert 06-07 also recommends that airports do not deliberately preserve or develop on-airport wildlife habitats such as wetlands, forest, brush, or native grasslands having characteristics that attract hazardous wildlife. Recommendation 1.a.

The USDA wildlife biologist at ACY, through submission of strike reports, has documented the direct and indirect wildlife hazard attractant created by the GCMA at the airport. The Technical Memorandum reviewed the wildlife strike data from the FAA Wildlife Strike Database and Air Force safety data from the Air Force Safety Automated System (AFSAS). Both of these databases include wildlife strike reports, for civilian operations and military operations, respectively, at ACY. Although the Upland sandpiper and the Grasshopper sparrow are not within the top ten birds reported struck at ACY, the data document that there has been an increase in the number of bird/aircraft collisions involving these species.

Although the commenter is correct that the number of bird strikes reported between 2012 and 2016 appears to have decreased, that does not support the conclusion that the GCMA is not having an impact on the number of bird strikes at ACY. The 2004 MOA was fully executed by the parties by February 26, 2004. However, it took three years for the GCMA to be created. Thus, it is not surprising that the impacts of the creation of the GCMA were not apparent until approximately 2007-08. Significantly, once the creation of the GCMA was completed, FAA bird strike reports at ACY more than doubled the number of reports from 1990 to 2008. This is further demonstrated when one considers the average number of bird strikes which occurred at ACY prior to the creation of the GCMA and after, 25 and 54, respectively.

Moreover, the data provided by SJTA supports the use of the GCMA by wildlife. Contrary to the commenter's assertions, whether the GCMA constitutes a wildlife hazard attractant does not hinge on whether the area is being used by certain grassland species, but rather whether the area is being used by any type of wildlife and thus creates the potential for a damaging aircraft collision with wildlife on or near an airport. Many different species of birds have been observed on-site by the USDA wildlife biologist including barn and tree swallows foraging for insects over the GCMA and American kestrel foraging over and perched on vegetation in the GCMA. Additionally, other species such as Mourning dove, Horned lark and Eastern meadow lark would be attracted to the habitat of the GCMA which includes bare patches of ground and broad leafed vegetation which creates a seed source and areas for these species to forage.

In sum, the data submitted by SJTA supports the finding that the GCMA is acting as a wildlife hazard attractant and, as such, must be alleviated. This finding is also supported by the FAA, an FAA Qualified Wildlife Biologist and the USDA wildlife biologist at ACY; all of whom have stated that the GCMA should be eliminated in order to reduce the potential for damaging bird/aircraft collisions.

B. Mowing the GCMA Could Potentially Attract Avian Species With a Higher Hazard Index Rating and Result in Greater Damage to Civilian and Military Aircraft at ACY.

Comments:

One commenter expressed concerns that mowing the GCMA could potentially result in greater numbers of bird species with higher Hazard Index Ratings and the potential to cause more significant damage to aircraft during bird strikes than the existing grassland bird species referred to in the Technical Memorandum. According to the commenter, peer-reviewed literature supports that geese, gulls, Killdeer, Mourning doves, and Horned lark, which have relatively high Hazard Index Ratings and occur at ACY, are attracted to areas of low vegetation height or bare ground.

The commenter cited a 2013 report from Schmidt et al. that found bird species with “moderate” to “extremely high” Hazard Index Ratings account for only 6% and 2% of all birds observed in airfield grasslands and native warm season grass areas, similar to the GCMA. The commenter also noted that, although small mammal densities were three times higher in native warm season grasses than airport habitats, raptor abundance did not differ between types. Lastly, the commenter said that several studies suggest that, if properly managed, airports can be important to maintaining stable breeding populations of grassland birds, that military airports have been specifically identified as key components in the conservation of rare and threatened grassland birds and that Department of Defense policy included provisions for protection and conservation of state listed species, so long as such actions do not interfere with the military mission.

Response:

The GCMA provides habitat and cover for a variety of species that present a strike risk to aviation either directly or indirectly. Additionally, the GCMA, which is near the aircraft movement area, provides shelter and food for potential prey species that can attract larger predators such as coyote and raptors. FAA Cert Alert 06-07 concurs and provides the example of Grasshopper sparrow habitat as an indirect wildlife hazard attractant.

Moreover, the FAA recommends airports to maintain a thick monoculture of grass airfield turf at heights between 6 to 10 inches. This is specifically cited in the USDA/FAA “Wildlife Hazard Management at Airports – A Manual for Airport Personnel” (2005) which states:

“Vegetation management on many USA airports consists of mowing the vegetation to some set height. The Federal Aviation Administration has not specified the height that vegetation is to be maintained away from the movement area. One method often suggested for reducing bird numbers on airports is to maintain vegetation at 6-10 inches, as opposed to standard mowing practices that maintain vegetation at 2-4 inches (Transport Canada 1994, US Department of Agriculture 1998, Civil Aviation Authority 2002).”

Although it is true that Canada geese are attracted to grass areas specifically to eat the grass. SJTA currently manages geese on and near the airfield. These management techniques include harassment with pyrotechnics and removal from the site.

Lastly, although the references to literature and Department of Defense policy purportedly supporting the use of airports as habitat for grassland birds, such use must not only be consistent with FAA regulations and guidance, but also must not interfere with the military mission. As noted above, retention of the GCMA is inconsistent with 14 CFR §139.337, FAA Cert 150/5200-33B and Cert Alert 06-7. Cert Alert 06-07 appears to directly refute the studies identified by the commenter given it finds that grassland habitats, such as the GCMA, do constitute wildlife hazard attractants.

Moreover, the New Jersey Air National Guard Commander has provided comments indicating that the practices established in the MOA pertaining to the GCMA do not meet United States Air Force flight safety standards and that these practices create an extremely concerning hazard with respect to the safe operation of F-16 aircraft. Continuation of the GCMA, therefore, has been documented to interfere with the mission the NJ air National Guard Unit at ACY.

C. **Allowing Modification of the 2004 MOA Sets a Bad Precedent Regarding the Protection of Threatened or Endangered Species and Their Habitats and Could Provide a Means Going Forward For Entities to Circumvent the Threatened and Endangered Wildlife Standards of the Pinelands CMP Simply by Making a Monetary Payment.**

Comments:

Two commenters commented that amending the 2004 MOA set a bad precedent. One commenter stated that the offsetting measures set forth in the proposed MOA Amendment would result in the loss of critical threatened or endangered species habitat throughout the Pinelands, including on public lands. Although the commenter was willing to accept that this approach might be justifiable for genuine and unique safety needs that cannot be met any other way, the commenter stated that the proposed MOA Amendment did not meet this threshold. According to the commenter, making cash payments does not satisfy the requirements of N.J.A.C. 7:50-4.52(c)2, because the payment does not mitigate for the loss of habitat and the ecosystem within the GCMA. The commenter also felt that SJTA's initial proposal to make one payment of \$500,000 did not yield an equivalent level of protection for the resources of the Pinelands. The other commenter indicated that allowing the proposed modification to the 2004 MOA set a bad precedent regarding the safeguarding of state protected species.

Response:

The offsetting measures that accompany this proposed MOA Amendment satisfy the requirements of the Pineland CMP at N.J.A.C. 7:50-4.52(c)2. As discussed above, the offsetting measures will result in the creation of at least 25 hectares (62 acres) of effective habitat, contiguous and located greater than 50 meters (164 feet) from any structure or forested edge, for the Upland sandpiper and the Grasshopper sparrow. An additional \$9,000,000 worth of ecologically sensitive lands, including grassland bird habitat if available, will be preserved within the Pinelands Area. This will occur, because the PCF provides 33% grant funding for projects involving acquisition and permanent land preservation in the Pinelands. The proposed MOA Amendment will also result in the enhancement of 12 acres of Frosted elfin butterfly habitat and the inclusion of this area and the location of an existing colony on ACY's Layout Plan within the "Forest Preservation Area – to be Held in Reserve. No Development Shall Occur."

The situation regarding the GCMA at ACY involves public safety concerns involving bird/aircraft collisions at ACY. As discussed above, there has been an increase in bird/aircraft collisions at ACY since the GCMA was created. The data provided by SJTA supports the safety concerns articulated by the FAA, the Commander of the 177th Fighter Wing of the Air National Guard, the USDA Wildlife Biologist at ACY and the Qualified Wildlife Biologist retained by SJTA. While none of the flights to or from ACY have experienced a bird/aircraft collision resulting in a catastrophic failure, as long as the GCMA remains on ACY, the risk of such a cataclysmic failure remains. We do not believe that there needs to be a demonstration of a near miss in order to justify the Commission's authorization of this proposed MOA Amendment.

D. **It Will Be Very Difficult to Duplicate Grassland Bird Habitat Offsite and Doing so will Result in the Possible Destruction of Habitat for other Bird Species.**

Comments:

One commenter expressed concerns regarding the ability to duplicate the current GCMA habitat on another location off the Airport property. The commenter stated that allowing the grassland vegetation at the airport to grow ensured the continuation of the Upland sandpiper and the Grasshopper sparrow. This commenter was also concerned about the potential impact to other bird species as a result of clear cutting to create the new GCMA habitat offsite.

Response:

The GCMA did not initially exist on the airport, but rather was created as a result of the 2004 MOA. Similarly, provided that SJTA obtains a parcel of cleared land of sufficient size that also provides sufficient effective habitat, of contiguous land at least 25 hectares (62 acres) in size, located greater than 50 meters (164 feet) from any structure or forested edge, the SJTA will be able to recreate the habitat offsite by following the vegetative requirements set forth in Attachment 3 of the 2004 MOA. However, in order to ensure that creation of the new GCMA will not result in harm to other threatened or endangered species, the proposed MOA Amendment requires the SJTA to submit its plans for such creation to the Commission and to demonstrate the project's compliance with the requirements of the Pinelands CMP, including the requirements pertaining to threatened or endangered wildlife.

CONCLUSION AND RECOMMENDATION

The proposed amendment to the February 26, 2004 MOA between the SJTA and the Commission would permit mowing of the GCMA located in the Northwest quadrant of the airport to a height of 5 to 10 inches after April 15th and year round. Specifically, the proposed MOA Amendment would eliminate the seasonal restriction contained within Attachment A of the 2004 MOA as it applies to mowing of the GCMA. As discussed above, in accordance with the terms of the proposed MOA, SJTA is obligated to implement the following offsetting measures:

1. Make an initial payment of \$500,000 to the Commission to be added to the Pinelands Conservation Fund ("PCF") for land acquisition within the Pinelands Area in accordance with the priorities established by the Commission for that fund and, if available, contains habitat suitable for threatened or endangered grassland birds;
2. Make five additional annual payments of \$500,000 each which would also be added to the PCF and dedicated for land acquisition in the same manner as the initial \$500,000 payment;
3. Fund the acquisition of land within the Pinelands for and create and maintain a new Grassland Conservation and Management Area, of which at least 62 acres is already cleared and the cleared acreage is located at least 50 meters from any structure or forest edge;
4. Enhance an approximately twelve (12) acre site located adjacent to the Forest Preservation Area in the northeast quadrant of the airport, for the frosted elfin butterfly through the planting of wild indigo;
5. Execute and filing of a Deed of Conservation Restriction for the new Grassland Conservation and Management Area to protect it as grassland bird habitat in perpetuity; and

6. Amend the Layout Plan for ACY to extend the area currently designated as “Forest Preservation Area – to be Held in Reserve. No Development Shall Occur” to include not only the twelve (12) acres that will be enhanced for the Frosted elfin butterfly, but also the area approximately 2,000 feet away where are well-document colony of this species is currently located.

As a result, the proposed MOA Amendment is accompanied by measures that, at a minimum, afford an equivalent level of protection of the resources of the Pinelands as required by N.J.A.C. 7:50-4.52(c)2. Moreover, the proposed MOA Amendment contains timelines and other mechanisms to assure that these offsetting measures will be implemented within six years of the SJTA’s execution of the amendment. The proposed MOA Amendment also requires the Commission’s review and approval of development of the new GCMA and enhancement of the twelve acres Frosted Elfin butterfly habitat. In this way, the Executive Director can ensure that these developments are consistent with the requirements of the Pinelands CMP prior to their implementation. Given the proposed MOA is consistent with the requirements of the Pinelands CMP, the Executive Director recommends that the Commission approve the attached First Amendment to the February 26, 2004 MOA.

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

RE: APP #1982-2560.004

April 12, 2019
Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Buena Vista Township Nature Trail

Pinelands Commissioners,

Buena Vista Township's (BVT's) application cannot be approved, as the municipality has not officially acted in a manner that is accordant to law or proper business conduct. Apparently, the township's staff—in procedure—commenced unilaterally, without official public action, statement, or notice of intent to authorize this development. The project would have required a written motion to have been adopted by a deliberative body for application. Apparently, BVT is again a rogue entity trying to subvert rules in pursuit of public development (cf. Richland Village, Michael Debbi Park).

Under OPRA inquiry, BVT could not provide documentation that a written motion associated with this application (#1982-2560.004) for a Collings Lakes trail had been adopted through a deliberative body.

<p>Pinelands Commission 822 Main Avenue New Lisbon, NJ 08064</p> <p>The following is in response to your OPRA request received on December 22, 2018.</p> <p>Digital copies of the following document related to planned development in Collings Lakes, NJ: Application #1982-2560; #1982-2560.01 #1982-2560.003; #1982-2560.004</p> <p>1. the BVT resolution authorizing the undertaking of Application #1982-2560.001</p> <p>2. the BVT resolution authorizing the undertaking of Application #1982-2560.002</p> <p>3. the BVT resolution authorizing the undertaking of Application #1982-2560.003</p> <p>4. the BVT resolution authorizing the undertaking of Application #1982-2560.004</p> <p>From 1982-current</p> <p>Custodians Response: There are no documents responsive to this request.</p> <p>Your request is complete and closed.</p> <p>Thank you, Lisa A. Deon, BUCKHORN Administrator / Township Clerk / Register Planning / zoning / Board Secretary Pinelands Land Commission 822 Main Avenue</p>	<p>1. the BVT resolution authorizing the undertaking of Application #1982-2560.001</p> <p>2. the BVT resolution authorizing the undertaking of Application #1982-2560.002</p> <p>3. the BVT resolution authorizing the undertaking of Application #1982-2560.003</p> <p>4. the BVT resolution authorizing the undertaking of Application #1982-2560.004</p> <p>From 1982-current</p> <p>Custodians Response: There are no documents responsive to this request.</p> <p>Your request is complete and closed.</p>
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BVT had intentionally kept this project hidden in an effort to circumvent the scrutiny of the Pinelands Commission and its own residents.

In example of circumvention, BVT (2016) erroneously told NJDEP (*below*) it did not have to get Pinelands permission to construct the Collings Lakes trail. They rationalized—“Since the Township owns the land and there are no permits required for the proposed trails.”

Developing the trail will entail some site clearing and grading. Township Public Works staff will mark a 5' trail, cover it with hardwood mulch to cut down on erosion, and provide appropriate signage. It is the intent of the Township to follow existing paths and game trails as much as possible to mitigate any additional disruption to the environment and to preserve the historic nature of the trails. The Township sees this as an important step towards preventing erosion and further damage from uncontrolled use. New trail cuts, therefore, will only be created when necessary. Since the Township owns the land and there are no permits required for the proposed trail, it is fully and reasonably anticipated that construction will be complete by the stated completion date of April 30, 2016.

The attached maps illustrate that exact location of the proposed Phase I Nature Trail and the surrounding area.

Yet BVT is well aware that nature trails require a Pinelands permit, as the municipality had recently been in Pinelands violation for building an earlier nature trail at Michael Debbi Park (*see* Application #1995-1659.003).

It is important to note BVT (2017) attested to NJDEP (*below*) that the allegedly singular unbuilt and unapproved nature trail that is before you today is in fact two completed nature trails, *in situ* entities that garnered environmental stewardship points. I take BVT at their word. NJDEP stewardship required that a project is complex and current, and so the Pinelands record is incomplete and must be clarified to address their extant— (“Buena Vista installed nature trails at Collins Lake and Quigley Park”).

<p>Is the project a public use or a private use? If private, is it a residential use?</p>		
<p>21. ENVIRONMENTAL IMPROVEMENT PROJECTS - Has the site undertaken an Environmental Improvement Project that has resulted in the restoration or improvement of land of the site or within the community? If yes, identify the project and the resulting improvement to the environment. RELYS TO QUALIF YRIS - If S, the project is also to determine project is completed or underway. If L, the project is not completed or underway.</p>	<p>04/2017</p>	<p>Buena Vista installed nature trails at Collins Lake and Quigley Park</p>

Sincerely,

Mark Demitroff

There are two conflicting plan versions of the trail's configuration, the one sent to NJ Trails (upper left) and the contrasting one on the Pinelands Commission .

**Buena Vista Township
Block 502, Lot 6 & 4.01**

Proposed Nature Trail 3 Miles

Map
2007 Aerials & Wetlands Map
0 162 265 650
Scale: 1 inch = 611 feet

(Describe cultural/historical feature(s) and/or views seen in project)

Disabled access Some accessibility improvement
 Entire project area is ADA accessible

B. Local Land Use:

Is the project consistent with Federal, State and or Local land use plans? YES NO

If yes, identify land use plans and briefly describe how the project meets consistency. If no, please explain:
 The project is consistent with Buena Vista Land Use zoning and is an allowable use per the New Jersey Pinelands National Reserve since the trail will be natural and will follow engineering protocol for the area.

**Buena Vista Township
Block 502, Lot 6 & 4.01**

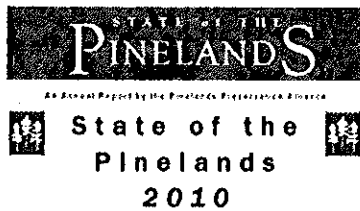
Proposed Nature Trail 2.4 Miles

Map
2007 Aerials & Wetlands Map
0 160 325 643
Scale: 1 inch = 603 feet

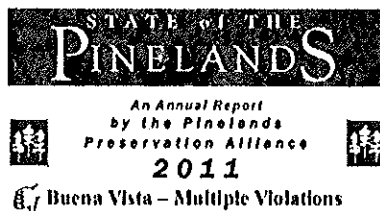
Existing Parking Lot at Oakley Restoration Area

Existing Parking Lot

Dolings Lakes Elementary School



Local Government
 Buena Vista Ignores Pinelands Regulations



Buena Vista - Multiple Violations
 Buena Vista Township, described by one Pinelands Commissioner as a rogue municipality, disregarded the Pinelands CMP by racking up another CMP violation in the

Buena Vista Township

Ignoring Pinelands Rules - In 2006, the township Planning Board approved a restaurant expansion application without notifying the Pinelands Commission as required. The restaurant owner then installed 1,700 feet of sewer line on private property, including 1,578 feet in the Forest Area where sewer lines are not allowed. To legitimize the extensive new sewer line now sending wastewater to the treatment plant, the owner applied to the Pinelands Commission for an after-the-fact approval. The township



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1982-2560.004, 1987-1299.005, 2011-0075.002 & 2017-0191.001)

Commissioner _____ moves and Commissioner _____
seconds the motion that:

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

1982-2560.004

Applicant:	Buena Vista Township
Municipality:	Buena Vista Township
Management Area:	Pinelands Village Pinelands Rural Development Area
Date of Report:	April 18, 2019
Proposed Development:	Construction of three miles of nature trails;

1987-1299.005

Applicant:	Mullica Township School District
Municipality:	Mullica Township
Management Area:	Pinelands Village
Date of Report:	April 18, 2019
Proposed Development:	Construction of a 50 stall paved parking lot;

2011-0075.002

Applicant:	New Jersey Department of Transportation
Municipality:	Upper Township
Management Area:	Pinelands Rural Development Area
Date of Report:	April 18, 2019
Proposed Development:	Construction of an electronic traffic advisory sign within the State Route 50 right-of-way and associated development; and

2017-0191.001

Applicant:	NJ Department of Transportation
Municipality:	Upper Township
Management Area:	Pinelands Forest Area
Date of Report:	April 18, 2019
Proposed Development:	Construction of an electronic traffic advisory sign within the State Route 49 right-of-way with associated development.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1982-2560.004, 1987-1299.005, 2011-0075.002 & 2017-0191.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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



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

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

April 18, 2019

Lisa Tilton, Administrator
Buena Vista Township
890 Harding Highway
Buena, NJ 08310

Re: Application # 1982-2560.004
Block 502, Lots 4.01 & 6
Buena Vista Township

Dear Ms. Tilton:

The Commission staff has completed its review of this application for construction of three miles of nature trails. 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 May 10, 2019 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure
Public Comment

c: Secretary, Buena Vista Township Planning Board
Buena Vista Township Construction Code Official
Atlantic County Department of Regional Planning and Development
David Scheidegg
Mark Demitroff



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

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Lisa Tilton, Administrator
Buena Vista Township
890 Harding Highway
Buena, NJ 08310

Application No.: 1982-2560.004
Block 502, Lots 4.01 & 6
Buena Vista Township

This application proposes construction of three miles of nature trails located on the above referenced 91.57 acre parcel in Buena Vista Township. The John W. Quigley Recreation Park is located on the parcel.

The majority of the proposed nature trail will be located within a forested area of the parcel. The applicant proposes to clear the vegetated understory and place wood mulch to create the four foot wide trail. The proposed development will not result in the removal of any live or dead trees.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26(b)4 & 5.27(a))

The proposed development is located in a Pinelands Rural Development Area and the Pinelands Village of Collings Lakes. The proposed development is a permitted land use in a Pinelands Rural Development Area and a Pinelands Village.

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

There are wetlands located within 300 feet of the above referenced parcel. All development, including the proposed understory vegetation clearing, is proposed at least 300 feet from wetlands.

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

The proposed development will be located within a pine-oak forest. The proposed understory vegetation clearing is limited to that which is necessary to accommodate the proposed development.

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

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

To avoid the possibility of the proposed development having an irreversible adverse impact on habitat critical to the survival of any local population of threatened or endangered animal species, the applicant proposes to locate all trails so as to avoid the removal of any live or dead trees.

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

The applicant has demonstrated that there will be no increase in the volume and rate of stormwater runoff from the project after the development then occurred prior to the proposed development.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on December 12, 2018. Newspaper public notice was completed on December 14, 2018. The application was designated as complete on the Commission's website on March 1, 2019. The Commission's public comment period closed on April 12, 2019. The Commission received four written public comments (attached) from one individual regarding this application. The same individual offered oral public comment at the Commission's April 12, 2019 meeting.

Written and Oral Comment: On January 20, 2017, the commenter submitted information indicating that the proposed development would be located in the vicinity of inland dunefields. The commenter also provided a copy of an article titled "The Newtonville Dune Field" and a copy of a 2015 Recreational Trails Program Grant Application from the Township of Buena Vista to the New Jersey Department of Environmental Protection (NJDEP), Green Acres Program.

The commenter questioned the status of certain development that previously occurred at Michael Debbi Park without application to the Commission.

On October 30, 2018, the commenter submitted information indicating that there are two conflicting versions of the trail's configuration. The

commenter also indicated that Buena Vista Township represented in an application to the NJDEP Stewardship Program that the trails proposed in this application were already built. The commenter further indicated that Buena Vista Township represented that since the trails would be located on land owned by the municipality, no permits were needed.

On November 26, 2018, the commenter submitted information indicating that the proposed development would be located in the vicinity of the Newtonville dune field, that the Collings Lakes parcel is traversed by an ancient byway known as the Woodbury Road and that the Woodbury Road was associated with a nearby Swedish enclave. The commenter also provided a copy of an article titled “Proposing New Barrens National Natural Landmarks” and a second copy of the article titled “The Newtonville Dune Field”.

On April 12, 2019, the commenter provided written and verbal comments to the Commission regarding the application. The commenter indicated that the proposed development cannot be approved by the Commission as the municipality has not acted in a manner that is accordant to law or proper business conduct, that the project would have required a written motion to have been adopted by a deliberative body for application and that Buena Vista Township intentionally kept the proposed development hidden in an effort to circumvent the scrutiny of the Pinelands Commission and its own residents. The commenter also reiterated their previous comments that there were two conflicting versions of the trail’s configuration and that Buena Vista Township indicated that since the trails would be located on land owned by the municipality, no permits are needed. Lastly the commenter indicated that two trails had already been developed.

Staff Response:

The Commission staff appreciates the commenter’s interest in the Pinelands Area.

The CMP does not identify or regulate dunefields.

Applications have been approved by the Commission for certain development that occurred at Michael Debbi Park without application to the Commission. The Commission staff is currently unaware of any land development violations at Michael Debbi Park.

The Township has applied to the Commission for the proposed development. The application form is signed by the Township Administrator. The application includes a site plan prepared by a New Jersey Licensed Engineer indicating the extent of the proposed development. Notwithstanding information that may have been submitted to other agencies, the development must be undertaken in accordance with the site plan referenced in this Report. Public notice of the application was provided to adjacent land owners on December 12, 2018 and newspaper public notice of the application was completed on December 14, 2018.

The proposed development was reviewed by the Commission staff archeologist. That review indicated a lack of potential for significant cultural resources on the parcel.

By e-mail dated April 17, 2019, the Township Administrator indicated that no construction of the proposed nature trail has begun.

The commenter may wish to discuss their concerns regarding the internal municipal administrative processes regarding development activities in the Township and the Township's application to the NJDEP Stewardship Program with an appropriate municipal official.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC, dated March 22, 2017 and revised to November 5, 2018.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. All development, including removal of understory vegetation, shall be located at least 300 feet from wetlands.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on May 7, 2019 and include the following information:

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

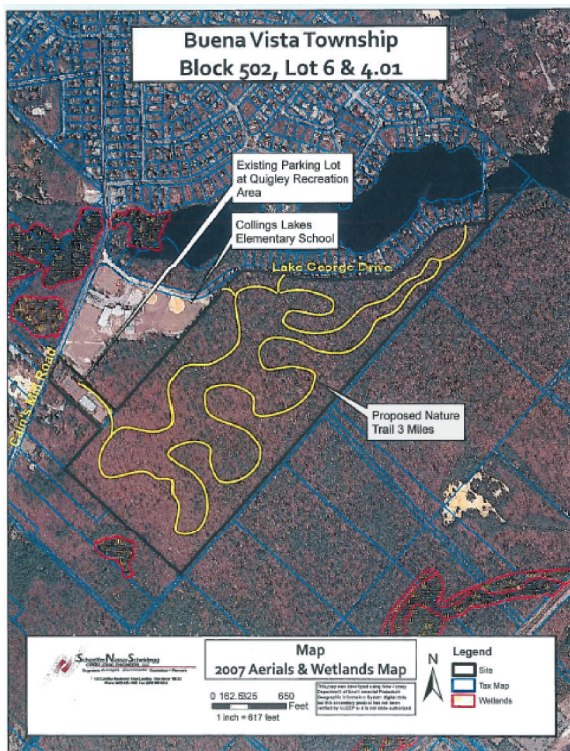
Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office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

AppInfo - Addendum—Fwd: Attn: Rhonda Ward; cc: DAG Sean Moriarty

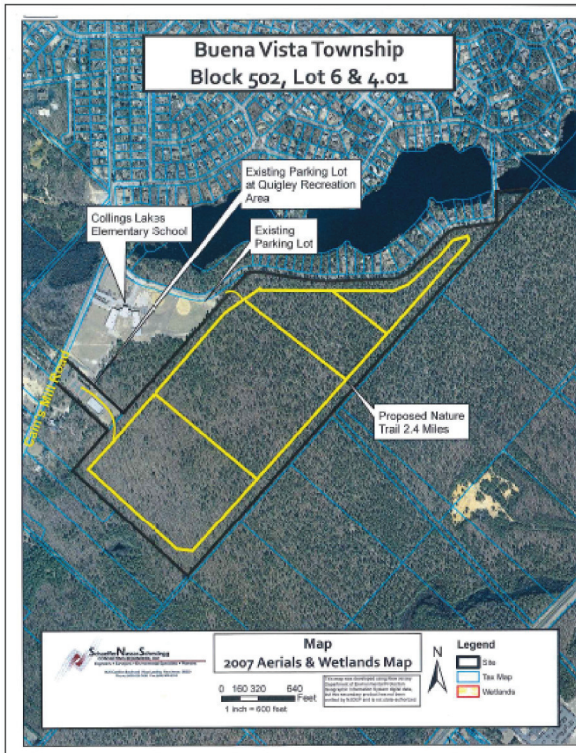
From: Mark Demitroff <mark@buckhorn-gsi.com>
To: <AppInfo@njpines.state.nj.us>
Date: 1/20/2017 3:57 PM
Subject: Addendum—Fwd: Attn: Rhonda Ward; cc: DAG Sean Moriarty
CC: <Trails@dep.state.nj.us>
Attachments: MD 03-2017 Part 3.pdf; Demitroff 2007 Newtonville Audubon.pdf

Ms. Ward,

After some persistence, I have now been able to find the correct Collings Lakes Trail plan through NJDEP (*attached*). BVT's project looks less like the nature trail that I was initially provided and forwarded to you (*see below*).



Instead, the actual project more resembles an artifact of the built environment (*see below*).



Importantly, the project recognizes that unusual soil conditions are present, that soil erosion hazards prevail.

Importance	<input checked="" type="checkbox"/> Project is necessary for erosion control <input type="checkbox"/> Project is necessary for maintenance <input type="checkbox"/> Project is necessary for endangered/threatened species protection <input type="checkbox"/> Other <i>(describe here)</i>
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That limitation is an artifact of Pleistocene inheritance. This land has escaped development because the land was loose single-grained sand associated with ancient cold-climate wind action. This is an inland dunefield, composed of an echelon parabolic dune remnants as described in an attached special edition of NJ Audubon

Pleistocene inland dunes are recognized by the National Park System as valued landscape. The Albany Pine Bush is a 3,200-acre site that supports significant geological landforms, preserved as "an outstanding example of a globally rare ecosystem." I was a reviewer of the project, so do have some expertise in this topic.

<http://www.albanypinebush.org/discovery-center/albany-pine-bush-preserve-designated-national-natural-landmark>

In 1858 Charles K. Landis laid out roads in the Newtown dune field in an attempt to settle German farmers here— few came because the land was too barren. Many of those roads were quickly abandoned because they readily fell apart due to the dunal nature of the substrate. This parcel is prime habitat for rare dune-loving plants and animals. A significant ancient trail (pre- and post-contact utility), the Woodbury Road, crosses the parcel suggesting cultural resources might be present as well.



parabolic dunes in Collings Lakes nature trail area as seen on bare-earth LiDAR imagery.

My initial reaction is that this area has great potential for nature trails. Still, careful assessment is warranted with a critical eye towards the dune habitat's potential physical, cultural, and environmental significance.

I am under the impression that this project will need Pinelands application and review, which to the best of my knowledge as yet has not occurred.

Sincerely,
Mark Demitroff

856.696.2527

----- Forwarded Message -----

Subject:Attn: Rhonda Ward; cc: DAG Sean Moriarty

Date:Mon, 16 Jan 2017 14:00:59 -0500

From:Mark Demitroff <mark@buckhorn-gsi.com>

To:AppInfo@njpines.state.nj.us

Dear Ms. Ward,

Pinelands Chair Candace Ashmun once called Buena Vista Township (BVT) a rogue municipality for their multiple permit violations. I am concerned that BVT may again try to circumvent Pinelands rules in the pursuit of two nature trail initiatives: one in Michael Debbi Park and a second in Collings Lakes.

1) Has BVT demonstrated to you that their Michael Debbi Park nature trail is a permitted wetland use, and that multiple violations at Michael Debbi Park have been resolved?

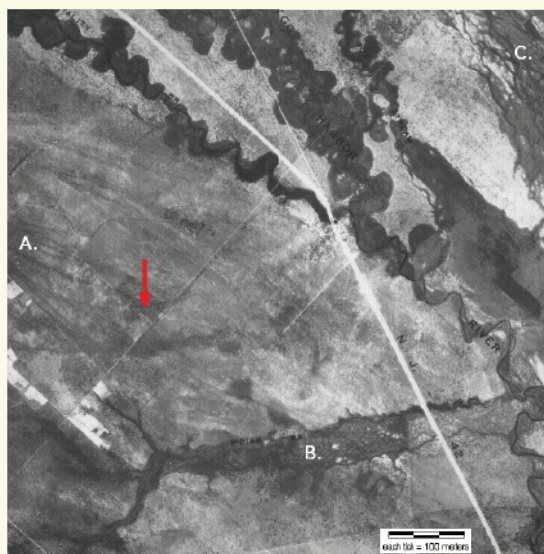
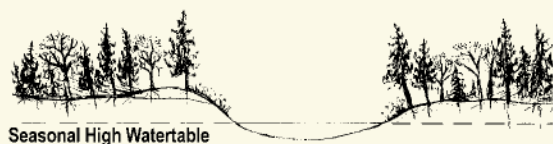
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THE NEWTONVILLE DUNE FIELD

Expanding Our Appreciation and Understanding of Pinelands Natural History

■ MARK DEMITROFF

A Pinelands Commission staffer recently called my office with questions about a parcel in Buena Vista Township slated for development. I am a Pinelands geographer, and resident of the municipality being queried. My current research at the University of Delaware chronicles 200,000 years of local climate change, and how regional environmental dynamics relate to cultural ecology. The contact was serendipitous! The property in review was part of a special place, an intact relic of an unusual inland dune field. As with other unusual cold, non-glacial (*i.e.*, periglacial) landforms in the Pines, these sandy windblown deposits are likely to possess significant natural and cultural resources. However, I quickly learned that no regulatory mechanisms exist to protect upland geologic features, no matter how outstanding they may be! Nevertheless, a heightened appreciation for the natural history of the Newtonville dune field could provide the basis for its preservation.



Often, Pinelands dune features are dismissed as “fire shadows” on aerial photos. Lineations (A) on this 1931 aerial photo are hairpin parabolic dunes. Patterned ground (B) is present at Indian Branch, relics of ancient frost cracks related to frozen ground. The braided channels of Penny Pot Branch (C) were created when spring snowmelt flooded over frozen tundra. Some graves in an old “coloured” cemetery (arrow) display African burial customs.

When Jack McCormick authored *The Pine Barrens: A Preliminary Ecological Inventory* in 1967, he advocated numerous ecological research opportunities to the National Park Service. The report laid the groundwork for the Pinelands National Reserve, and became a rallying point for many ecological, botanical, and zoological investigations. However, one important directive had been overlooked. McCormick recognized the outstanding potential for geological study present in the Pines. He found the region’s Ice

In McCormick’s inventory, the “numerous saucer-shaped depressions scattered throughout the Pine Barrens” were perplexing features. These shallow (2-3 feet) intermittent pools or “spungs” are now interpreted as blowouts created by powerful winds flowing off the Laurentide ice sheet.

Age legacy particularly baffling. On page 83, McCormick acknowledged, “Some geologists claim to have found evidence of severe tundra-like conditions, but others claim the region was subjected to conditions only slightly cooler and wetter than at present.”

Recent work by the University of Delaware, the University of Ottawa, and the U.S. Geological Survey indicates that South Jersey’s Coastal Plain experienced multiple episodes of permafrost formation under cold and dry conditions during the Pleistocene. Strong winds flowed southwards from the continental ice margin across the sparsely vegetated, tundra-to-desert-like terrain of the Pine Barrens. Climatic conditions much different from those of the present reshaped the Pine Barrens’ landscape, and impacted the size and shapes of peculiar landforms found in the Pinelands today.

An outstanding example of this Ice Age inheritance was recently discovered in Newtonville, Atlantic County. A well-preserved late Pleistocene dune field exists along the southern banks of the Great Egg Harbor River. Rare hairpin parabolic dunes created a rugged landscape at this location. Their form is comet-like, with trailing arms that can stretch for a mile or more. Similar inland dunes are found in Saudi Arabia, northwest India, and northern Canada, and are associated with strong directional winds in sparsely vegetated terrain. Little is known about Ice Age dunes in the United States, although they have been intensively studied in Europe. In the Netherlands, Germany, and Poland, similar features are valued and preserved as parks and monuments for their cultural and environmental significance.

Witmer Stone noted this place as a “wild spot” in *The Plants of Southern New Jersey* (p. 799). Railroad era settlers avoided this desolate patch; their nineteenth century roads cut across the windblown sugar sands, soon crumbled and were quickly abandoned. Black colliers, making charcoal for Weymouth Furnace, were isolated in camps adjacent to this barren land. Blacks could not move to other sections of town until the mid-1920s. A fair-skinned woman of mixed race, Rose Washington, put an end to Newtonville’s

racial discrimination. Developers made no secret of selling certain properties only to whites. Pine Barrens villages without blacks were considered “white bread, mayonnaise.” Rose could pass as Caucasian, and purchased lots that were off-limits to blacks, and resold them to newcomers seeking a better life in pastoral solitude.

Today, development threatens this geological wonder. Unfortunately, Dune fields are afforded little protection under the Pinelands’ Comprehensive Management Plan (CMP). When the CMP was drafted to preserve and protect the significant and unique natural resources of the region, the planners completely overlooked geological phenomena. Three decades hence, Pinelands Commissioner staffers are fettered to rules that don’t necessarily address new insight. Geomorphology is an underutilized tool in land-preservation efforts, particularly in the USA. The 1972 at UNESCO’s *Convention on the Protection of the Cultural and Natural Heritage of the World* recognized geotopes, locations where natural geological or geomorphological features worthy of protection exist. Unlike biotopes, geotopes have not received the attention in the United States that they have in Europe. In Germany alone, seventy-six national geotopes have been recognized as worthy of protection for tourism and study.

My point is that geology can provide a basis for the conservation of preserves and heritage sites, as it has at the Ice Age Scientific Reserve in Wisconsin. Through better recognition, understanding, and appreciation of exceptional geologic sites in the Pinelands, we can help protect our collective heritage from exurban sprawl. Such sites are often intimately linked to the greater human ecology. Berger and Sinton in *Water, Earth, and Fire: Land Use and Environmental Planning in the New Jersey Pine Barrens* (1988: xviii) state, “The beauty and complexity of the Pine Barrens should awe the officials in charge of the region’s future.” That’s wishful thinking! In reality, it’s up to us to champion the natural drama that is the Pine Barrens. ■

This article is slightly modified from the original in Pinelands Watch Special Edition SE11, a Report by the Pinelands Preservation Alliance, May 2007.

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM**



**2015 RECREATIONAL TRAILS PROGRAM
GRANT APPLICATION**

Applicant:	Township Of Buena Vista, Atlantic County		
Project Name:	Development of Collings Lakes Nature/Interpretive Trail		
Contact person			
Salutation:	Ms.		
Name:	Kenia Nunez-Acuna		
Title:	Township Administrator		
Address:	Township Municipal Building, 890 Harding Highway		
City:	Buena	State: NJ	ZIP: 08310
Telephone:	856-697-2100	Extension:	812
Fax:	(856) 697-8353		
Email:	knunez@buenavistanj.com		
Employer FID number:	21-6000399 <i>(Press F1 for help)</i>		
Financial information			
Chief Financial Officer:	Kenia Nunez-Acuna , Cfo		
Fiscal Year End Date:	December 31	Accounting records method:	modified accrual
Applicant Type			
<input type="checkbox"/>	Federal Agency	<input type="checkbox"/>	State Agency
<input type="checkbox"/>	County Government	<input checked="" type="checkbox"/>	Municipal Government
<input type="checkbox"/>	Nonprofit Organization		
Project location			
Municipality:	Buena Vista Twp.	Tax block/lot(s):	Block 502, Lots 6 and 4.01 <i>(Press F1 for help)</i>
County:	Atlantic	US Congressional District:	2nd
Land classification: <i>(check all that apply)</i>			
<input checked="" type="checkbox"/>	Public	<input type="checkbox"/>	Private with easement
<input type="checkbox"/>	Private anticipating easement/lease		
Target dates for implementation: <i>(estimated)</i>		Project start date	November 1, 2015
		Project completion date	April 30, 2016

Project Summary:

Please provide a very brief summary (no more than 200 words) of what the project will accomplish and the proposed use of grant funds, specifying facilities to be improved/constructed, equipment to be purchased (along with intended use), and the length of trail to be constructed. This section must be filled in but will not be used for project ranking purposes - please submit a full project description in the last section of the application.

The project outlined in this application represents the first phase of a multi-phase project to create and link a number of scenic trails throughout land owned by Buena Vista Township in the New Jersey Pinelands National Reserve.

Under this application, a 3-mile-long recreational trail will be created in a tract that will join an existing recreational area with an elementary school. Funding will be used to clear and grade the site and install a five-foot-wide trail, entrance bollards, and interpretive signage and markers.

Project cost: <i>(maximum grant for non-motorized projects is \$24,000)</i>	TOTAL BUDGET	FEDERAL (grant)	GRANTEE (match)
A. Personnel Costs / Salaries	4,800.00	0.00	4,800.00
B. Consultants and Subcontractors	0.00	0.00	0.00
C. Recreational Trail Development Costs <i>(provide basic list - a more detailed budget will be requested if grant is awarded)</i>			
▪ Site Clearing and Grading	3,800.00	3,800.00	0.00
▪ Shredded Hardwood Mulch	12,320.00	12,320.00	0.00
▪ Trail Entrance Bollards	1,200.00	1,200.00	0.00
▪ Train Signage and Markers	880.00	880.00	0.00
▪ Engineering /Surveying/Permitting	5,800.00	5,800.00	0.00
D. Audit <i>(required for \$100,000 or more in federal grant expenditures)</i>	0.00	0.00	0.00
TOTAL PROJECT COST:	28,800.00	24,000.00	4,800.00

Project purpose: *(check all that apply)*

Trail project linkage	<input checked="" type="checkbox"/> Links to population center <input type="checkbox"/> Links to other trails <input type="checkbox"/> Links to other trails and population centers	
Length of proposed trail or trail system to be improved/created	<input type="checkbox"/> less than ½ mile <input type="checkbox"/> ½ - 3 miles <input checked="" type="checkbox"/> 3 - 5 miles <input type="checkbox"/> 5 or more miles	
Partners involved in completing project	<input checked="" type="checkbox"/> 1 partner <i>Atlantic County Planning Department</i> <input checked="" type="checkbox"/> 2 partners <i>Collings Lakes Middle School</i> <i>(Organizations, volunteer groups, agency partners, etc.)</i> <input type="checkbox"/> 3 partners <i>(specify third partner here)</i> <input type="checkbox"/> 4 partners <i>(specify fourth partner here)</i>	
Trail restoration, creation, and designation	<input type="checkbox"/> Project provides for the restoration of an existing trail <input checked="" type="checkbox"/> Project creates a new trail or section of trail <input type="checkbox"/> Improves an unofficial trail and includes it in agency's official trail system <input type="checkbox"/> Improves an unofficial trail, creates new section, and includes in agency's official trail system	
Relation to the NJ Trails System	<input type="checkbox"/> Trail in the project connects to trail(s) within NJ Trails System <input type="checkbox"/> Trail in the project is included in the NJ Trails System <i>(Press F1 for list of trails in the NJ Trails System - make note of trail in project description field)</i>	
Multiple uses	<input checked="" type="checkbox"/> Hiking <input checked="" type="checkbox"/> Bicycling <input checked="" type="checkbox"/> Horseback riding	<input type="checkbox"/> Cross country skiing <input checked="" type="checkbox"/> Barrier-free <i>(Press F1 for description)</i> <input type="checkbox"/> Aquatic
Municipality	<input type="checkbox"/> Urbanized area <input type="checkbox"/> Urban Aid Community <i>(Press F1 for link to complete list of Urban Aid Communities)</i>	
Trail links	<input type="checkbox"/> Project area links/provides access to some cultural/historical feature(s) <input type="checkbox"/> Project area located in significant viewshed <i>(describe cultural/historical feature(s) and/or viewshed in project description field)</i>	
Disabled access	<input type="checkbox"/> Some accessibility improvement <input checked="" type="checkbox"/> Entire project area is ADA accessible	

Innovativeness	<input type="checkbox"/> Innovative use/design/development <i>(describe innovative features of project in project description field)</i>
Previous awards	<input checked="" type="checkbox"/> Project did NOT receive a Recreational Trails Program Grant in a prior funding round
Importance	<input checked="" type="checkbox"/> Project is necessary for erosion control <input type="checkbox"/> Project is necessary for maintenance <input type="checkbox"/> Project is necessary for endangered/threatened species protection <input type="checkbox"/> Other <i>(describe here)</i>
Trail improvements provided by project	<input checked="" type="checkbox"/> Signage <input checked="" type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Ease of entry
Compatibility	<input checked="" type="checkbox"/> Project is compatible with the landscape and surrounding land/trail use
Applicant prior performance	<input type="checkbox"/> Prior approved project cancelled <input type="checkbox"/> Prior approved project completed
Regional impact	<input checked="" type="checkbox"/> Project has a regional impact <i>(project benefits multiple counties/municipalities)</i>
Resource sharing	<input type="checkbox"/> Project allows for sharing of resources/equipment between a number of sites or entities <i>(list all entities that will have access to resources and equipment and describe anticipated sharing here)</i>
Blue trails	<input type="checkbox"/> Project is physically contiguous and provides direct access to a lake, canal, navigable river, or other coastal water body
New applicant	<input checked="" type="checkbox"/> Applicant has never received a Recreational Trails Program grant before
Re-application	<input checked="" type="checkbox"/> Applicant applied for this grant for the same project in a previous year <i>(If this is applicable, please do not re-submit any additional documentation)</i>

Length of trail uses:

(Include all uses that apply with the length of trail miles affected, to the nearest 1/2 mile.)

Hiking	3.0	Skating	0.0
Bicycling	3.0	Cross-country skiing	0.0
Equestrian	0.0	Motorized recreation	0.0
Fitness	3.0	Aquatic activity	0.0
Barrier-free /sensory	3.0	<i>(Press F1 for help)</i>	

Project Description:

Describe purpose of the project, work to be performed, design and materials to be used, and plan for ongoing maintenance of funded equipment, facilities and the trail once the project is complete. This should be a more detailed/comprehensive description than the project summary. Applicant must include statements regarding the presence of endangered and threatened species within the project area, and presence of sites on the National and State Registers of Historic Places. The field will expand as you type.

Nestled within the New Jersey Pinelands – a 1.1 million-acre swath of heavily-forested land so ecologically important that the U.S. Congress designated it as the nation’s first National Reserve in 1978 -- and with a history that stretches back more than 320 years, Buena Vista Township in Atlantic County, New Jersey, is a living postcard of natural beauty.

Among its nearly 44 square miles of rich farmlands, pristine waters and treasured Pinelands, all of which contribute to the Township’s proud motto “44 Miles of Opportunity”, Buena Vista owns a currently-undeveloped, 90-acre tract of land in which it desires to create a new three-mile, non-motorized nature trail.

It is important to note that this project represents the first phase of a multi-phase project that envisions the creation and linkage of a number of scenic trails throughout the Township's Pinelands, thus providing users with a truly singular opportunity to explore, enjoy and appreciate the ecology and terrain of these nationally-significant lands -- and the world's largest pine barren complex -- in a way that is respectful of and sensitive to their unique characteristics.

Situated between the Collings Lakes Elementary School and John W. Quigley Park, this virtually-undisturbed parcel is an ideal location for the development of a nature and interpretive trail while also preserving the space for current and future generations to enjoy.

Throughout its long history, Buena Vista Township has been proactive in the development of both active and passive recreation areas to meet the needs and demands of its residents and visitors alike. Michael Debbi Park, on Cedar Avenue between the Five Points and the Richland Village sections of the Township, has a baseball field, street hockey court, tennis courts, basketball courts, concession stands, picnic facilities, playground equipment, a gazebo, and a nature trail.

Saw Mill Park, located on Route 40 between Fir and Greenbriar Avenues in Richland Village features a gazebo, steel Conrail train caboose, children's play train, a 225-year-old giant oak tree along with both a 9/11 and Veterans' Memorial. This 1.7-acre park is adjacent to an historic wooden Jersey Central train caboose and the Patcong Valley Model Railroad Building – an incredibly popular tourist attraction – and includes the Buena Vista Township Visitors' Center.

Other municipal parks include the aforementioned John W. Quigley Park, Wilder Hines Park, and Lake Ann Park.

As previously noted, John W. Quigley Park is located on Cains Mill Road in Collings Lakes next to the Collings Lakes Elementary School and features a street hockey rink, basketball and tennis courts, swings and other playground equipment, and a picnic area. On the west side of the Collings Lakes Elementary School, the Township also owns a baseball and softball field that is used by residents after school hours.

John W. Quigley Park on the west side and the public softball fields to the east are the two termini for the nature and interpretive trail outlined herein. Because of its location between a school and an existing recreational facility, and because the area offers ample parking and support facilities such as picnic tables and restrooms, the Township sees the proposed trail as the ideal and logical setting for this first phase of a larger project to establish and link other trail mileage throughout the Township.

The development of this non-motorized trail will provide public access in a controlled and environmentally-sound way. Presently, the tract is replete with trails that people have created by walking around or following game paths, but the unmanaged access to this area by people and the large number of ATVs that use this area have severely impacted its aesthetic character and created erosion problems. All current hiking, biking and related activities take place without the appropriate infrastructure to maintain this sensitive landscape. Thus, one of the goals in developing this trail is preserving the area through appropriate trail development and maintenance.

A GIS examination of the site by Schaeffer Nassar Scheidegg Consulting Engineers indicates that approximately 3 miles of trails can be created. A physical inspection of the site by Township staff reveals that the dumping of clean fill -- primarily landscaping vegetation, stumps and tree limbs -- has been taking place there. These materials will need to be removed and properly disposed of to ensure no further compromise to the property's natural aesthetics.

The administration of the Collings Lakes Middle School has expressed its excitement for the project and the opportunity it will afford students to have a living classroom within walking distance. Teachers have indicated that they would enjoy using the new nature trail as both a vehicle and venue for teaching environmental awareness and stewardship. Further, there is a willingness of the school to help with the creation of interpretive signage for the trail and the performance of some appropriate maintenance.

In addition to the nearby students, usage would also come from the residents of the Collings Lakes community. With approximately 1,200 homes, the densest population in the Township, residents would have easy access to a significant nature resource – one that would provide a setting in which to explore the Pinelands, watch nature, and participate in active recreation such as hiking and biking. Moreover, a local church, Our Lady of the Lakes Catholic Church, is looking forward to using the trail for their Youth Group.

The Township will work with the Atlantic County Planning Department to layout the trail system within this property so as to take full advantage of the natural surroundings and maximize the property's potential as a recreational area of the Township. These services, combined with those of the Township's Engineer, will create a dynamic trail that will showcase the best of the tract's landscape and will serve as a true centerpiece of the larger, multi-phase project to develop and link other trails across the Township.

Developing the trail will entail some site clearing and grading. Township Public Works staff will mark a 5' trail, cover it with hardwood mulch to cut down on erosion, and provide appropriate signage. It is the intent of the Township to follow existing paths and game trails as much as possible to mitigate any additional disruption to the environment and to preserve the historic nature of the trails. The Township sees this as an important step towards preventing erosion and further damage from uncontrolled use. New trail cuts, therefore, will only be created when necessary. Since the Township owns the land and there are no permits required for the proposed trail, it is fully and reasonably anticipated that construction will be complete by the stated completion date of April 30, 2016.

The attached maps illustrate that exact location of the proposed Phase 1 Nature Trail and the surrounding area.

Additional information:

- There is one site, Richland Hotel, within Buena Vista Township that is identified as being on the New Jersey or National Registers of Historic Places (see attached list). This structure is not within the proposed project area.
- According to documentation from the New Jersey Natural Heritage Database, there is one Priority Site located within USGS map Five Points, that being the Manumuskin River Macrosite. The proposed Collings Lakes Nature/Interruptive Trail is located within 2 miles of this site boundary. Both are also located within the Great Egg Harbor River Watershed.
- There are ten (10) species within Atlantic County listed on the Endangered Species Act list (see attached list from U.S. Fish and Wildlife). After review of the U.S. Fish and Wildlife Service's IPaC software it does not appear any listed species are in the vicinity of the proposed project. Township officials will contact the New Jersey Ecological Services Field Office prior to any development activities to make sure there is no disturbance of species through this project.
- This project is the development of a walking / biking - nature trail system and construction is limited to designating a 5' wide, three (3) mile trail with hardwood mulch and park identification signs; therefore, no permits are required.
- No Recreation Trails grant funds have ever been received by the Township of Buena Vista.

Attachments, in two separate files, include:

- Project map
- Municipal Match letter
- Municipal Tax Map with project location
- Municipal tax card for subject property
- U.S. Fish and Wildlife Service National Wetlands Inventory Map
- U.S. Fish and Wildlife Service Endangered Species Act List for Atlantic County
- NJDEP Historic Preservation Office – List of NJ and National Registers of Historic Places
- Project Cost Estimate

PLEASE NOTE

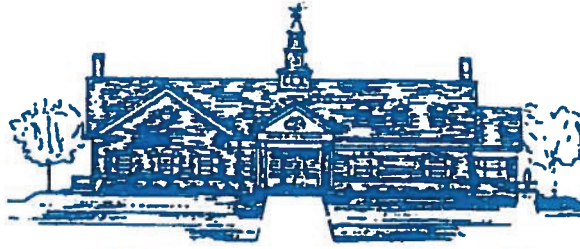
INCOMPLETE OR LATE APPLICATIONS WILL NOT BE CONSIDERED.

APPLICATIONS MUST BE RECEIVED VIA EMAIL IN WORD FORMAT BY APRIL 30, 2015.

MAYOR
Chuck Chiarello

(856) 697-2100
(609) 561-5650
FAX: (856) 697-8651

ADMINISTRATOR/CMFO
Kenia Nunez-Acuna



BUENA VISTA TOWNSHIP

P.O. Box 605, 890 HARDING HIGHWAY
BUENA, NEW JERSEY 08310

www.buenavistanj.com

TOWNSHIP COMMITTEE

John Armato
Teresa Kelly
Steve Martinelli
John Williams

TOWNSHIP CLERK

Lisa A. Tilton

April 29, 2015

Ms. Brandee Chapman, Coordinator
State Trails
NJ Department of Environmental Protection
Natural and Historic Resources
PO Box 420
Trenton, NJ 08625

**RE: Township of Buena Vista
2015 Recreational Trails Application
Match Commitment**

Dear Ms. Chapman:

The Township of Buena Vista is requesting \$24,000.00 in National Recreation Trails funds for the development of the Collings Lakes Nature Trail. This new three-mile trail will provide a wonderful interpretive experience for visitors to explore the New Jersey Pinelands.

The project breakdown cost is:

Construction Costs:	\$ 24,000.00
Local Match (in-kind)	\$ 4,800.00
Total:	\$ 28,800.00

The requested National Recreation Trails application will provide \$24,000.00 to offset the cost of construction. Buena Vista Township recognizes the need to support the project and the grant application with their required minimum match of 20%. Through fair market value of staffing time by the Public Works Department, Buena Vista Township is committing \$ 4,800.00 to support the proposed project.

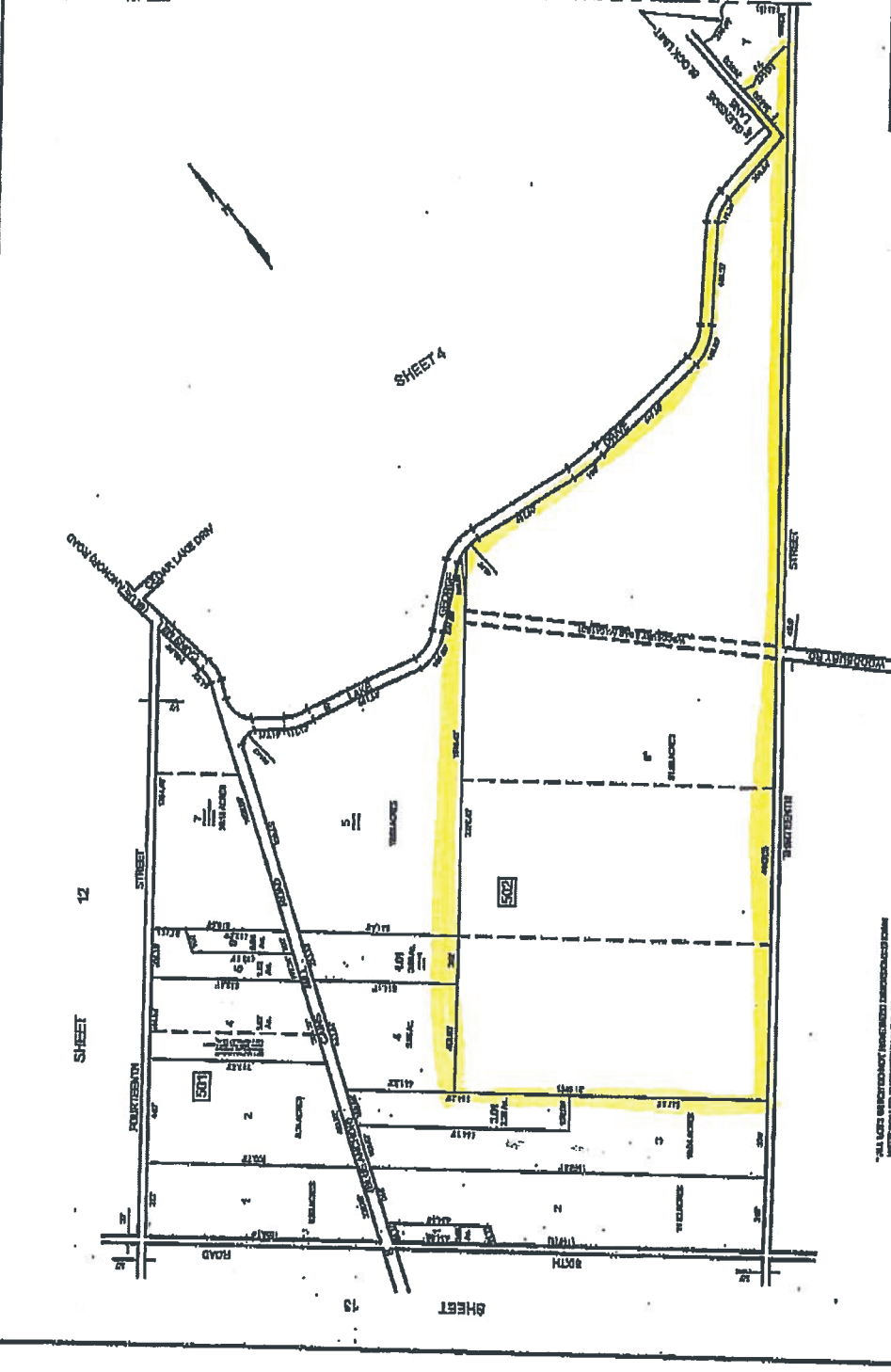
Please accept this letter as Buena Vista Township's formal commitment of funds to this project. Please call me if you have any questions or comments concerning the above.

Sincerely,

Chuck Chiarello
Mayor

5

REVISIONS	
DATE	DESCRIPTION



TAX MAP
TOWNSHIP OF BUENA VISTA
 ATLANTIC COUNTY, NEW JERSEY
 CHRIS R. REIMANN
 TOWNSHIP MANAGER

* * * DISPROPORTIONAL ALLOCATION * * *

This taxpayer has been deemed to be a disproportionate taxpayer because the taxpayer's assessed value is disproportionately high compared to other taxpayers in the township. The taxpayer has the right to appeal this determination to the Board of Taxation. The taxpayer should consult with a professional advisor for more information.

* * * ALL LOTS WITHIN THE BOUNDARIES OF THIS MAP ARE SUBJECT TO THE TAX MAP ACT AND THE TAX MAP ACT REGULATIONS. * * *

REVISIONS: 11/15/11



Photo #1: View of prepared land for the Collins Lakes Trail



Photo #2: Proposed entrance to the Collins Lakes Nature Trail



Photo #3: Baseball Field adjacent to proposed tract of land



Photo #4: Collings Lakes Elementary School



Photo #5: View from parking area @ End/beginning of trail toward Collins Lakes School



Photo #6: Erosion prone trails currently in tract proposed for new trail



Photo #7: Again Erosion prone trail that currently exists



Photo #8: Township owned land ready for Collins Lakes Trail

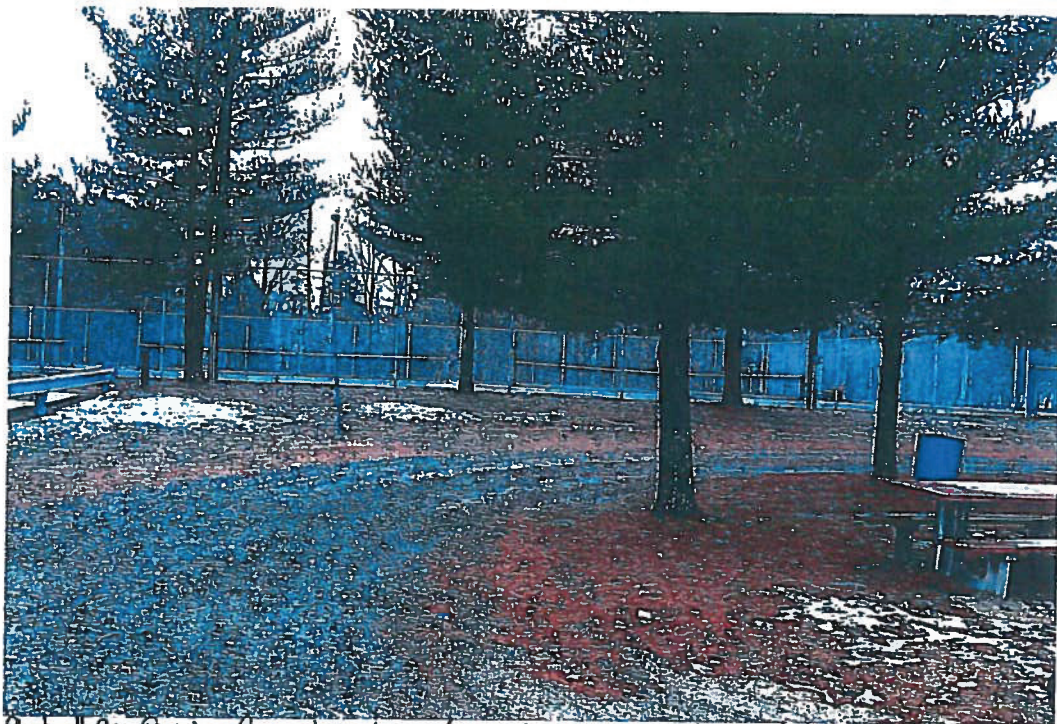


Photo #9: Quigley Park at entrance/end of proposed Collings Lakes trail



Photo #10: Another view of Quigley Park

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
RECREATIONAL TRAILS PROGRAM



NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
ENVIRONMENTAL EVALUATION FORM

Applicant: Buena Vista Township	
Project name: Development of Collings Lakes Nature/Interpretive Trail	
Grant ID #:	
Part I: Project Description: <i>Describe general scope of work to be funded with grant.</i>	
<p>The development of a 3-mile-long non-motorized trail that will provide public access in a controlled and environmentally-sound way. Presently, the tract is replete with trails that people have created by walking around or following game paths, but the unmanaged access to this area by people and the large number of ATVs that use this area have severely impacted its aesthetic character and created erosion problems. All current hiking, biking and related activities take place without the appropriate infrastructure to maintain this sensitive landscape. Thus, one of the goals in developing this trail is preserving the area through appropriate trail development and maintenance.</p>	
Part II: Alternatives to Proposed Action(s): <i>Describe any project alternatives (if they exist).</i>	
<p>There is no alternative to the proposed project as this is the largest tract of land owned by the Township and the only parcel suited for the project.</p>	
Part III: Environmental Consequences: <i>Complete the following. For each "yes", describe the magnitude of the impact and the potential for significant impact (based on context and intensity). Attach appropriate supporting documentation.</i>	
A. Property Acquisitions: <i>Please note that acquisitions under Eminent Domain are not a permissible activity under the RTP program.</i>	
Is the project seeking permanent acquisitions from private landowners or local authorities?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If yes, is the project seeking full or partial acquisition(s)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Is the project on, or is it seeking transfer of Federal or State Land?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If yes to any of the above, describe the proposed acquisition below and attached figures depicting affects to the property(ies):	
B. Local Land Use:	
Is the project consistent with Federal, State and or Local land use plans?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If yes, identify land use plans and briefly describe how the project meets consistency. If no, please explain:	
<p>The project is consistent with Buena Vista Land Use zoning and is an allowable use per the New Jersey Pinelands National Reserve since the trail will be natural and will follow engineering protocol for the area.</p>	

C. Social and Economic:

Describe the positive and negative social and economic effects of the project (if any) to the local aid communities, individual residents, and/or businesses: *For example, consider immediate and near future affects to local commuters, the elderly, the handicapped, other recreational users, churches, schools; and consider comments received from the public in Section IV below.*

The administration at The Collings Lakes Middle School has expressed excitement for the project and the opportunity it will afford the students to have a living classroom within walking distance of the school. The school also plans to develop interpretive trail sign-age for the project. Project will also impact the 1,200 home Collings Lakes community, the most densely populated area in the Township. It will allow residents to access a safe, environmentally friendly trail within walking distance of their homes. A local church, Our Lady of the Lakes Catholic Church is looking forward to using the trail for their youth group and their sustainability activities.

D. Archeological and Historical Resources:

Are there National Register-listed or eligible sites in the project area? YES NO

Would the project affect any listed or eligible sites? YES NO

Are the effects of the project adverse to listed or eligible sites? YES NO

If yes to any of the above, briefly summarize below and attach the following: survey report, accompanying determinations and concurrences from State Historic Preservation Office, and any agreement for resolution of adverse effects.

E. Fish & Wildlife

Are there Threatened or Endangered species or their habitat present? YES NO

Are anadromous or resident fish populations present? YES NO

Are migratory bird habitat or raptor nest present? YES NO

Does the project affect wildlife resources (game/subsistence species)? YES NO

Will the project cross Essential Fish Habitat (EFH)? YES NO

For questions 2-5, are any permits required? YES NO

Describe the impacts and attach supporting documentation: There are ten (10) species within Atlantic County listed on the Endangered Species Act list (USFW IPac attached). It does not appear that any of the species are in the vicinity of the proposed project. The trail will be developed with appropriate trail development for maximum preservation. Additionally, there are no critical habit areas located within the project site.

F. Wetlands & Floodplains

Will the project area impact Wetlands? (If yes, complete questions 1-4) YES NO

1. Total wetland acres affected: acres

2. Total wetland fill quantities: cubic yards

3. Dredge quantities of wetland: cubic yards

4. US Army Corps of Engineers authorization required: NONE Type: NWP Individual Other

Does the project encroach onto the 100-year floodplain? YES NO

If yes, would the project increase the backwater elevation of the 100-year floodplain one foot or greater? YES NO

Is the project within a regulatory floodway? YES NO

If yes, does the project adversely affect the floodway? YES NO

Describe the impacts and attach supporting documentation: Attached is a USFW National Wetlands Inventory Map that shows wetlands in the area but not within the project site.

G. Water Bodies

Does the project affect a navigable water body as defined by Section 9 of the Rivers and Harbor Act? YES NO

Does the project affect waters and navigable waters of the U.S. as defined by Section 404 of YES NO

the Clean Water Act and/or Section 10 of the Rivers and Harbors Act?	
Proposed river or stream involvement (check all that apply):	<input type="checkbox"/> Bridge <input type="checkbox"/> Culvert <input type="checkbox"/> Embankment Fill <input type="checkbox"/> Relocation <input type="checkbox"/> Diversion
Proposed river or stream involvement is:	<input type="checkbox"/> Permanent <input type="checkbox"/> Temporary
Type of river or stream habitat impacted (check all that apply):	<input type="checkbox"/> Spawning <input type="checkbox"/> Rearing <input type="checkbox"/> Pool <input type="checkbox"/> Riffle <input type="checkbox"/> Undercut Bank
Describe the impacts and attach supporting documentation:	Not applicable there are no rivers, streams or bodies of water within the project site.
H. New Jersey Coastal Management Program:	
Is the project within the New Jersey Coastal Management Program boundary?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Describe the impacts and attach supporting documentation:	The project is not in an area regulated by CAFRA.
I. Water Quality:	
Does the project affect a public or private drinking source?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Does the project affect a designated impaired water body?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
How many acres of ground disturbing activities will result from the project?	acres
Is there a municipal separate storm sewer system (MS4) National Pollution Discharge Elimination System permit (NPDES) or will runoff be mixed with discharge from a NPDES permitted industrial facility?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
If yes, provide NPDES permit number:	
Describe the impacts and attach supporting documentation:	Not applicable due to the scope of the project
J. Hazardous Waste:	
Are hazardous wastes located within the project area?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Describe the impacts:	See attached NJDEP Hazardous Site Listings. Addresses have been reviewed and there are none within the vicinity of the project site.
Part IV: Public Involvement: Describe how public involvement was solicited and attach copies of public notices, comments received, and the responses to comments.	
Primary outreach was to the Collings Lakes Middle School which is immediately adjacent to project site. This outreach was done verbally at the time of the application.	
Part V: Environmental Commitments and Mitigation Measures: List commitments and measures that will be taken to avoid, minimize or mitigate all resource impacts identified in Section III, IV, and VI; and list all permit conditions. Environmental commitments are actions that the grantee will be held to during the project implementation.	
Project engineers will use all measures to preserve the site in its natural conditions while adding with the erosion issues being created by current unauthorized access on the site. The proposed project will not create any unnatural surfaces or remove natural resources.	

Part VI: Motorized Project Questions: Complete this section only if you have motorized recreation as part of your project scope.

A. Air Quality:

Is the project area in a designated non-attainment or maintenance area for air quality? YES NO

If yes, is the project listed on the exempt projects list (40 CFR 93.126)? YES NO

B. Noise:

Is the project in an existing designated recreational land use area or park? YES NO

Is the project located near any residential areas, campgrounds, wildlife refuges, or wilderness areas? YES NO

If yes to any of the above, describe proximity to types of areas and describe noise impacts:

What types and numbers of mechanized vehicles do you anticipate on the trail daily and seasonally?
(Example: 30 OHVs/day from summer to fall)
This is a non-motorized trail.

Part VII: Applicant Certification:

I certify the information above was completed to the best of my knowledge to be accurate and correct:

Signature: _____ Date: 8.23.2016

Printed Name: Chuck Chiarello Title: Mayor

FOR OFFICIAL USE ONLY

State Trails Coordinator Certification:

Project qualifies as a Categorical Exclusion, per 23 CFR 771.117 and Stipulation 1 or 2 of the Programmatic Agreement between FHWA and NJDEP YES NO

Certified: _____ Date: _____
State Trails Coordinator

Federal Highway Administration Approval:

Accepted: _____ Date: _____
FHWA Recreational Trails Program Manager

Attachment #1:

- Project Location Map with proposed trail
- Tax Map

Buena Vista Township Block 502, Lot 6 & 4.01

Collings Lakes
Elementary School

Existing Parking Lot
at Quigley Recreation
Area

Existing
Parking Lot

Proposed Nature
Trail 2.4 Miles

Cain's Mill Road

Schaeffer Nasar Scheldegg
CONSULTING ENGINEERS, LLC
Engineers • Surveyors • Environmental Specialists • Planners
1425 Conillon Boulevard, Myrtle Landing, New Jersey 08310
Phone: (609) 835-7400 Fax: (609) 809-0233

Map 2007 Aerials & Wetlands Map

0 160 320 640
Feet
1 inch = 600 feet

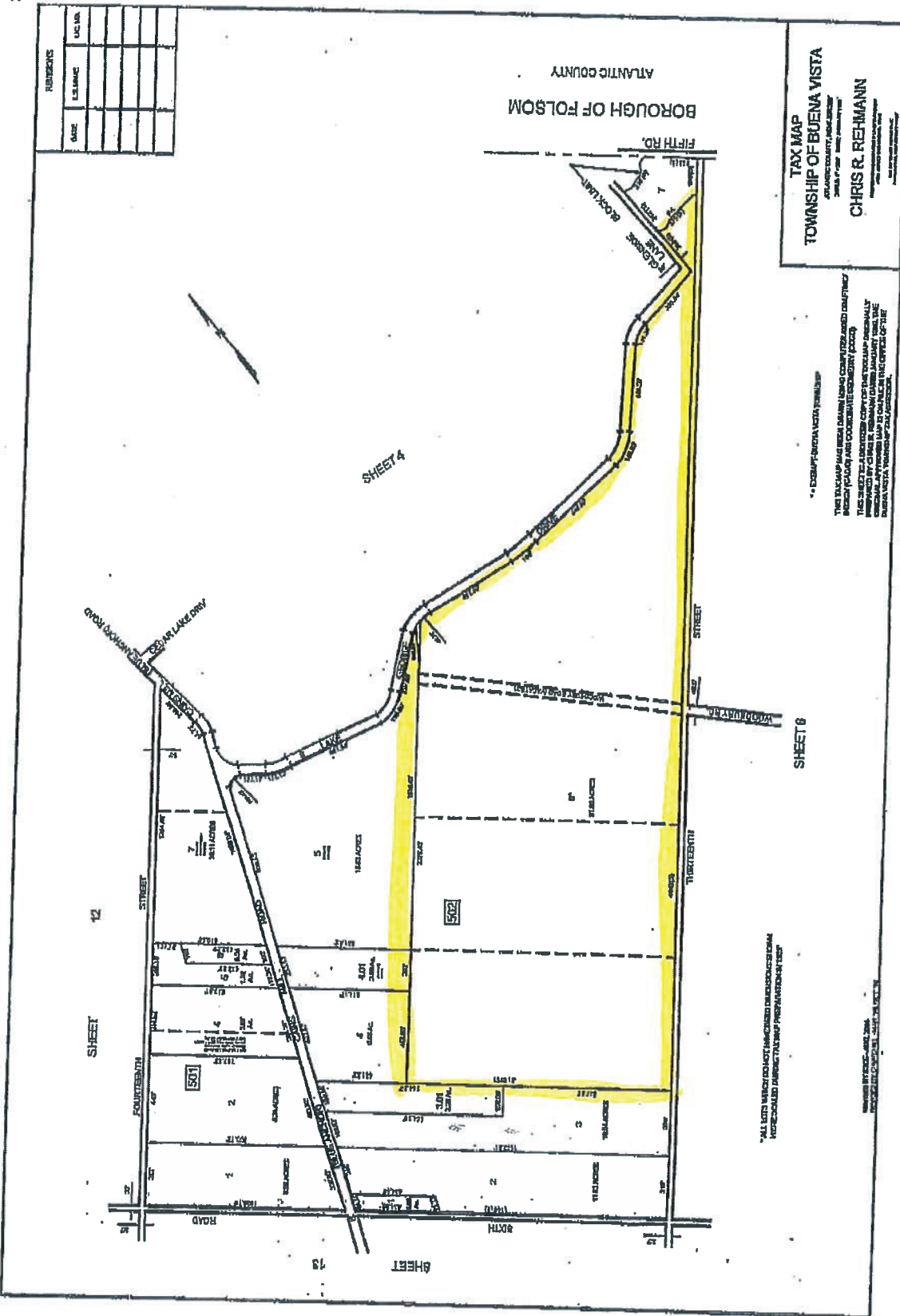
This map was developed using New Jersey
Department of Environmental Protection
Geographic Information System digital data,
but this secondary product has not been
verified by NJDEP and is not state-authorized.



- Legend**
- Site
 - Tax Map
 - Wetlands

5

REFERENCES	
DATE	DESCRIPTION



TAX MAP
TOWNSHIP OF BUENA VISTA
 ATLANTIC COUNTY, NEW JERSEY
 PREPARED BY
CHRIS R. REHMANN
 1000 WOOD QUAY STREET, SUITE 100
 BUENA VISTA, NEW JERSEY 08410
 TEL: 856-881-1111
 FAX: 856-881-1112
 WWW.CRRMANN.COM

**** EXEMPT BUENA VISTA TOWNSHIP ****
 THIS TAX MAP WAS BEING DRAWN USING COMPUTERIZED DATA FROM THE COUNTY'S GIS SYSTEM. THE DATA WAS PROVIDED BY THE COUNTY'S GIS DEPARTMENT. THE TAX MAP IS NOT A SUBSTITUTE FOR THE OFFICIAL RECORDS OF THE COUNTY'S GIS DEPARTMENT. THE TAX MAP IS NOT A SUBSTITUTE FOR THE OFFICIAL RECORDS OF THE COUNTY'S GIS DEPARTMENT.

**** ALL LOTS WHICH DO NOT HAVE A ZONING DESIGNATION ARE UNZONED AND ARE SUBJECT TO THE ZONING ORDINANCES OF THE TOWNSHIP OF BUENA VISTA ****

REVISIONS BY DATE - SHEET NO.

0105 Dec. 20. 2011; 12:05PM LOT 6

QUAL. UPDATED cNo. 4283811P. 12

-----OWNER INFORMATION-----

BUENA VISTA TOWNSHIP
890 HARDING HIGHWAY
BUENA NJ 08310

() AMT #OWN 01
BANK# MORT# SS#

-----PROPERTY INFORMATION-----

PROP LOC: THIRTEENTH STREET
PROPERTY CLASS 15C ACCOUNT#
BLDG DESC V.LAND-RESERVED
LAND/ACRE 91.57 ACRES / .57
ADDITIONL LOTS 7 .48 AC IRR 6 IS
91.09 ACRES
ZONE MAP 5 USER#1 #2
BULT 0000 UNITS BCLASS
VCS R105 SFLA 00000

-----SALES INFORMATION-----

DATE BOOK PAGE PRICE PCD NU 4TYPE
CUR:
-1:
-2:

-----TENANT REBATE-----
BASE YR TAXES FLAG
11 .00 N

-----VALUES-----

LAND 183100
IMPR
EXM1
EXM2
EXM3
EXM4
NET 183100

-----TAXES-----

11 TOTAL .00
12 HALF1 .00
12 TOTAL .00
13 HALF1 .00
SPECTAX CDS: F03

-----EXEMPT PROPERTY DATA-----

EPL CD 0401047 STAT. 54:04-03.03
FACILITY TAX LIEN FORECLOSUR
INIT FILE 122294 FUR FILE
ASMT CODE

OLDID:

NEXT ACCESS: BLK LOT QUAL
EN=CHANGE F1=NO ACTION F3=ASSMT HISTORY F5=RECORD CARD F7=MORE

RECEIVED

DEC 20 2011
TOWN OF BUENA VISTA
CLERK VICTORIA

Attachment #2:

- USFW National Wetlands Inventory Map











U.S. Fish and Wildlife Service

National Wetlands Inventory

Buena Vista
Township, NJ

Apr 28, 2015

Wetlands

-  Freshwater Emergent
-  Freshwater Forested/Shrub
-  Estuarine and Marine Deepwater
-  Estuarine and Marine
-  Freshwater Pond
-  Lake
-  Riverine
-  Other



This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

Proposed 3-mile nature trail



Attachment #3:

- U.S. Fish and Wildlife Service Endangered Species Act List



U.S. Fish and Wildlife Service

Trust Resources List

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

New Jersey Ecological Services Field Office
927 NORTH MAIN STREET, BUILDING D
PLEASANTVILLE, NJ 8232
(609) 646-9310
<http://www.fws.gov/northeast/njfieldoffice/Endangered/consultation.html>

Project Name:

Buena Vista Township Rec Trails Application 2015

Project Counties:

Atlantic, NJ

Project Type:

Recreation Construction / Maintenance

Endangered Species Act Species List (USFWS Endangered Species Program).

There are a total of 10 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Critical habitats listed under the Has Critical Habitat column may or may not lie within your project area. See the Critical habitats within your project area section below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

Species that should be considered in an effects analysis for your project:

Birds	Status		Has Critical Habitat	Contact
-------	--------	--	----------------------	---------



U.S. Fish and Wildlife Service

Trust Resources List

Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed	Threatened	species info	Final designated critical habitat Final designated critical habitat	New Jersey Ecological Services Field Office
Red Knot (<i>Calidris canutus rufa</i>) Population:	Threatened	species info		New Jersey Ecological Services Field Office
Flowering Plants				
American chaffseed (<i>Schwalbea americana</i>)	Endangered	species info		New Jersey Ecological Services Field Office
Hirst Brothers' Panic grass (<i>Dichanthelium (=panicum) hirstii</i>) Population:	Candidate	species info		New Jersey Ecological Services Field Office
Knieskern's Beaked-rush (<i>Rhynchospora knieskernii</i>)	Threatened	species info		New Jersey Ecological Services Field Office
Seabeach amaranth (<i>Amaranthus pumilus</i>)	Threatened	species info		New Jersey Ecological Services Field Office
sensitive joint-vetch (<i>Aeschynomene virginica</i>)	Threatened	species info		New Jersey Ecological Services Field Office
Swamp pink (<i>Helonias bullata</i>)	Threatened	species info		New Jersey Ecological Services Field Office
Mammals				
Northern long-eared Bat (<i>Myotis septentrionalis</i>) Population:	Threatened	species info		New Jersey Ecological Services Field Office
Reptiles				



U.S. Fish and Wildlife Service

Trust Resources List

Bog Turtle <i>(Clemmys muhlenbergii)</i> Population: northern	Threatened	species info		New Jersey Ecological Services Field Office
---	------------	------------------------------	--	---

Critical habitats within your project area:

There are no critical habitats within your project area.

FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#))

There is 1 refuge in your refuge list

Edwin B. Forsythe National Wildlife Refuge (609) 652-1665 P.O. BOX 72 OCEANVILLE, NJ8231	refuge profile
--	--------------------------------

FWS Migratory Birds ([USFWS Migratory Bird Program](#))

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. For more information regarding these Acts see: <http://www.fws.gov/migratorybirds/RegulationsandPolicies.html>.

All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts. The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

For information about Birds of Conservation Concern, go to:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html>.



U.S. Fish and Wildlife Service

Trust Resources List

To search and view summaries of year-round bird occurrence data within your project area, go to the Avian Knowledge Network Histogram Tool links in the Bird Conservation Tools section at: <http://www.fws.gov/migratorybirds/CCMB2.htm>.

For information about conservation measures that help avoid or minimize impacts to birds, please visit: <http://www.fws.gov/migratorybirds/CCMB2.htm>.

Migratory birds of concern that may be affected by your project:

There are 31 birds on your Migratory birds of concern list. The underlying data layers used to generate the migratory bird list of concern will continue to be updated regularly as new and better information is obtained. User feedback is one method of identifying any needed improvements. Therefore, users are encouraged to submit comments about any questions regarding species ranges (e.g., a bird on the USFWS BCC list you know does not occur in the specified location appears on the list, or a BCC species that you know does occur there is not appearing on the list). Comments should be sent to [the ECOS Help Desk](#).

Species Name	Bird of Conservation Concern (BCC)	Species Profile	Seasonal Occurrence in Project Area
American Oystercatcher (<i>Haematopus palliatus</i>)	Yes	species info	Year-round
American bittern (<i>Botaurus lentiginosus</i>)	Yes	species info	Breeding, Wintering
Bald eagle (<i>Haliaeetus leucocephalus</i>)	Yes	species info	Year-round
Black Skimmer (<i>Rynchops niger</i>)	Yes	species info	Breeding
Black rail (<i>Laterallus jamaicensis</i>)	Yes	species info	Breeding
Black-billed Cuckoo (<i>Coccyzus erythrophthalmus</i>)	Yes	species info	Breeding
Blue-winged Warbler (<i>Vermivora pinus</i>)	Yes	species info	Breeding
Fox Sparrow (<i>Passerella iliaca</i>)	Yes	species info	Wintering
Great Shearwater (<i>Puffinus gravis</i>)	Yes	species info	Migrating
Gull-billed Tern (<i>Gelochelidon nilotica</i>)	Yes	species info	Breeding
Horned Grebe (<i>Podiceps auritus</i>)	Yes	species info	Wintering



U.S. Fish and Wildlife Service

Trust Resources List

Hudsonian Godwit (<i>Limosa haemastica</i>)	Yes	species info	Migrating
Kentucky Warbler (<i>Oporornis formosus</i>)	Yes	species info	Breeding
Least Bittern (<i>Ixobrychus exilis</i>)	Yes	species info	Breeding
Least tern (<i>Sterna antillarum</i>)	Yes	species info	Breeding
Lesser Yellowlegs (<i>Tringa flavipes</i>)	Yes	species info	Wintering
Peregrine Falcon (<i>Falco peregrinus</i>)	Yes	species info	Wintering
Pied-billed Grebe (<i>Podilymbus podiceps</i>)	Yes	species info	Year-round
Prairie Warbler (<i>Dendroica discolor</i>)	Yes	species info	Breeding
Prothonotary Warbler (<i>Protonotaria citrea</i>)	Yes	species info	Breeding
Purple Sandpiper (<i>Calidris maritima</i>)	Yes	species info	Wintering
Red Knot (<i>Calidris canutus rufa</i>)	Yes	species info	Wintering
Red-headed Woodpecker (<i>Melanerpes erythrocephalus</i>)	Yes	species info	Year-round
Rusty Blackbird (<i>Euphagus carolinus</i>)	Yes	species info	Wintering
Saltmarsh Sparrow (<i>Ammodramus caudacutus</i>)	Yes	species info	Year-round
Seaside Sparrow (<i>Ammodramus maritimus</i>)	Yes	species info	Year-round
Short-eared Owl (<i>Asio flammeus</i>)	Yes	species info	Wintering
Snowy Egret (<i>Egretta thula</i>)	Yes	species info	Breeding
Upland Sandpiper (<i>Bartramia longicauda</i>)	Yes	species info	Breeding
Wood Thrush (<i>Hylocichla mustelina</i>)	Yes	species info	Breeding
Worm eating Warbler (<i>Helmitheros vermivorum</i>)	Yes	species info	Breeding



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NWI Wetlands (USFWS National Wetlands Inventory).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

Data Limitations, Exclusions and Precautions

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery and/or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Exclusions - Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercoid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Precautions - Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the



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advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

The following wetland types intersect your project area in one or more locations:

Wetland Types	NWI Classification Code	Total Acres
Estuarine and Marine Deepwater	E1UBLx	12.5679
Estuarine and Marine Deepwater	E1UBL	4.2499
Estuarine and Marine Deepwater	E1UBL6	21.9761
Estuarine and Marine Wetland	E2SS1/EM1P	5.4577
Estuarine and Marine Wetland	E2EM1/SS1P6	12.4439
Estuarine and Marine Wetland	E2EM1P	172.2602
Estuarine and Marine Wetland	M2US2P	7.1484
Estuarine and Marine Wetland	E2EM1N	6.5458
Estuarine and Marine Wetland	E2SS1P	1.5994
Estuarine and Marine Wetland	E2EM1P6	28.3015
Estuarine and Marine Wetland	E2SS4/1P	8.0569
Estuarine and Marine Wetland	E2EM1/AB6N	0.3977
Estuarine and Marine Wetland	E2EM1Pd	1567.1923
Estuarine and Marine Wetland	E2EM1Ps	1.108
Estuarine and Marine Wetland	E2SS1/4P	2.0943
Estuarine and Marine Wetland	E2EM5P	9.5196
Freshwater Emergent Wetland	PEM1/SS4E	17.3488
Freshwater Emergent Wetland	PEM1Ed	74.7248
Freshwater Emergent Wetland	PEM1Eh	20.6431
Freshwater Emergent Wetland	PEM1/SS1Ed	21.5394
Freshwater Emergent Wetland	PEM1/FO5Fh	2.8442
Freshwater Emergent Wetland	PEM1Ex	1.481



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Freshwater Emergent Wetland	PEM1/FO1E	3.5358
Freshwater Emergent Wetland	PEM1Fd	42.585
Freshwater Emergent Wetland	PEM1E	33.0593
Freshwater Emergent Wetland	PEM1C	1.1692
Freshwater Emergent Wetland	PEM1B	17.6789
Freshwater Emergent Wetland	PEM1R	9.0653
Freshwater Emergent Wetland	PEM1/SS1C	0.8852
Freshwater Emergent Wetland	PEM1/SS1E	9.1168
Freshwater Emergent Wetland	PEM1/SS1B	2.362
Freshwater Emergent Wetland	PEM1/FO4C	4.9146
Freshwater Emergent Wetland	PEM1Bd	15.7476
Freshwater Forested/Shrub Wetland	PSS1/EM1Eh	15.475
Freshwater Forested/Shrub Wetland	PSS1Fx	1.8462
Freshwater Forested/Shrub Wetland	PSSf	27.6016
Freshwater Forested/Shrub Wetland	PSS4/3B	40.6518
Freshwater Forested/Shrub Wetland	PSS3/EM1Eh	6.11
Freshwater Forested/Shrub Wetland	PFO4Bg	18.0674
Freshwater Forested/Shrub Wetland	PFO5/EM1Fh	14.1459
Freshwater Forested/Shrub Wetland	PSS4/1Bd	15.8988
Freshwater Forested/Shrub Wetland	PSS3B	15.0213
Freshwater Forested/Shrub Wetland	PSS1/FO4B	3.144
Freshwater Forested/Shrub Wetland	PFO1/4F	3.0636
Freshwater Forested/Shrub Wetland	PFO1/4E	184.622
Freshwater Forested/Shrub Wetland	PFO1/4Rg	3.2568
Freshwater Forested/Shrub Wetland	PFO4Ax	0.9141
Freshwater Forested/Shrub Wetland	PSS1Ex	2.1711



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Freshwater Forested/Shrub Wetland	PSS3E	0.0217
Freshwater Forested/Shrub Wetland	PFO1/SS1R	1.0187
Freshwater Forested/Shrub Wetland	PSS1/EM1E	79.0052
Freshwater Forested/Shrub Wetland	PSS3R	3.4816
Freshwater Forested/Shrub Wetland	PFO1/4B	183.7724
Freshwater Forested/Shrub Wetland	PFO4Bd	33.1699
Freshwater Forested/Shrub Wetland	PFO1/4C	13.7848
Freshwater Forested/Shrub Wetland	PFO4/1Bd	1.6248
Freshwater Forested/Shrub Wetland	PFO4/SS1Ed	0.0773
Freshwater Forested/Shrub Wetland	PSS1Ed	4.7857
Freshwater Forested/Shrub Wetland	PSS4B	13.0849
Freshwater Forested/Shrub Wetland	PFO4/3E	1.8218
Freshwater Forested/Shrub Wetland	PFO1/4R	1.5743
Freshwater Forested/Shrub Wetland	PFO1/4Bd	47.8397
Freshwater Forested/Shrub Wetland	PFO5Fh	5.2194
Freshwater Forested/Shrub Wetland	PFO1/3E	88.5691
Freshwater Forested/Shrub Wetland	PFO1/3B	12.578
Freshwater Forested/Shrub Wetland	PFO4Rg	34.644
Freshwater Forested/Shrub Wetland	PSS4/1B	112.5175
Freshwater Forested/Shrub Wetland	PSS4R	1.7981
Freshwater Forested/Shrub Wetland	PSS4/1E	6.6463
Freshwater Forested/Shrub Wetland	PFO4Rd	10.8308
Freshwater Forested/Shrub Wetland	PFO2/SS2Ed	14.7043
Freshwater Forested/Shrub Wetland	PSS1/FO1R	68.5879
Freshwater Forested/Shrub Wetland	PFO4/1R	10.2167
Freshwater Forested/Shrub Wetland	PFO4/1E	98.7854



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Freshwater Forested/Shrub Wetland	PFO3/1B	10.3181
Freshwater Forested/Shrub Wetland	PSS1/FO1E	19.6898
Freshwater Forested/Shrub Wetland	PSS1/FO1B	77.585
Freshwater Forested/Shrub Wetland	PSS1/4Rg	98.4609
Freshwater Forested/Shrub Wetland	PSS3/4E	1369.9405
Freshwater Forested/Shrub Wetland	PFO4/1C	101.6855
Freshwater Forested/Shrub Wetland	PFO4/1B	1099.1905
Freshwater Forested/Shrub Wetland	PSS4/1R	13.1387
Freshwater Forested/Shrub Wetland	PSS3Ea	0.0807
Freshwater Forested/Shrub Wetland	PFO1Ed	2.2912
Freshwater Forested/Shrub Wetland	PSS3/EM1Ba	0.4122
Freshwater Forested/Shrub Wetland	PSS4Rg	2.3937
Freshwater Forested/Shrub Wetland	PFO4/1Egh	9.5888
Freshwater Forested/Shrub Wetland	PSS3/1Eh	36.2765
Freshwater Forested/Shrub Wetland	PFO1Eh	2.7339
Freshwater Forested/Shrub Wetland	PFO4B	1748.8872
Freshwater Forested/Shrub Wetland	PFO4/1Eg	30.412
Freshwater Forested/Shrub Wetland	PFO4/1Ed	0.1707
Freshwater Forested/Shrub Wetland	PFO4C	1.1213
Freshwater Forested/Shrub Wetland	PFO4E	167.5371
Freshwater Forested/Shrub Wetland	PSS1/3B	31.035
Freshwater Forested/Shrub Wetland	PSS4/EM1Ed	6.1606
Freshwater Forested/Shrub Wetland	PSS3/1E	22.1771
Freshwater Forested/Shrub Wetland	PFO4/SS4B	744.3329
Freshwater Forested/Shrub Wetland	PFO4Eg	825.66
Freshwater Forested/Shrub Wetland	PFO3B	9.19



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Freshwater Forested/Shrub Wetland	PFO4Eh	1.8254
Freshwater Forested/Shrub Wetland	PSS1/4E	14.3548
Freshwater Forested/Shrub Wetland	PFO4/1Bg	8.4042
Freshwater Forested/Shrub Wetland	PFO4/1Rg	296.291
Freshwater Forested/Shrub Wetland	PSS1/4B	111.2135
Freshwater Forested/Shrub Wetland	PSS1/FO1Rd	74.534
Freshwater Forested/Shrub Wetland	PSS3/1B	1.8768
Freshwater Forested/Shrub Wetland	PSS3Ba	14.3554
Freshwater Forested/Shrub Wetland	PFO4Fg	5.6374
Freshwater Forested/Shrub Wetland	PFO2E	1.4586
Freshwater Forested/Shrub Wetland	PFO5/UBFh	31.5133
Freshwater Forested/Shrub Wetland	PFO4/SS3B	7.8101
Freshwater Forested/Shrub Wetland	PSS1/3F	4.5182
Freshwater Forested/Shrub Wetland	PSS1Bd	41.1268
Freshwater Forested/Shrub Wetland	PFO1S	10.6399
Freshwater Forested/Shrub Wetland	PFO1/4Eg	186.1619
Freshwater Forested/Shrub Wetland	PFO1Bd	34.375
Freshwater Forested/Shrub Wetland	PSS1R	123.7914
Freshwater Forested/Shrub Wetland	PFO1/4Edh	33.6532
Freshwater Forested/Shrub Wetland	PSS1/4R	8.166
Freshwater Forested/Shrub Wetland	PSS1/4Eg	37.8454
Freshwater Forested/Shrub Wetland	PSS4Eg	67.8304
Freshwater Forested/Shrub Wetland	PFO4/SS1E	21.8659
Freshwater Forested/Shrub Wetland	PFO4/SS1B	44.0939
Freshwater Forested/Shrub Wetland	PFO1B	441.2909
Freshwater Forested/Shrub Wetland	PSS1B	7.5246



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Freshwater Forested/Shrub Wetland	<u>PFOIC</u>	24.1199
Freshwater Forested/Shrub Wetland	<u>PSS4/IEg</u>	33.033
Freshwater Forested/Shrub Wetland	<u>PSSIE</u>	1.5372
Freshwater Forested/Shrub Wetland	<u>PFOIF</u>	9.7005
Freshwater Forested/Shrub Wetland	<u>PSSIE</u>	187.1689
Freshwater Forested/Shrub Wetland	<u>PFOIE</u>	880.9702
Freshwater Pond	<u>PUBFx</u>	1.8202
Freshwater Pond	<u>PUB/SSIE</u>	0.7001
Freshwater Pond	<u>PUBHh</u>	12.2977
Freshwater Pond	<u>PUBHx</u>	64.7766
Freshwater Pond	<u>PUBH</u>	5.8986
Freshwater Pond	<u>PUBF</u>	0.288
Freshwater Pond	<u>PUB/EMIE</u>	0.4115
Lake	<u>LIUBHx</u>	80.9701
Other	<u>PUSCx</u>	3.364
Other	<u>Pf</u>	23.031
Riverine	<u>R2UBH</u>	1.4395

Attachment #4:

- NJDEP Active Contaminated Site List



New Jersey Department of Environmental Protection Site Remediation Program

Active Sites With Confirmed Contamination

Prepared: 8/22/2016

Site ID	PI Number	PI Name	Address	Home Owner
356524	440201	144 BAYVIEW DRIVE	144 BAYVIEW DR	Yes
15585	014046	ABSECON PETRO	128 ABSECON BLVD	No
12828	014577	BINDRA INVESTMENTS LLC	2 ABSECON BLVD	No
15564	014550	BINDRA INVESTMENTS LLC	471 WHITEHORSE PK	No
15567	007457	DAIBES SVC STATION ABSECON	802 ABSECON BLVD	No
55951	030180	MIKES ABSECON AUTO REPAIR	180 ABSECON BLVD	No
64102	G000008936	NEW YORK AVENUE GRD WTR CONTAMINATION	NEW YORK AVE	No
15586	010406	NISHAN INVESTMENT LLC	101 ABSECON BLVD	No
149866	253103	NJ DOT DELILAH ROAD BRIDGE PROJECT	ABSECON BLVD & DELILAH RD	No
15587	020382	SAFETY BUS SERVICE	235 ABSECON BLVD	No
424103	530670	T&R LEASING LLC	500 ABSECON BLVD	No
43562	006137	UHAUL 813048	1 ABSECON BLVD	No
12	Site Count			

Site ID	PI Number	PI Name	Address	Home Owner
475214	599436	104 NORTH CONGRESS AVENUE	104 N CONGRESS AVE	No
354195	437249	1125 CITY AVENUE	1125 CITY AVE	Yes
538019	675080	1330 MEDITERRANIAN AVENUE	1330 MEDITERRANIAN AVE	No
57459	259106	15 SOUTH PENNSYLVANIA AVENUE	15 S PENNSYLVANIA AVE	No
468128	590705	160 & 170 SOUTH NEW JERSEY AVENUE	160 170 S NEW JERSEY AVE	No
85725	G000060250	2001 PACIFIC AVENUE	2001 PACIFIC AVE	No
65704	G000031542	206 TO 208 & 220 N SOUTH CAROLINA AVENUE	206 208 SOUTH CAROLINA AVE	No
204928	269515	2124 RIVERSIDE DRIVE	2124 RIVERSIDE DR	Yes
569839	713804	220 PACIFIC AVENUE	220 PACIFIC AVE	Yes
230934	169754	227 N NORTH CAROLINA AVENUE	227 NORTH CAROLINA AVE	Yes
203658	564643	227 NORTH VERMONT AVENUE	227 N VERMONT AVE	No
230928	302102	231 N NORTH CAROLINA AVENUE	231 NORTH CAROLINA AVE	Yes
230925	302099	235 N NORTH CAROLINA AVENUE	235 NORTH CAROLINA AVE	No
230924	169746	239 N NORTH CAROLINA AVENUE	239 NORTH CAROLINA AVE	Yes
65726	G000031634	240 NEVADA AVENUE NORTH	240 NEVADA AVE	Yes

14552	013937	TELLERS SERVICE CENTER	615 NORTH CAROLINA AVE	No
483119	609445	TENNESSEE GREEN URBAN RENEWAL DEVELOPMENT	341 N TENNESSEE AVE	No
64996	G000025798	TEXACO BULK STORAGE FACILITY	ABSECON BLVD	No
12778	005940	TEXACO SERVICE STATION	2140 ATLANTIC AVE	No
55085	025088	THE ABBOTTS DAIRIES FACILITY	1250 ABSECON BLVD	No
266555	439301	TRIANGLE PROPERTIES LLC	3301 ARTIC AVE	No
57882	033636	VACANT LOT	1600 1618 BALTIC AVE	No
444832	034085	VACANT LOT	3800 ATLANTIC AVE	No
49504	024982	VACANT STRUCTURE	400 MARYLAND AVE	No
12829	003971	VINA AUTO SERVICE	2401 ARCTIC AVE	No
12789	576490	YI CASINO DRY CLEANERS	1818 1820 ATLANTIC AVE	No
140	Site Count			

Brigantine City

Site ID	PI Number	PI Name	Address	Home Owner
537795	674781	222 8TH STREET SOUTH	222 8TH ST S	No
460473	581185	407 WEST EVANS BOULEVARD	407 W EVANS BLVD	Yes
166443	218808	BRIGANTINE GOLF LINKS	1075 N SHORE DR	No
12754	005241	BRIGANTINE SHELL	4012 ATLANTIC BRIGANTINE BLVD	No
12802	001088	GULF	3600 ATLANTIC BRIGANTINE BLVD	No
124476	164425	LASAMMANA HOTEL	1400 1406 W BRIGANTINE AVE	No
6	Site Count			

Buena Boro

Site ID	PI Number	PI Name	Address	Home Owner
12747	010440	#802 TOM'S AMOCO	209 HARDING HWY	No
44950	011521	BUENA BORO SLF	300 SUMMER RD	No
12737	012353	BUENA MAINT YARD	722 HARDING HWY	No
48350	018525	DR J P CLEARY MIDDLE SCHOOL	1501 CENTRAL AVE	No
12741	G000003043	GARDEN STATE CLEANERS	802 SUMMER RD	No
12738	G000061894	IGI INC	701 HARDING HWY	No
64177	G000009466	JANET STREET GROUND WATER CONTAMINATION	BREWSTER RD & JANET ST & VINE RD	No
48351	018526	JOHN C MILANESI SCHOOL	880 HARDING HWY	No
53117	020958	LA CONCADORO BAKERY	445 WHEAT RD	No
12746	002842	LANDISVILLE CITGO	104 HARDING HWY	No
65425	G000029386	MAZONI FOOD & PRODUCE PACKAGING FORMER	502 N WEST BLVD	No
14551	009912	PEDRONI FUEL CO	385 WHEAT RD	No
42075	001896	SCOTT PAPER COMPANY	WEYMOUTH MALAGA RD & SOUTH BVD	No
63855	G000005027	SOUTH JERSEY CLOTHING COMPANY	140 CENTRAL AVE	No
12745	007770	VINELAND TRUCK STOP GULF	760 HARDING HWY	No
45563	002788	WAWA FOOD MARKET #409	1502 1504 CENTRAL AVE	No
65779	G000031965	WHEAT ROAD & ROUTE 40 GW CONTAMINATION	WHEAT RD & HARDING HWY	No
17	Site Count			

Buena Vista Twp

Site ID	PI Number	PI Name	Address	Home Owner
388274	485023	122 DOGWOOD LANE	122 DOGWOOD LN	Yes
571099	715346	761 HARDING HIGHWAY	761 HARDING HWY	No
443475	006695	BACHAN PETROL LLC	751 HARDING HWY	No
57299	032314	BUENA SUNOCO (AKA SAEZ GAS)	377 RT 54	No
57470	660004	BUENA VISTA TWP DPW	430 UNION RD	No
12735	G000001840	COMAR, INC	1 COMAR PL	No

64411	G000011578	GREENBRIAR AVENUE GRD WTR CONTAMINATION	GREENBRIAR AVE	No
44844	011303	MILMAY AUTO REPAIR	TUCKAHOE RD	No
49931	030444	NJSP TROOP A HEADQUARTERS	1045 BLUE ANCHOR RD	No
501916	632263	POST ROAD GROUND WATER CONTAMINATION	POST RD	No
30704	013334	RICHLAND GLASS CO INC	535 TUCKAHOE RD	No
531966	667936	TUCKAHOE RD & COMAR PLACE GW CONTAMINATION	TUCKAHOE RD & COMAR PL	No
12740	G000001891	WILMAD GLASS CO INC	1002 HARDING HWY	No
13	Site Count			

Corbin City

Site ID	PI Number	PI Name	Address	Home Owner
12728	010537	DORSEY'S OLD PLACE INC	218 MAIN ST	No
1	Site Count			

Egg Harbor City

Site ID	PI Number	PI Name	Address	Home Owner
359134	444091	128 130 PHILADELPHIA AVENUE	128 130 PHILADELPHIA AVE	Yes
64785	G000023674	327 WHITEHORSE PIKE LOT	327 WHITEHORSE PK	No
576389	722230	354 358 PHILADELPHIA AVENUE	354 358 PHILADELPHIA AVE	No
195477	256689	712 ARAGO STREET	712 ARAGO ST	Yes
64291	G000010488	CITGO SERVICE STATION EGG HARBOR CITY	27 WHITEHORSE PK	No
12725	008370	EGG HARBOR CITY STATION LLC	600 WHITEHORSE PK	No
39585	G000005454	FORMER EGG HARBOR CITY MGP SITE	ATLANTIC AVE & BUFFALO AVE	No
193820	254560	FORMER GAS STATION	1109 WHITEHORSE PK	No
14546	004326	GAS STOP	501 WHITEHORSE PK	No
15578	001169	HIGHWAY PETROLEUM INC	1451 WHITEHORSE PK	No
147438	194861	PEMBROKE CLOTHING	801 ATLANTIC AVE	No
54631	024080	PETER LAMAN JR	402 WHITEHORSE PK	No
43177	004848	SCHIEDER'S GULF & CONF	452 PHILADELPHIA AVE	No
56245	030749	SPORTS MARINE CENTER	1300 1308 WHITEHORSE PK	No
12730	003646	WEISBECKER INC LAUNDRY & CLEANER	135 PHILADELPHIA AVE	No
15	Site Count			

Egg Harbor Twp

Site ID	PI Number	PI Name	Address	Home Owner
13088	001097	617 CORPORATION	2534 SAW MILL RD	No
459713	580215	7016 BLACK HORSE PIKE	7016 BLACKHORSE PK	No
12684	030595	AIRPORT CIRCLE SUNOCO	6501 DELILAH RD	No
225300	294057	ATLANTIC CITY NAVAL AIR STATION	TILTON RD	No
125589	165838	AVALON CARPET TILE & FLOORING	3157 FIRE RD	No
64328	G000010940	AVALON MARBLE COMPANY	6084 REEGA AVE	No
30180	001822	BENNETT CHEVROLET INC	6721 BLACKHORSE PK	No
45282	000556	BUTLER AVIATION INC ATLANTIC CITY	TILTON RD	No
12688	009851	CARDIFF GULF	6710 BLACKHORSE PK	No
522856	656908	CLEGG'S GARAGE	200 WOODLAND AVE	No
32393	005600	CONTINENTAL BAKING CO (FORMER)	576 TILTON RD	No
64373	G000011407	DELANCY AVENUE GRD WTR CONTAMINATION	DELANCY AVE	No
65427	G000029392	DELILAH OAKS GROUND WATER CONTAMINATION	DELILAH RD & KINGSLEY DR	No
63797	G000004489	DELILAH ROAD LANDFILL	DELILAH RD & MILL RD	No
56345	030948	DELTONA DISCOUNT TIRES INCORPORATED	6700 BLACKHORSE PK	No
125798	166095	DINOS DELI & SUBS	402 ZION RD	No

Attachment #5:

- State Historic Preservation Office (SHPO) Request for Concurrence Packet



July 25, 2016

Mr. Daniel Saunders
Deputy State Historic Preservation Officer
Division of Parks and Forestry, Historic Preservation Office
NJ DEPT OF ENVIRONMENTAL PROTECTION
PO Box 404
Trenton, NJ 08625-0404

Re: REQUEST FOR CONSULTATION
NJDEP National Recreation Trails – Collings Lakes Nature/Interpretive Trail

Dear Mr. Saunders:

The Township of Buena Vista has submitted and been approved for a NJDEP National Recreational Trails Program grant award. Per the scope of the scope of the project the Township proposes to develop a 3-mile-long non-motorized trail on an undeveloped tract of land owned by the Township.

A project location map has been enclosed with the application in addition to pictures from the site. The full project will take place within a natural area with no structures and is not within a historic district.

The Township's findings are that the activities will have no significant impact on the environment, in terms of impacts on historic properties. These findings are based on consultation of the National and NJ Registers of Historic Places (attached) and other historic resources, and on field observation of the project sites. The Historic Preservation Office is herewith requested to provide comments on the proposed activities. Should you concur with Township's findings please advise the Township with a copy to our office at your earliest convenience.

If in your review of the activities proposed for use of USDA funds you have any questions, please feel free to contact me. Thank you for your continued assistance and cooperation in this matter.

Sincerely,

Tammy Wetzel
Senior Associate

Enc.



Atlantic County

Absecon City

Captain Francis Babcock House (ID#172)

324 South Shore Road

NR: 7/28/1999 (NR Reference #: 99000907)

SR: 5/27/1999

Camden and Atlantic Railroad Historic District (ID#3862)

Railroad right-of-way from Pennsauken and Camden to Atlantic City

SHPO Opinion: 9/17/2001

See Main Entry / Filed Location:

Atlantic County, Atlantic City

John Doughty House (ID#3946)

40 North Shore Road

NR: 3/5/2002 (NR Reference #: 02000107)

SR: 12/20/2001

Hinchman Warehouse Site (28-At-110) (ID#4243)

SHPO Opinion: 2/6/2004

North Shore Road Historic District (ID#3570)

North Shore Road from Creek Road Northward to Galloway Township
Municipal Boundary

SHPO Opinion: 2/14/1996

Dr. Jonathan Pitney House (ID#1838)

57 North Shore Road

NR: 8/14/1998 (NR Reference #: 98001062)

SR: 6/26/1998

South Shore Road Historic District (ID#2935)

South side of Ohio Avenue, West of Absecon Creek and extends
Southward along South Shore Road to Nevada Avenue

SHPO Opinion: 2/14/1996

Atlantic City

Absecon Lighthouse (ID#389)

Pacific and Rhode Island avenues

NR: 1/25/1971 (NR Reference #: 71000492)

SR: 9/11/1970

Administration Building for the Board of Education (ID#4870)

1809 Pacific Ave

SHPO Opinion: 3/17/2006

Ann Dover Gardens (ID#5376)

Between 4024 and 4039 Anndover Gardens

SHPO Opinion: 10/27/2014

Atlantic City Beautiful Historic District (ID#5374)

Roughly bounded by Sewell Avenue, Barrett Avenue, N. Massachusetts
Avenue, Adriatic Avenue and N. New Jersey Avenue

SHPO Opinion: 10/27/2014

Atlantic City Fire Station #4 (ID#5486)

2700-02 Atlantic Avenue

SHPO Opinion: 9/10/2013

Atlantic City Fire Station #6 (ID#5487)

4025 Atlantic Avenue

SHPO Opinion: 9/10/2013

Atlantic City Armory (ID#4163)

Absecon Boulevard and New York Avenue

SHPO Opinion: 9/10/2004

(Previous SHPO opinion 4/17/2003)

Atlantic City Convention Hall (NHL, ID#390)

Boardwalk between Pacific, Mississippi, and Georgia avenues

NHL: 2/27/1987

NR: 2/27/1987 (NR Reference #: 87000814)

SR: 3/2/1993

SHPO Opinion: 9/30/1983

(Previous SHPO Opinions: 6/15/1977, 5/11/1978)

Atlantic City High School (ID#4386)

Pacific and Ohio avenues

SHPO Opinion: 4/7/2004

Atlantic City Post Office (ID#391)

1701 Pacific Avenue

SHPO Opinion: 2/20/1980

Barclay Court (ID#392)

9-11 South Pennsylvania Avenue

NR: 6/22/1988 (NR Reference #: 88000725)

SR: 4/26/1988

SHPO Opinion: 12/8/1987

(Demolished)

Beth Israel Synagogue (ID#1849)

34 South Pennsylvania Avenue

SR: 11/16/1992

**Beth Kehillah Synagogue Building (H.G. Rosin Senior Center)
(ID#401)**

901 Pacific Avenue

SHPO Opinion: 9/20/1993

Blenhiem Hotel (ID#3576)

Boardwalk and Ohio Avenue

NR: 8/23/1977 (NR Reference #: 77000842)

(Demolished October 1978)



Camden and Atlantic Railroad Historic District (ID#3862)
Railroad right-of-way from Pennsauken and Camden to Atlantic City
SHPO Opinion: 9/17/2001

Also located in:

Atlantic County, Absecon City
Atlantic County, Egg Harbor Township
Atlantic County, Galloway Township
Atlantic County, Hammonton Town
Atlantic County, Mullica Township
Atlantic County, Pleasantville City
Camden County, Berlin Borough
Camden County, Camden City
Camden County, Cherry Hill Township
Camden County, Collingswood Borough
Camden County, Haddon Township
Camden County, Haddonfield Borough
Camden County, Lindenwold Borough
Camden County, Merchantville Borough
Camden County, Pennsauken Township
Camden County, Somerdale Borough
Camden County, Voorhees Township
Camden County, Waterford Township
Camden County, Winslow Township

Carson Avenue Boathouses Historic District (ID#5375)
Between 419 and 431 Carson Avenue
SHPO Opinion: 10/27/2014

Church of the Ascension (ID#393)
1601 Pacific Avenue
NR: 7/24/1986 (NR Reference #: 86001941)
SR: 6/16/1986

Equitable Trust Bank Building (ID#2927)
2030 Atlantic Avenue
SHPO Opinion: 6/9/1989
COE: 7/9/2014

Federal Building and Post Office (ID#2928)
1022 Pacific Avenue
SHPO Opinion: 4/16/1986
(Demolished)

Fire Station #8 (ID#396)
140 North Indiana Avenue
DOE: 4/23/1981
SHPO Opinion: 3/30/1981
(Currently Fire Station # 2 Ladder House)

Fire Station #9 (ID#397)
734 North Indiana Avenue
DOE: 4/23/1981
SHPO Opinion: 3/30/1981
(Currently Fire Station # 3)

Friends Meeting House (ID#2929)
Pacific and South Carolina avenues
SHPO Opinion: 5/31/1985
(Demolished)

Holmhurst Hotel (ID#398)
South Pennsylvania Avenue
NR: 1/18/1978 (NR Reference #: 78001732)
SR: 8/19/1977
(Demolished, March 1985)

The Knife and Fork Restaurant (ID#4798)
29 S. Albany Avenue
SHPO Opinion: 7/30/2008

Madison Hotel (ID#399)
123 South Illinois Avenue
NR: 12/20/1984 (NR Reference #: 84000506)
SR: 11/1/1984
SHPO Opinion: 5/8/1984

The Strand and Marine Apartments (ID#4800)
3821- 3825 Boardwalk Avenue
SHPO Opinion: 7/30/2008

Morton Hotel (ID#400)
150 Virginia Avenue
NR: 7/15/1977 (NR Reference #: 77000843)
SR: 5/26/1977
(Demolished)

1315 Pacific Avenue (ID#2930)
1315 Pacific Avenue
SHPO Opinion: 12/16/1987

Raphael-Gordon House (ID#2931)
118 South Newton Street
SHPO Opinion: 4/11/1997

Ritz Carlton Hotel (ID#5053)
2715 Boardwalk at Iowa Avenue
COE: 2/16/2011
(a.k.a. Ritz Condominiums)

St. Nicholas of Tolentine Church (ID#395)
1409-1421 Pacific Avenue
NR: 2/2/2001 (NR Reference #: 00010039)
SR: 12/12/2000
SHPO Opinion: 7/11/1990
(SHPO Opinion for Convent Only)

Santa Rita Apartments (ID#402)
66 South Carolina Avenue
NR: 6/14/1991 (NR Reference #: 91000675)
SR: 4/12/1991
(Demolished)

Segal Building (ID#394)
1200 Atlantic Avenue
NR: 2/9/1984 (NR Reference #: 84002517)
SR: 1/6/1984

Shelburne Hotel (ID#403)
Michigan Avenue and the Boardwalk
NR: 5/19/1978 (NR Reference #: 78001733)
SR: 3/7/1978
(Demolished)



South Maine Avenue Streetscape (ID#404)
South Maine Avenue between Atlantic Avenue and the Boardwalk
SHPO Opinion: 6/30/1993
(Demolished)

2-6 South Virginia Avenue (ID#405)
2-6 South Virginia Avenue
SHPO Opinion: 7/10/1991

Traymore Hotel (ID#3577)
Boardwalk and Illinois Avenue
NR: 12/13/1971 (NR Reference #: 71001049)
(Demolished)

Union Railroad Station (Bus Station) (ID#406)
2101 Arctic Avenue
SHPO Opinion: 3/31/1994
(Demolished)

USCG Station Atlantic City (ID#4745)
900 Beach Thorofare
SHPO Opinion: 7/16/2007

Ventnor Avenue Residential Historic District (ID#5377)
Ventnor Avenue southwest from Bartram Place to the block from
Jackson Avenue to Vassar Square
SHPO Opinion: 1/28/2015
(Prior SHPO Opinion: 10/27/2014)

Robert J. Walker, shipwreck and remains (ID#5327)
NR: 3/19/2014 (NR Reference #: 14000064)

Warner Theatre (façade) (ID#2932)
Atlantic City Boardwalk between Michigan and Arkansas avenues
SHPO Opinion: 1/9/1996

West Jersey and Atlantic Railroad Historic District (ID#2938)
Mays Landing, Hamilton Township to Pleasantville City, Atlantic County
SHPO Opinion: 8/28/1996
See Main Entry / Filed Location:
Atlantic County, Hamilton Township

Westside All Wars Memorial Building (ID#4524)
1510 Adriatic Avenue
(Found no longer eligible as per SHPO Opinion 3/25/2015
Original SHPO Opinion 9/23/2005)

World War I Memorial (ID#407)
South Albany Avenue, Ventnor Avenue, and O'Donnell Parkway
NR: 8/28/1981 (NR Reference #: 81000388)
SR: 7/2/1981

Buena Borough

Hebron Button Factory (ID#4801)
Weymouth Malaga Road & Aberdeen Avenue
SHPO Opinion: 7/21/2008

Buena Vista Township

Atlantic City Railroad Cape May Division Historic District (ID#4758)
Railroad right-of-way from Winslow Junction to Cape May Point, Sea
Isle City & Ocean City
DOE: 6/23/2005
SHPO Opinion: 7/2/2004
See Main Entry / Filed Location:
Cape May County, Cape May City

Richland Hotel (ID#4825)
1302 Harding Way
COE: 7/31/2008

Corbin City

Atlantic City Railroad Cape May Division Historic District (ID#4758)
Railroad right-of-way from Winslow Junction to Cape May Point, Sea
Isle City & Ocean City
DOE: 6/23/2005
SHPO Opinion: 7/2/2004
See Main Entry / Filed Location:
Cape May County, Cape May City

NJ Route 50 Bridge (SI&A #0510152) (ID#2933)
NJ Route 50 over Tuckahoe River
SHPO Opinion: 8/28/1996
(Previous SHPO Opinion 7/19/91)
See Main Entry / Filed Location:
Cape May County, Upper Township

North and South Tuckahoe Historic District (ID#3063)
NJ Route 50 and the Tuckahoe River
SHPO Opinion: 8/28/1996
(Southern portion listed as the South Tuckahoe Historic
District)
See Main Entry / Filed Location:
Cape May County, Upper Township

South Tuckahoe Historic District (ID#3062)
NJ Route 50 and north portion of Tuckahoe-Mount Pleasant Road
NR: 3/7/1997 (NR Reference #: 97000103)
SR: 1/8/1997
SHPO Opinion: 8/28/1996
(SHPO Opinion was for a larger North and South Tuckahoe
Historic District)
See Main Entry / Filed Location:
Cape May County, Upper Township

Egg Harbor City

Egg Harbor City Fire Station (ID#409)
351 Cincinnati Avenue
SHPO Opinion: 9/20/1993
COE: 5/23/2006
(Previous SHPO Opinion 5/26/1988)



Egg Harbor Commercial Bank (ID#4274)
134 Philadelphia Avenue
NR: 8/28/2007 (NR Reference #: 07000875)
SR: 6/25/2007
COE: 5/3/2004
(Additional documentation SR listed 8/5/2011)

Lower Bank Road Bridge (SI&A #03G8045) (ID#411)
Lower Bank Road (County Route 542) over Mullica River
SHPO Opinion: 5/15/1990
(Demolished c. 1992)

Also located in:
Burlington County, Washington Township

Mullica River / Chestnut Neck Archaeological Historic District (ID#385)

SR: 10/1/1976
SHPO Opinion: 9/16/2002

See Main Entry / Filed Location:
Atlantic County, Mullica Township

Neutral Water Health Resort Sanitarium (ID#412)
Corner of Claudius Street and London Avenue
NR: 3/20/1991 (NR Reference #: 91000267)
SR: 1/29/1991
SHPO Opinion: 1/17/1978
(a.k.a. Dr. Smith's Sanitarium Site)

Egg Harbor Township

Camden and Atlantic Railroad Historic District (ID#3862)
Railroad right-of-way from Pennsauken and Camden to Atlantic City
SHPO Opinion: 9/17/2001

See Main Entry / Filed Location:
Atlantic County, Atlantic City

Cannon Court Roadside Cabins (ID#4331)
6124 Black Horse Pike
SHPO Opinion: 9/28/2004

Garden State Parkway Historic District (ID#3874)
Entire Garden State Parkway right-of-way
SHPO Opinion: 10/12/2001

See Main Entry / Filed Location:
Cape May County, Lower Township

Captain John Jeffries Burial Marker (ID#414)
Palestine Bible Church Cemetery, County Route 559
NR: 6/14/1984 (NR Reference #: 84002511)
SR: 5/1/1984

Lakes Creek Prehistoric Site (28-At-96) (ID#413)
SHPO Opinion: 5/6/1992

Andrew B. Scull House (ID#4722)
1647 Mays Landing-Somers Point Road (CR 559)
SHPO Opinion: 5/15/2007

Studebaker Showroom (ID#310)
North West Corner Verona and Toulon Avenues
SHPO Opinion: 12/18/1995

West Jersey and Atlantic Railroad Historic District (ID#2938)
Mays Landing, Hamilton Township to Pleasantville City, Atlantic County
SHPO Opinion: 8/28/1996

See Main Entry / Filed Location:
Atlantic County, Hamilton Township

Estell Manor City

Atlantic City Railroad Cape May Division Historic District (ID#4758)
Railroad right-of-way from Winslow Junction to Cape May Point, Sea
Isle City & Ocean City

DOE: 6/23/2005
SHPO Opinion: 7/2/2004

See Main Entry / Filed Location:
Cape May County, Cape May City

Bethlehem Loading Company Mays Landing Plant Archaeological
Historic District (ID#427)

109 NJ Route 50
NR: 7/12/2006 (NR Reference #: 06000559)
SR: 12/19/2005
SHPO Opinion: 4/11/1985
(Remains of internal rail system)

Bethlehem Loading Company Mays Landing Plant Archaeological
Historic District Boundary Extension (ID#5222)

COE: 6/29/2012

Estellville Glassworks Industrial Historic District (ID#415)
Estell Manor Park, Stevens Creek, Maple Avenue, Walkers Forge
Road, and NJ Route 50

NR: 11/21/1991 (NR Reference #: 91001678)
SR: 10/2/1991
COE: 1/18/1990

Head of the River Church (ID#416)

NJ Route 49 at Aetna Drive
NR: 3/7/1979 (NR Reference #: 79001467)
SR: 12/19/1977

Risley School (ID#5004)

134 Cape May Avenue
NR: 5/4/2011 (NR Reference #: 11000256)
SR: 10/18/2010

Folsom Borough

Atlantic City Railroad Cape May Division Historic District (ID#4758)
Railroad right-of-way from Winslow Junction to Cape May Point, Sea
Isle City & Ocean City

DOE: 6/23/2005
SHPO Opinion: 7/2/2004

See Main Entry / Filed Location:
Cape May County, Cape May City



Elgth Street Bridge (SI&A #01BV007) (ID#5115)
Eighth Street over Hospitality Branch
COE: 9/29/2011

Jacobus Evangelical Lutheran Church (ID#417)
Mays Landing Road
NR: 6/9/1988 (NR Reference #: 88000635)
SR: 9/1/1987

Galloway Township

Anonymous Roadside Cabins (ID#4329)
US Route 30 and Taylor Avenue
SHPO Opinion: 9/28/2004

Camden and Atlantic Railroad Historic District (ID#3862)
Railroad right-of-way from Pennsauken and Camden to Atlantic City
SHPO Opinion: 9/17/2001
See Main Entry / Filed Location:
Atlantic County, Atlantic City

Conovertown Historic District (ID#418)
Along New York Road between Brook Lane and the border with
Absecon City, west on Biscayne Avenue to the Lutheran Church
SHPO Opinion: 8/5/1992

The Country Motel Roadside Cabins (ID#4330)
201 White Horse Pike
SHPO Opinion: 9/28/2004

Frankfurt Avenue Bridge (ID#4464)
Frankfurt Avenue over New Jersey Transit Atlantic City Line
SHPO Opinion: 7/13/2005

Garden State Parkway Historic District (ID#3874)
Entire Garden State Parkway right-of-way
SHPO Opinion: 10/12/2001
See Main Entry / Filed Location:
Cape May County, Lower Township

Modern Boat Works (ID#419)
US Route 9 at Nacote Creek
SHPO Opinion: 6/12/1987

Mullica River / Chestnut Neck Archaeological Historic District
(ID#385)
SR: 10/1/1976
SHPO Opinion: 9/16/2002
See Main Entry / Filed Location:
Atlantic County, Mullica Township

Oceanville/Leeds Point/Moss Mill Historic District (ID#420)
Bounded by New York Road, Somers Town Lane, Leeds Point Road,
and Moss Mill Road
SHPO Opinion: 8/5/1992

Old US Coast Guard Station (ID#4041)
Little Beach Island, Brigantine National Wildlife Refuge
NR: 6/23/1976 (NR Reference #: 76001144)
(Demolished)

L.N. Renault and Sons Winery (ID#421)
42 North Bremen Avenue Bremen Avenue and Leibig Avenue
SR: 6/15/1973

Roadside Cabins (ID#4339)
US Route 30 and 5th Avenue
SHPO Opinion: 7/28/2003

Smithville Apothecary (ID#422)
Smithville-Old Towne and Moss Mill roads
NR: 6/9/1978 (NR Reference #: 78001734)
SR: 12/20/1976

Hamilton Township

Abbott's Modern Cabins (ID#336)
217 NJ Route 40
SR: 9/7/1982
DOE: 10/26/1982
(DOE/Owner Objection) –

Charcoal Kilns [Site] (ID#337)
SHPO Opinion: 6/24/1987

Liepe Farm Schoolhouse (ID#5120)
Cologne Avenue
COE: 11/30/1992

Mays Landing Historic District (ID#338)
East and West Main streets and intersecting streets
NR: 8/23/1990 (NR Reference #: 90001245)
SR: 1/11/1990

Mays Landing Presbyterian Church (ID#339)
Main Street and Cape May Avenue
NR: 4/20/1982 (NR Reference #: 82003261)
SR: 4/21/1981

Samuel Richards Hotel (ID#340)
106 East Main Street
NR: 8/31/1979 (NR Reference #: 79001468)
SR: 6/19/1979

Schooner "Weymouth" [Site] (ID#342)
NR: 4/25/1985 (NR Reference #: 85000874)
SR: 3/12/1985

US Route 322 and NJ Route 50 Cloverleaf (ID#2937)
SHPO Opinion: 11/8/1993
(DOE denied 1997; Demolished)

West Jersey and Atlantic Railroad Historic District (ID#2938)
Mays Landing, Hamilton Township to Pleasantville City, Atlantic County
SHPO Opinion: 8/28/1996
Also located in:
Atlantic County, Atlantic City
Atlantic County, Egg Harbor Township
Atlantic County, Pleasantville City



Weymouth Archaeological Historic District (ID#341)

SHPO Opinion: 11/1/1984
COE: 1/18/1990
(Previous SHPO Opinion 4/3/1984)

Weymouth Road Bridge (SI&A #01HML22) (ID#3791)

Weymouth Road Bridge over Great Egg Harbor River
NR: 6/21/2001 (NR Reference #: 01000671)
SR: 5/7/2001

Woodland Period Prehistoric Archaeological Site (28-At-24) (ID#343)

SHPO Opinion: 6/20/1983

Hammonton Town

101 Bellevue Avenue (ID#5216)

101 Bellevue Avenue
COE: 10/25/2012

Atlantic City Railroad Cape May Division Historic District (ID#4758)

Railroad right-of-way from Winslow Junction to Cape May Point, Sea Isle City & Ocean City
DOE: 6/23/2005
SHPO Opinion: 7/2/2004

See Main Entry / Filed Location:

Cape May County, Cape May City

Arena Auto Dealership (ID#5217)

227 South White Horse Pike
COE: 10/25/2012

733 Bellevue Avenue (ID#5214)

733 Bellevue Avenue
COE: 10/25/2012

William L. Black House (ID#344)

458 Bellevue Avenue
NR: 8/26/1993 (NR Reference #: 93000828)
SR: 7/2/1993

Camden and Atlantic Railroad Historic District (ID#3862)

Railroad right-of-way from Pennsauken and Camden to Atlantic City
SHPO Opinion: 9/17/2001

See Main Entry / Filed Location:

Atlantic County, Atlantic City

Eagle Theatre (ID#4869)

208 Vine Street
COE: 2/20/2009

Former Town Hall (ID#5218)

333 Vine Street
COE: 11/15/2012

Hammonton Commercial Historic District (ID#345)

Roughly bounded by Thrd, Washington, Orchard and Vine streets
SHPO Opinion: 9/20/1993

J.S. Thayer Carpenter Shop (ID#5219)

220 Vine Street
COE: 11/15/2012

Linwood City

Linwood Borough School No. 1 (Linwood Public Library) (ID#346)

16 West Poplar Street
NR: 12/20/1984 (NR Reference #: 84000510)
SR: 11/1/1984

Linwood Historic District (ID#347)

Maple and Poplar avenues, and Shore Road
NR: 7/13/1989 (NR Reference #: 89000800)
SR: 4/27/1989

Thomas and Mary Ingersall Naylor House (ID#4866)

204 West Garfield Avenue
COE: 1/28/2009
(Demolished)

Longport Borough

Church of the Redeemer (ID#382)

20th and Atlantic avenues
NR: 9/10/1992 (NR Reference #: 92001179)
SR: 7/27/1992

Great Egg Coast Guard Station Building (ID#4255)

2301 Atlantic Avenue
NR: 10/31/2005 (NR Reference #: 05000128)
SR: 1/4/2005
COE: 4/1/2004

Ocean City-Longport Bridge (SI&A #3100001) (ID#1012)

Ocean Drive over Great Egg Harbor
SHPO Opinion: 11/10/1993
(Demolished)

See Main Entry / Filed Location:

Cape May County, Ocean City

Margate City

Lucy, The Margate Elephant (NHL, ID#383)

Decatur and Atlantic avenues
NHL: 5/11/1976
NR: 8/12/1971 (NR Reference #: 71000493)
SR: 4/7/1971

Marven Gardens Historic District (ID#384)

Between Ventnor, Fredericksburg, Winchester and Brunswick avenues
NR: 9/13/1990 (NR Reference #: 90001440)
SR: 8/9/1990

Mullica Township

Atlantic Loading Company Archaeological Historic District (ID#5499)

SHPO Opinion: 6/22/2016
(a.k.a. Amato)



Camden and Atlantic Railroad Historic District (ID#3862)
Railroad right-of-way from Pennsauken and Camden to Atlantic City
SHPO Opinion: 9/17/2001

See Main Entry / Filed Location:
Atlantic County, Atlantic City

Green Bank Road Bridge over Mullica River (SI&A #01M0001)
(ID#2810)

Green Bank Road over Mullica River
SHPO Opinion: 8/31/1995

Also located in:
Burlington County, Washington Township

Mullica River / Chestnut Neck Archaeological Historic District
(ID#385)

SR: 10/1/1976
SHPO Opinion: 9/16/2002

Also located in:
Atlantic County, Egg Harbor City
Atlantic County, Galloway Township
Burlington County, Bass River Township
Burlington County, Washington Township
Ocean County, Little Egg Harbor Township

Pleasant Mills (ID#2802)

Elwood-Pleasant Mills Road
NR: 3/3/1995 (NR Reference #: 95000182)
SR: 1/24/1995
SHPO Opinion: 8/31/1995
(Included within boundaries of previously listed Batsto Historic District)

Northfield City

1715 Tilton Road (ID#25)
1715 Tilton Road
SHPO Opinion: 11/9/1999

Risley Homestead (ID#386)

8 Virginia Avenue
NR: 5/31/1991 (NR Reference #: 91000609)
SR: 4/2/1991

Pleasantville City

Camden and Atlantic Railroad Historic District (ID#3862)
Railroad right-of-way from Pennsauken and Camden to Atlantic City
SHPO Opinion: 9/17/2001

See Main Entry / Filed Location:
Atlantic County, Atlantic City

West Jersey and Atlantic Railroad Historic District (ID#2938)
Mays Landing, Hamilton Township to Pleasantville City, Atlantic County
SHPO Opinion: 8/28/1996

See Main Entry / Filed Location:
Atlantic County, Hamilton Township

Port Republic City

Amanda Blake Store (ID#387)
104 Main Street
NR: 1/25/1979 (NR Reference #: 79001469)
SR: 9/5/1978

Chestnut Neck Battle Monument (ID#4327)
US Route 9 and Old York Road
SHPO Opinion: 9/28/2004

Garden State Parkway Historic District (ID#3874)
Entire Garden State Parkway right-of-way
SHPO Opinion: 10/12/2001

See Main Entry / Filed Location:
Cape May County, Lower Township

Gulf Service Station (ID#4328)
758 Old New York Road
SHPO Opinion: 9/28/2004

Port Republic Historic District (ID#388)
Central and Pomona avenues, Riverside Drive, St. Johns Lane,
Chestnut Neck, Clarks Landing, and Port Republic-Smithville roads
NR: 5/16/1991 (NR Reference #: 91000596)
SR: 4/1/1991

Smithville-Port Republic Road Bridge (SI&A #01PR007) (ID#2940)
Smithville-Port Republic Road over Nacote Creek
SHPO Opinion: 9/3/1993

Somers Point City

Bay Front Historic District (ID#423)
Parts of Anna, Bay, Decatur, Delaware, Gibbs, Higbee, New Jersey,
and Somers avenues
NR: 3/23/1989 (NR Reference #: 89000227)
SR: 2/9/1989

Bay Front Historic District (Boundary Increase) (ID#5494)
900 Shore Road
COE: 4/25/2016

Garden State Parkway Historic District (ID#3874)
Entire Garden State Parkway right-of-way
SHPO Opinion: 10/12/2001

See Main Entry / Filed Location:
Cape May County, Lower Township

Somers Mansion (ID#424)
1000 Shore Road
NR: 12/18/1970 (NR Reference #: 70000378)
SR: 9/11/1970

World War [One] Memorial Bridge (SI&A# 0511153) (ID#3059)
NJ Route 52 over Ship Channel
SHPO Opinion: 1/26/1996
See Main Entry / Filed Location:
Cape May County, Ocean City



Ventnor City

Dorset Avenue Bridge (SI&A # 01V0001) (ID#5501)

N. Dorset Avenue between Ventnor Avenue and N. Derby/Edgewater Avenue

SHPO Opinion: 2/18/2016

New Haven Firehouse (ID#5281)

20 North New Haven Avenue

SHPO Opinion: 8/26/2013

Saint Leonard's Historic District (ID#426)

Bounded by Atlantic Avenue, South Cambridge Avenue, Winchester Avenue and South Surrey Avenue

SHPO Opinion: 12/30/1993

John Stafford Historic District (ID#425)

Portions of Atlantic, Austen, Baton Rouge, Marion, and Vassar avenues

NR: 6/9/1988 (NR Reference #: 88000723)

SR: 4/26/1988

SHPO Opinion: 5/28/1987

Tofani - DiMuzio House (ID#5306)

12 South Cambridge Avenue

NR: 10/30/2015 (NR Reference #: 15000762)

SR: 9/14/2015

COE: 12/31/2013

(Tofani (Patrick) House, Tofani (Pasquale and Elvira) House)

Ventnor City Hall (ID#2941)

6201 Atlantic Avenue

NR: 10/10/1996 (NR Reference #: 96001088)

SR: 8/20/1996

SHPO Opinion: 11/30/1977

COE: 5/14/1992

Ventnor Motor Boat Club (Dover Hall) (ID#5383)

11 North Derby Avenue

SHPO Opinion: 11/24/2014

Weymouth Township

Atlantic City Railroad Cape May Division Historic District (ID#4758)

Railroad right-of-way from Winslow Junction to Cape May Point, Sea Isle City & Ocean City

DOE: 6/23/2005

SHPO Opinion: 7/2/2004

See Main Entry / Filed Location:

Cape May County, Cape May City

Belcville Post Office (ID#4190)

1201 Madden Avenue

NR: 3/14/2008 (NR Reference #: 08000174)

SR: 12/21/2007

COE: 7/23/2003

From: Mark Demitroff <mark@buckhorn-gsi.com>
Sent: Tuesday, October 30, 2018 2:46 PM
To: AppInfo, PC
Subject: [EXTERNAL] Attn: Gina Berg — BVT nature trails

Ms. Berg,

I forward these notes to you as the Resource Planner, as they relate to two Buena Vista Township nature trails:

From: Berg, Gina
Sent: Monday, September 24, 2018 8:54 AM
To: 'Jennifer Coffey, ANJEC'
Cc: Elizabeth Ritter
Subject: RE: Michael Debbi Park & ANJEC

Hi,

As far as we understand the project they are doing at Michael Debbi – planting milkweed/butterfly plantings – there is no violation here at the Commission. The Township did complete an application for the nature trail there and got it approved previously, so everything should be okay. The minutes you received may have been from a meeting that occurred prior to the approval by the Commission for the nature trail. I'm attaching a copy of the approving resolution that states the violation that had occurred with the construction of the trail was resolved with the completion of the application.

The Township has another application to the Pinelands Commission now for a trail system at a different park, Quigley Park. That application is not yet complete, but it is not related to the Michael Debbi project.

If you have any other questions, feel free to contact me.

Gina Berg
Resource Planner
NJ Pinelands Commission
(609) 894-7300 ext. 136

About Michael Debbi Park:

Please note that, apparently, BVT remains in violation at Michael Debbi Park. Two retention basins have not been built as promised. Also, the BVT minutes were from March 10, 2016—after BVT's application. Also, there was no 2009 forest fire that closed the park trail. The nature trail was closed in 2009 under direction by the Pinelands Commission for permit violations.

Also, the project was much larger in scope than a milkweed-butterfly planting as claimed.

Furthermore, the municipality has approved \$877,015.00 in new park improvements without curing the old violations. Can the municipality move ahead on a new initiative when the old violations remain open?

229-18 - Award Michael Debbi Park Lighting Project to Janney Electric
Resolution Awarding the Michael Debbi Park Lighting Project to Janney Electric in the amount of \$877,015.00

About Quigley Park:

Please note that I have submitted two OPRA requests for the Quigley Park project, and there have not been any responsive records at the Pinelands Commission.

Furthermore, that Quigley Park application you reference (*above*) does not appear on your most recent Active Public Development Applications list:



Please correct that oversight. Forgive my cynicism, but my municipality has had numerous non-compliance issues associated with Pinelands rules in the past.

Incredibly, BVT misled the NJDEP Stewardship Program by getting points for two other trails that are really one, which was never built but they received a \$12,000 grant for.

NJDEP program acknowledges two nature trails in Buena Vista Township, neither trail is Pinelands approved, nor were they ever even built. Trails are not Environmental Enhancement Projects if they are in violation of Pinelands rules.

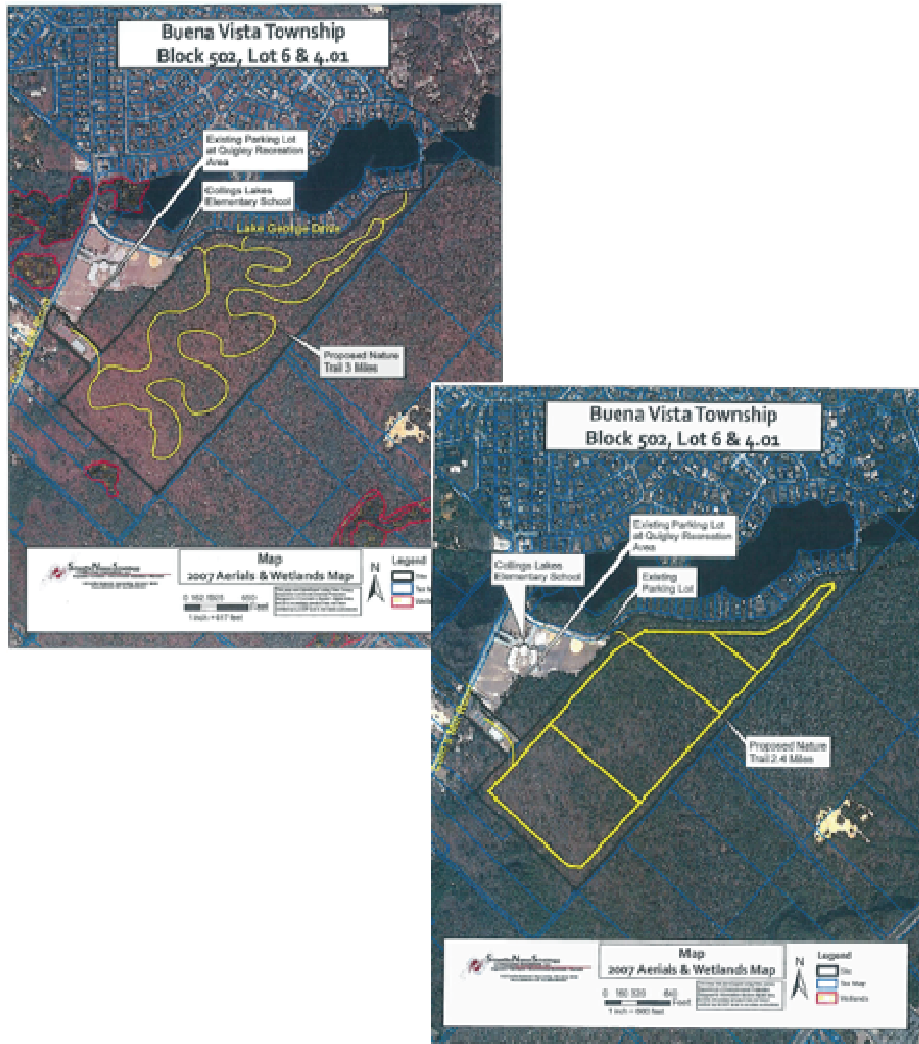
BUENA VISTA TWP		
Site ID: 129045 BUENA VISTA TWP 890 HARDING HWY, BUENA VISTA TWP, NJ 08360		
Stewardship Activities	Date Acknowledged	Comments
18) PROCESS/OPERATIONS ENERGY USE REDUCTION - Has the site substantially improved its energy efficiency by implementing changes in production/manufacturing operations? If yes, describe what was done, date initiated and impact on energy use. KEYS TO QUALIFYING: - 1) Changes should be observable or documented. 2) These should be changes with potential to noticeably reduce a site's carbon footprint. 3) Reduction within last 5 years.	9/6/2017	Buena Vista replaced all street lights with LED lighting to conserve ene conjunction with the NJ Board of Public Utilities and Department of Clei Energy. Buena Vista also purchased environmentally friendly paper and cleaning supplies.
21) ENVIRONMENTAL ENHANCEMENT PROJECTS - Has the site undertaken an Environmental Enhancement Project that has resulted in the reclamation or improvement of land at the site or within the community? If yes, identify the project and the resulting improvement to the environment. KEYS TO QUALIFYING: - 1) Site should be able to demonstrate project is current/maintained. 2) Project must be completed or underway. 3) Enhancements or mitigation required by permit or settlement action do not qualify.	9/6/2017	Buena Vista installed nature trails at Collins Lake and Quigley Park.

First, there is the issue of Pinelands review. Apparently BVT argues—incorrectly—that, because this is municipal land, no permits are needed:

Developing the trail will entail some site clearing and grading. Township Public Works staff will mark a 5' trail, cover it with hardwood mulch to cut down on erosion, and provide appropriate signage. It is the intent of the Township to follow existing paths and game trails as much as possible to mitigate any additional disruption to the environment and to preserve the historic nature of the trails. The Township sees this as an important step towards preventing erosion and further damage from uncontrolled use. New trail cuts, therefore, will only be created when necessary. Since the Township owns the land and there are no permits required for the proposed trail, it is fully and reasonably anticipated that construction will be complete by the stated completion date of April 30, 2016.

The attached maps illustrate that exact location of the proposed Phase I Nature Trail and the surrounding area.

Second, there are two conflicting plan versions of the trail's configuration, the one sent to NJ Trails (*upper left*) and the contrasting one on the Green Acres application, the latter of which is a template for athletic fields. Note how wetlands seem to vanish on the latter version.



I worry that BVT will gain approval for the innocuous natural-looking NJ Trails application, then use that approval to switch efforts toward the Green Acres built-landscape iteration. It will be interesting to see which version you received.

Sincerely,
Mark Demitroff

From: Mark Demitroff (mark@buckhorn-gsi.com)
Received: 11/26/2018 11:24:25 AM
To: AppInfo, PC (AppInfo@pinelands.nj.gov)
CC:
Subject: [EXTERNAL] Attn: Ernest Deman — Buena Vista Township — Application# 1982-2560.004, Application #1995-1659.00X
Attachments: 303brickle.pdf, Demitroff 2007 Newtonville Audubon.pdf

Dear Review Staff,

Buena Vista Township is engaged in two nature trails, one in Collings Lakes and the other in Richland.

COLLINGS LAKES

It is the western reach of the Newtonville dune field (*see attached*), a series of hairpin parabolic dunes. While the Pinelands Commission has yet to recognize their significance, the National Park Service has. The Pine Bush is designated as a: “representative of a new barrens theme which is missing from the current list of landmarks. These biologically diverse ecosystems combine outstanding examples of important geologic themes (*e.g.*, ‘Eolian Landforms’; ‘Works of Glaciers’) and ecological processes (*e.g.*, ‘Fire’) (Brickle *et al.* 2013, also attached).

Also, the Collings Lakes parcel is traversed by an ancient byway known as the Woodbury Road, which reputedly is an iteration of a pre-contact trail. It is also associated with a nearby Swedish enclave owned by Israel Locks (cabin in 1773, but may be there by 1761).



DEC Commissioner Albany Pine Bush Preserve Commission Chair, Joe Martens, left, addresses those gather at the Albany Pine Bush Preserve on Thursday, Sept. 18, 2014, in Albany, N.Y. The event was held to celebrate the preserve's designation as a National Natural Landmark. In July, the United States Secretary of the Interior honored the Albany Pine Bush with the official designation of National Natural Landmark. (Paul Buckowski / Times Union) [Buy this photo](#)

M. Demitroff, NPS reviewer, far right in t-shirt

There are numerous Pine Barrens to the north too! The Albany Pine Bush was recently designated a National Monument in recognition of the significance of inland Pleistocene dunes, places of special geodiversity. I was a reviewer for the National Park Service, which indicates NPS considered me expert on such landforms.

RICHLAND

Please note that both Richland and Collings Lakes trails are associated with T&E species. Pinelands rules dictate that no tree removal, dead or alive, is allowed.

October 4, 2018

Kenia Nunez-Acuna, Administrator
Buena Vista Township (via email)
890 Harding Highway
Buena, NJ 08310

Re: Application # 1982-2560.004
Block 502, Lots 4.01 & 6
Buena Vista Township

Dear Ms. Nunez-Acuna:

We have reviewed the information submitted on September 4, 2018 regarding the construction of walking trails on the above referenced parcel. Please submit the following information to complete the application:

1. The Commission has records of threatened and endangered animal species in the vicinity of the proposed development, including Red-headed woodpecker and Barred owl. The submitted information indicated that the removal of dead trees and clearing of underbrush is proposed during the construction of the proposed walking trails. Provided that the proposed walking trails can be located to avoid the removal of any trees, alive or dead, no additional information regarding consistency with the threatened and endangered species standards of the Buena Vista Township land use ordinance and the Pinelands Comprehensive Management Plan would be required. Removal of any trees, alive or dead, for the proposed walking trails will require the completion of a threatened and endangered species survey for Red-headed woodpecker and Barred owl.

Please note that BVT has twice violated this non-clearance rule at the Michael Debbi Park to maintain the path. What assurances can be made that the Collings Lakes trail won't follow suit?

Name: John Williams
Day or cell phone: e-mail: 856-697-2100 x8

Municipal Manager/Administrator
Name: Kenia Nunez-Acuna e-mail: knunez@buenavistanj.com phone: 856-697-2100 x*812

Year Environmental Commission was established by ordinance: 1988

Is your Commission a member of ANJEC? Yes

Descriptive Title of Project: Reestablish Michael Debbie Park Nature Trail

Amount being requested from ANJEC: \$1,500.00

Project description (Limit 900 words): What will you do? When? How? What are the deliverables?

Due to a forest fire that broke out in 2009, the Michael Debbie Park Nature Trail lost dozens of trees adjacent to it, closing its access. In 2012, the Derecho Straight Wind Storm did more damage knocking down more trees leaving the trail in disarray.

August 30, 2018

NJ Pinelands Commission
PO Box 359
15C Springfield Road
New Lisbon, NJ 08064

Re: Pinelands Submission
Proposed Collings Lakes Nature Trail
Cains Mill Road/Lake George Road
Block 502, Lots 4.01 and 6
Buena Vista Township, Atlantic County, NJ
Our File Number 8000.119

App # 100830000
Doc Type 100
SEP 4 2018
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Dear Review Staff:

Buena Vista Township is proposing to construct a Nature Trail within Block 502 Lots 4.01 and 6. These parcels are owned by Buena Vista Township and total approximately 91 acres.

The township is seeking approval to construct a nature trail consisting of a mulch/wood chip surface to provide 3 miles of trail. The trail commences at the John W. Quigley Park (Block 502 Lot 4.01) located at 586 Cains Mill Road and proposes a loop trail system. The trail is to meander through the existing vacant wooded area of Block 502 Lot 6 while preserving the existing live trees. Clearing for the trail is not proposed. Removal of some of the dead trees and clearing of some underbrush is envisioned to construct the trail. On trail placards may be install to identify particular environmental points of interest. The trail will not impact any wetlands.

Please get this right. BVT has been deemed by the Pinelands Commission as a rogue community in the past, and the municipality seems to be on a familiar track now.

Sincerely,

Mark Demitroff

Proposing New Barrens National Natural Landmarks

Mary C. Brickle, Todd R. Lookingbill, and Katharina A.M. Engelhardt

THE NATIONAL NATURAL LANDMARKS (NNL) PROGRAM, administered and maintained through the National Park Service, was established in 1962 with the goal of highlighting sites that best demonstrate the outstanding geologic and biologic features of the United States. In a unique partnership between public and private landowners, the National Park Service accepts sites into the program that best illustrate the diversity of our country's natural heritage regardless of ownership. The NNL program seeks solely to recognize these sites for their geologic and biologic significance and to strengthen the public's appreciation for and conservation of America's natural heritage. Potential NNLs are evaluated based on the following criteria: (1) outstanding condition, (2) illustrative value, (3) rarity, (4) diversity, and (5) value to science and education. Sites are designated by the secretary of the interior and, as of today, 586 landmarks have received the NNL designation.

We conducted an analysis of the existing NNL portfolio of sites within three physiographic regions of the Northeast Region: Piedmont, Valley and Ridge, and Appalachian Plateau (Figure 1). The goal of the assessment was to identify underrepresented biologic and geologic themes and to recommend potential new sites within the region whose character provides excellent illustrations of those theme gaps. To identify specific sites for recommendation to the program, we examined studies of hundreds of sites previously considered for nomination as potential NNLs in the relevant physiographic provinces. Two sites came to the forefront in this review: Albany Pine Bush Preserve and Nottingham Serpentine Barrens. Both are representative of a new barrens theme which is missing from the current list of landmarks. These biologically diverse ecosystems combine outstanding examples of important geologic themes (e.g., "Eolian Landforms"; "Works of Glaciers") and ecological processes (e.g., "Fire"). They also provide good habitat for rare species in relatively urban settings that have a high potential for public education. The gap analysis demonstrates how the NNL program provides a highly structured but flexible system for the continued expansion of this catalogue of the country's diverse natural landscape.

The George Wright Forum, vol. 30, no. 3, pp. 253-260 (2013).

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Figure 1. Map of three physiographic provinces assessed and two barrens study sites.

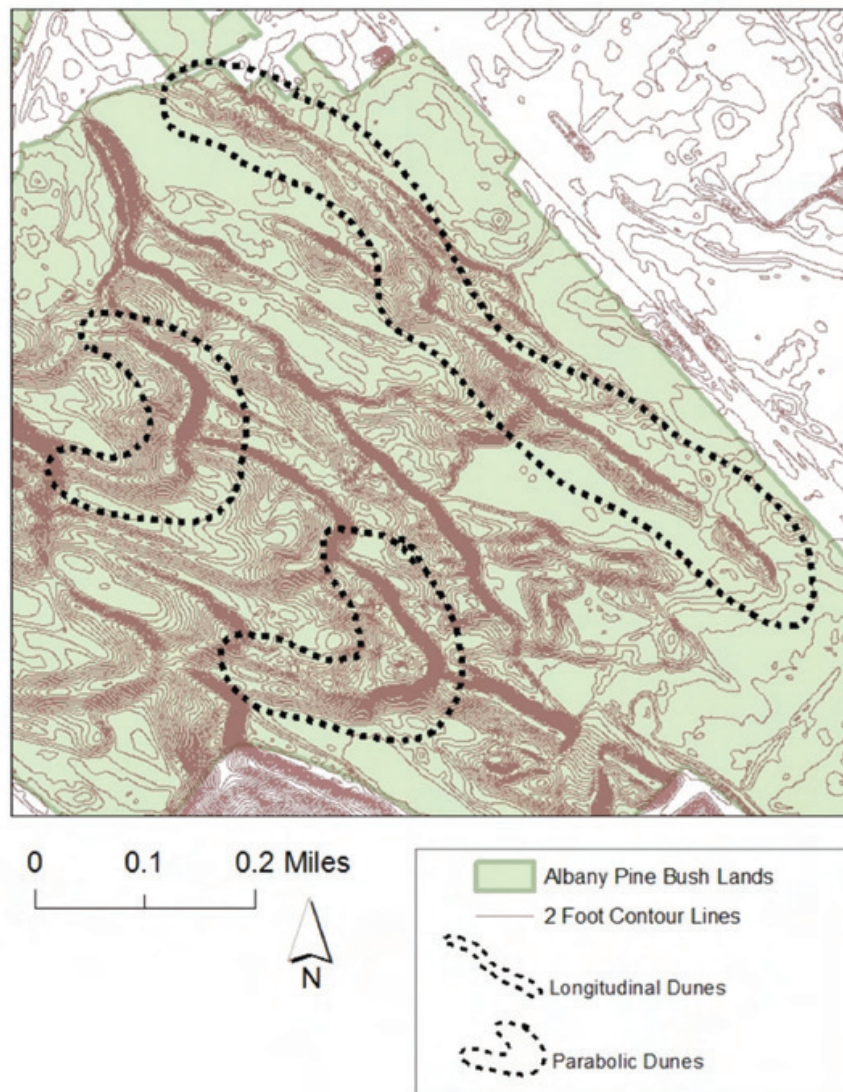
Albany Pine Bush

Albany Pine Bush Preserve supports significant examples of periglacial sand dunes and pitch pine–scrub oak barrens. The preserve is located between the cities of Albany and Schenectady in the Capital District of upstate New York (Figure 1). It is owned by multiple private and public organizations and managed by the Albany Pine Bush Preserve Commission. The site is one of only two pine barrens to support a dynamic sand dune landscape in the Appalachian Plateau region and one of two sand dune ecosystems within the Appalachian Valley and Ridge region. This extraordinary ecosystem gives rise to a variety of habitats. The sandy, well-drained soils are home to 45 of the 538 wildlife species of greatest conservation need (SGCN) found in New York State, including one state and federally listed endangered species, the Karner blue butterfly (*Lycaeides melissa samuelis*).

Primary geological features. Periglacial sand dunes are fossil landscape features that are common throughout colder climates of the world. These types of inland sand dunes are the result of wind action reworking sediments from glacial lakes or outwash dating back to prior periods of glaciation. The sand dunes at Albany Pine Bush are indicators of past aridity associated with the cold, dry, and windy climates encountered during the Late Pleistocene. Following the retreat of the Laurentide ice sheet and subsequent evaporation of the resulting glacial lake, thick sediment deposits were exposed to continual wind erosion. This led to the formation of scree and finer sand particles, which were shaped into dunes and depressions.

The preserve is a bit unusual in that it contains representative examples of both parabolic and longitudinal dunes (Figure 2). Prevailing northwesterly winds shaped most of the sand dunes, forming primarily parabolic dunes that ranged from 100 to 2,000 feet in length. Typically oriented with their longest axis running from northwest to southeast, the crescent shape of these dunes suggests they were colonized early by vegetation which helped stabilize the dune surface and prevent significant reworking (Barnes 2003). Eolian processes also contrib-

Figure 2. Examples of both longitudinal and parabolic dunes found in the Albany Pine Bush Preserve.



uted to the formation of short, broad, ridge-shaped longitudinal dunes, usually between 30 to 60 feet high and typically several hundred feet long (Bradley et al. 2010). Today, the dunes are characterized by a transitioning topography from flat to gently rolling surfaces, with both sand swells and low domes dotted with pitch pine (*Pinus rigida*) and carpeted with diverse understory plants. Swamps, wetlands, and shallow ponds have come to fill in holes that were long ago eroded into the sandy soil (Bried and Edinger 2009). In colder months, the low-lying depressions between the dunes can act as “frost pockets.” As the cooler air settles into these areas, plant growth is delayed in comparison to the areas of higher elevation. This leads to less dense patches of scrub oak (*Quercus ilicifolia*) in these areas, and they instead become dominated by prairie grasses and sedges.

Primary biological features. The dynamic mosaic landscape of the Albany Pine Bush gives rise to a globally rare assemblage of plants and animals. Owing to nutrient-limiting sandy soils and the heterogeneous topography of the dunes, sand dune ecosystems support a diverse biota dominated by pine barrens in higher-lying drier habitats and wetlands in low-lying wet areas at the base of the dunes. The Albany Pine Bush provides one of the best and largest examples of an inland pine barrens ecosystem in the world, covering approximately 40 square miles prior to European colonization (USFWS 1997; Barnes 2003). Pitch pine–scrub oak communities dominate the Albany Pine Bush landscape, making up 42% of the mapped communities in the preserve. Fire disturbance within a pine barrens ecosystem serves to rejuvenate the natural community, drive out exotic plant species, and increase the food and habitat supply for native insects and other animals (e.g., Beachy and Robinson 2008). It is an important component in maintaining the unique ecological qualities of the community (Milne 1985). Good natural conditions for wildfires have existed within the Albany Pine Bush Preserve for thousands of years, especially during the frequent periods of high winds, because the sandy, nutrient-poor soil tends to be droughty and a fuel supply of plant litter accumulates rapidly due to retarded microbial decomposition (Barnes 2003). The dry, acidic soils of the Pine Bush do not promote the decomposition of litter, and the lack of earthworms or other organisms in the dry upper layers of the sandy soil mean that organic matter decomposed by fungi is not incorporated back into the soil.

The Albany Pine Bush is nationally recognized for its extensive populations of rare butterflies and moths, and management plans have focused on the protection of these rare insects (APBPC 2010). There are hundreds of Lepidoptera species found in the Pine Bush, including over 40 noctuid moths considered to be pine barrens specialists. A variety of regionally rare butterflies are also associated with the pitch pine–scrub oak barrens, grasslands, and other fire-maintained communities found in dry, sandy areas of the preserve. The federally listed endangered Karner blue butterfly typically occurs in the grassy openings in the pitch pine–scrub oak barrens; both its food plant and the host plant for its larvae is the wild blue lupine (*Lupinus perennis*), distributed throughout the Albany Pine Bush (Forrester et al. 2005). There is increasing evidence of a distinct and rich avian community in the pine barrens ecosystems of the Albany Pine Bush (Beachy and Robinson 2008; Gifford et al. 2010), and the site has been designated as a New York State Bird Conservation Area.

Nottingham Serpentine Barrens

The Nottingham Park Serpentine Barrens are composed of shallow serpentine rock outcrops and unique vegetation communities, especially serpentine grassland and open savanna communities. The park is located on the outskirts of Philadelphia in Chester County, Pennsylvania (Figure 1). The pine savanna and prairie ecosystems are especially species rich, supporting diverse warm-season grasses. The site contains some of the greatest numbers of endemic, rare, characteristic, and disjunct species found on serpentine soils within the Piedmont physiographic province. Recent surveys have confirmed the presence of at least 21 globally or state-rare plant species, including one of the largest populations in the world of serpentine aster (*Aster depauperatus*), which is one of the only two recognized serpentine endemics of eastern North America.

Primary geological features. Serpentine soils have been extensively studied in the United States, and historic mine sites at Nottingham provide glimpses of its underlying geology. Serpentine is one of the most rare and unusual bedrock materials in the United States (Brooks 1987). The term “serpentine” is derived from the greenish color and pattern of the rock, which resembles that of a snake’s skin. High concentrations of siderophile elements in the soils, such as chromium, nickel, and cobalt, are toxic to plants, resulting in low concentrations of calcium, nitrogen, phosphorus, and potassium and therefore creating conditions of extremely low soil fertility. The inability of crops or other common vegetation to thrive on these soils has permitted a rare, endemic flora to flourish.

The southernmost extent of the Wisconsin ice sheet was just north of the site, which provide an additional connection between the geology and biology of the site (Brooks 1987). New species established themselves in the tundra-like climatic conditions of the region during the period of glaciation. When the ice sheet retreated, these species remained in the serpentine barrens where they likely had far fewer competitors.

Primary biological features. Serpentine barren vegetation is found on only a small fraction of serpentine outcrops; this distinctive vegetation is characterized by a diverse native grassland with scattered pines and oaks, sclerophyllous shrubs, and a diverse herbaceous layer. In aerial view, these serpentine barrens appear as islands surrounded by forest and farmland of the heavily populated Piedmont. When compared with non-serpentine vegetation, serpentine plants generally display a greater tolerance of high magnesium and low calcium levels, have higher magnesium requirements for growth, have lower magnesium adsorption and greater calcium absorption, and show magnesium exclusion from leaves (Tyndall and Farr 1989).

Similar to the pitch pine–scrub oak barrens in the Albany Pine Bush, the rare communities that inhabit the serpentine barrens of Nottingham are fire dependent and maintained by an active prescribed burning management policy (Figure 3). Increased fire suppression beginning in the early 1900s has allowed fire-intolerant species such as Virginia pine (*Pinus virginiana*) and eastern red cedar (*Juniperus virginiana*) to increase in abundance on serpentine grasslands throughout the eastern United States (Tyndall and Farr 1989). The persistence of pitch pines in the Nottingham Barrens is unusual and indicates that fire con-



Figure 3. Prescribed fire management in the Albany Pine Bush Preserve. Photo courtesy of Neil Gifford.

tinued to burn parts of the Nottingham landscape throughout this historical period of fire suppression. Ongoing prescribed burning at the site provides an excellent opportunity to educate the public on the role of fire in natural ecosystem processes. Like Albany Pine Bush, the site is also host to a wide variety of birds, mammals, moths, butterflies, amphibians and reptiles including at least 33 that are rare globally or within the state. The site is included within an Audubon Society of Pennsylvania Important Bird Area.

Comparative assessment

After careful evaluation of the barrens ecosystems at Albany Pine Bush Preserve and Nottingham Park and throughout the Piedmont and Appalachians, we recommended both of these sites for designation as NNLs. Barrens are an important natural historical feature of the eastern United States that are largely underappreciated. Once thought to be biologically depauperate, these landscapes are increasingly recognized for their rich flora and fauna, including distinctive endemic and rare species. The designations of these sites would fill a significant gap within the NNL program. They also provide an opportunity to showcase the ecological value of fire to maintaining landscape diversity, and illustrate the important connections between geologic and ecologic processes.

Barrens landscapes are also highly threatened. The interplay of the underlying geologic substrates (inland sand dunes and serpentine outcrops) with the need for frequent distur-

bance provide an uncommon set of circumstances for the development of these ecosystems. As a result, they are easily degraded by activities such as fire suppression and associated biological invasions of coniferous trees and exotic species (Hochman 2001; Malcolm et al. 2008). Unfortunately, many barrens also have been lost to development in the last centuries. Those barrens sites that remain are frequently embedded in a sea of increasing human settlements. This landscape context provides a challenge to the preservation of high-quality, natural conditions at the sites. However, it also provides an opportunity as the National Park Service continues to recognize the educational and ecological importance of urban parks (Lookingbill et al. 2007; Gifford et al. 2010). Ongoing partnerships fostered by the unique land ownership aspects of the NNL program would encourage threatened sites such as these that are paramount to the nation's natural history to share information and solve problems cooperatively.

Acknowledgments

We gratefully acknowledge the National Park Service National Natural Landmarks Program and the University of Richmond Arts and Sciences Summer Research Fellowship for funding this project. We also are grateful to Neil Gifford and Bill DeCarme for their assistance with site visits and data compilation. Roger Latham and Mark Demitroff, among many others, provided useful review of the assessments.

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Mary C. Brickle, University of Richmond, Richmond, Department of Geography and the Environment, 28 Westhampton Way, Richmond, VA 23173; mary.brickle@gmail.com

Todd R. Lookingbill, University of Richmond, Richmond, Department of Geography and the Environment, 28 Westhampton Way, Richmond, VA 23173; tlooking@richmond.edu

Katharina A.M. Engelhardt, University of Maryland Center for Environmental Sciences, Appalachian Lab, 301 Braddock Road, Frostburg, MD 21532; engelhardt@umces.edu

APP # 19822560.004
Doc Type 100

APR 12 2019

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

RE: APP #1982-2560.004 ✓

April 12, 2019
Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Buena Vista Township Nature Trail

Pinelands Commissioners,

Buena Vista Township's (BVT's) application cannot be approved, as the municipality has not officially acted in a manner that is accordant to law or proper business conduct. Apparently, the township's staff—in procedure—commenced unilaterally, without official public action, statement, or notice of intent to authorize this development. The project would have required a written motion to have been adopted by a deliberative body for application. Apparently, BVT is again a rogue entity trying to subvert rules in pursuit of public development (cf. Richland Village, Michael Debbi Park).

Under OPRA inquiry, BVT could not provide documentation that a written motion associated with this application (#1982-2560.004) for a Collings Lakes trail had been adopted through a deliberative body.

<p>From Lisa Titone Support Office Administrator To: Mark Demitroff</p> <p>Dear Mr. Demitroff,</p> <p>The following is in response to your OPRA request received on December 20, 2018:</p> <table border="1"><tr><td>Digital copies of the following document related to planned development in Collings Lakes, NJ</td></tr><tr><td>Application #1982-2560; #1982-2560.01</td></tr><tr><td>#1982-2560.003; #1982-2560.004</td></tr><tr><td>1. the BVT resolution authorizing the undertaking of Application #1982-2560.001</td></tr><tr><td>2. the BVT resolution authorizing the undertaking of Application #1982-2560.002</td></tr><tr><td>3. the BVT resolution authorizing the undertaking of Application #1982-2560.003</td></tr><tr><td>4. the BVT resolution authorizing the undertaking of Application #1982-2560.004</td></tr><tr><td>From 1982-current</td></tr></table> <p>Custodians Response: There are no documents responsive to this request.</p> <p>Your request is complete and closed.</p> <p>Thank you,</p> <p>Lisa A. Titone, RMC/CMR Administrator / Township Clerk / Registrar Planning / Zoning Board Secretary Insurance Fund Commissioner Buena Vista Township</p>	Digital copies of the following document related to planned development in Collings Lakes, NJ	Application #1982-2560; #1982-2560.01	#1982-2560.003; #1982-2560.004	1. the BVT resolution authorizing the undertaking of Application #1982-2560.001	2. the BVT resolution authorizing the undertaking of Application #1982-2560.002	3. the BVT resolution authorizing the undertaking of Application #1982-2560.003	4. the BVT resolution authorizing the undertaking of Application #1982-2560.004	From 1982-current	<table border="1"><tr><td>1. the BVT resolution authorizing the undertaking of Application #1982-2560.001</td></tr><tr><td>2. the BVT resolution authorizing the undertaking of Application #1982-2560.002</td></tr><tr><td>3. the BVT resolution authorizing the undertaking of Application #1982-2560.003</td></tr><tr><td>4. the BVT resolution authorizing the undertaking of Application #1982-2560.004</td></tr><tr><td>From 1982-current</td></tr><tr><td>Custodians Response: There are no documents responsive to this request.</td></tr><tr><td>Your request is complete and closed.</td></tr></table>	1. the BVT resolution authorizing the undertaking of Application #1982-2560.001	2. the BVT resolution authorizing the undertaking of Application #1982-2560.002	3. the BVT resolution authorizing the undertaking of Application #1982-2560.003	4. the BVT resolution authorizing the undertaking of Application #1982-2560.004	From 1982-current	Custodians Response: There are no documents responsive to this request.	Your request is complete and closed.
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From 1982-current																
Custodians Response: There are no documents responsive to this request.																
Your request is complete and closed.																

BVT had intentionally kept this project hidden in an effort to circumvent the scrutiny of the Pinelands Commission and its own residents.

In example of circumvention, BVT (2016) erroneously told NJDEP (*below*) it did not have to get Pinelands permission to construct the Collings Lakes trail. They rationalized—“Since the Township owns the land and **there are no permits required for the proposed trails.**”

Developing the trail will entail some site clearing and grading. Township Public Works staff will mark a 5' trail, cover it with hardwood mulch to cut down on erosion, and provide appropriate signage. It is the intent of the Township to follow existing paths and game trails as much as possible to mitigate any additional disruption to the environment and to preserve the historic nature of the trails. The Township sees this as an important step towards preventing erosion and further damage from uncontrolled use. New trail cuts, therefore, will only be created when necessary. **Since the Township owns the land and there are no permits required for the proposed trail,** it is fully and reasonably anticipated that construction will be complete by the stated completion date of April 30, 2016.

The attached maps illustrate that exact location of the proposed Phase I Nature Trail and the surrounding area.

Yet BVT is well aware that nature trails require a Pinelands permit, as the municipality had recently been in Pinelands violation for building an earlier nature trail at Michael Debbi Park (*see* Application #1995-1659.003).

It is important to note BVT (2017) attested to NJDEP (*below*) that the allegedly singular unbuilt and unapproved nature trail that is before you today is in fact two completed nature trails, *in situ* entities that garnered environmental stewardship points. I take BVT at their word. NJDEP stewardship required that a project is complex and current, and so the Pinelands record is incomplete and must be clarified to address their extant— (“Buena Vista **installed nature trails** at Collins Lakes and Quigley Park”).

<p>potential to noticeably reduce a site's carbon footprint - a) Reduction within last 5 years</p>		
<p>2) ENVIRONMENTAL ENHANCEMENT PROJECTS - Has the site undertaken an Environmental Enhancement Project that has resulted in the reclamation or improvement of land at the site or within the community? If yes, identify the project and the resulting improvement to the environment. KEYS TO QUALIFYING - 1) Site should be able to demonstrate project is current/maintained. 2) Project must be completed or underway. 3) Enhancements or mitigation required by permit or settlement action do not qualify.</p>	<p>9/6/2017</p>	<p>Buena Vista installed nature trails at Collins Lake and Quigley Park</p>

Sincerely,

Mark Demitroff

There are two conflicting plan versions of the trail's configuration, the one sent to NJ Trails (upper left) and the contrasting one on the Pinelands Commission .

Buena Vista Township
Block 502, Lot 6 & 4.01

(describe cultural/historical features and/or views seen in project)

Disabled access

Some accessibility improvement

Entire project area is ADA accessible

B. Local Land Use:

Is the project consistent with Federal, State and/or Local land use plans? YES NO

If yes, identify land use plans and briefly describe how the project meets consistency. If no, please explain:
The project is consistent with Buena Vista Land Use zoning and is an allowable use per the New Jersey Pinelands National Reserve since the trail will be natural and will follow engineering protocol for the area.

Proposed Nature Trail 3 Miles

Map
2007 Aerials & Wetlands Map
0 162 324 648 Feet
1 inch = 617 feet

Buena Vista Township
Block 502, Lot 6 & 4.01

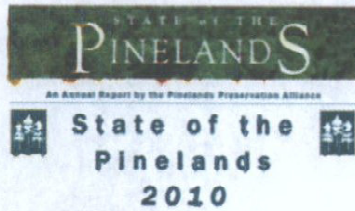
Existing Parking Lot at Outgley Recreation Area

Existing Parking Lot

Collings Lakes Elementary School

Proposed Nature Trail 2.4 Miles

Map
2007 Aerials & Wetlands Map
0 160 320 640 Feet
1 inch = 633 feet



Local Government
Buena Vista Ignores Pinelands Regulations



Buena Vista - Multiple Violations
Buena Vista Township, described by one Pinelands Commissioner as a rogue municipality, disregarded the Pinelands CMP by racking up another CMP violation in the

Buena Vista Township

Ignoring Pinelands Rules - In 2006, the township Planning Board approved a restaurant expansion application without notifying the Pinelands Commission as required. The restaurant owner then installed 1,700 feet of sewer line on private property, including 1,578 feet in the Forest Area where sewer lines are not allowed. To legitimize the extensive new sewer line now sending wastewater to the treatment plant, the owner applied to the Pinelands Commission for an after-the-fact approval. The township



State of New Jersey

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

April 18, 2019

Karen Groehrer, Business Administrator (via email)
Mullica Township School District
500 Elwood Road
Elwood, NJ 08217

Re: Application # 1987-1299.005
Block 3303, Lot 9
Mullica Township

Dear Ms. Groehrer:

The Commission staff has completed its review of this application for construction of a 50 stall paved parking lot. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 10, 2019 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure
(2) Public comments
c: Secretary, Mullica Township Planning Board (via email)
Mullica Township Construction Code Official (via email)
Mullica Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
John Szuba (via email)
Beth Kenderdine (via email)

William B. Edwards, PE (via email)
Joy Ramer



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Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Karen Groehrer, Business Administrator (via email)
Mullica Township School District
500 Elwood Road
Elwood, NJ 08217

Application No.: 1987-1299.005
Block 3303, Lot 9
Mullica Township

This application proposes construction of a 50 stall paved parking lot located on the above referenced 15.41 acre parcel in Mullica Township. The Mullica Township Primary School is located on the parcel.

This application also proposes the construction of approximately 400 linear feet of paved walkway, four to nine feet in width.

STANDARDS

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

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

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

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

The proposed development will be located within existing wooded and maintained grassed areas. Approximately 0.72 acres of forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the development.

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

Water Quality Standard (N.J.A.C. 7:50-6.83)

The existing school is serviced by an on-site septic system. The applicant has demonstrated that the existing and proposed development on the parcel will be consistent with the groundwater quality (septic dilution) standard of the CMP.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on March 16, 2018. Newspaper public notice was completed on March 21, 2018. The application was designated as complete on the Commission's website on March 26, 2019. The Commission's public comment period closed on April 12, 2019. The Commission received two written public comments (attached) regarding this application.

Public Commenter One: The commenter requested a copy of the Executive Director's findings and conclusions.

Staff Response: The commenter will receive a copy of this Executive Director's Report.

Public Commenter Two: The commenter has concerns over how the proposed parking lot will impact stormwater runoff, traffic, noise and light pollution in the surrounding neighborhood. Specifically, the commenter indicated that under existing conditions stormwater runs down the school's rear driveway and along Absecon Road and Elm Street, instead of being directed into the existing stormwater infiltration basin on the school's parcel. The commenter would like to have this issue addressed as part of the current application. The commenter also indicated that the proposed parking lot entrance/exits should be connected to the existing driveway to keep additional traffic moving at a reasonable speed for the welfare of children and neighbors and that road signs should be placed throughout the adjoining streets for safety. Lastly, the commenter believes that vegetation should be added to Elm Street to help reduce the impacts from headlights and noise that may be created by the proposed parking lot.

Staff Response: The applicant's stormwater management plan demonstrates consistency of the proposed development with the stormwater management standards contained in the Mullica Township land use ordinance and the CMP. By letter dated April 17, 2019, the Professional Engineer for the Mullica Township School District indicates that while runoff from the school's existing rear driveway does contribute stormwater runoff to Elm Street, the proposed stormwater management design will reduce both the rate and volume of runoff to Elm Street from the school parcel. The letter also

indicates that for a number of reasons not related to the school, there is poor drainage along Elm Street.

The Commission staff appreciates the commenter's concerns regarding traffic speeds, road signage, pedestrian safety and vegetation screening for noise and light impacts. The regulations of the CMP do not address these issues. The commenter may wish to discuss these concerns with an appropriate school official.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Edwards Engineering Group, all sheets dated November 26, 2018 and revised to January 19, 2019.
2. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on May 7, 2019 and include the following information:

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

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

AppInfo - request records

From: john SZUBA <dogedward@comcast.net>
To: <AppInfo@njpines.state.nj.us>
Date: 3/20/2018 9:32 AM
Subject: request records

To Who it may concern

I am requesting a copy of the Executive Director's finding and conclusion.

Re: Pinelands Application No. 1987-1299-005

Site Improvements at Mullica Township Elementary/Middle School

John szuba

630 elwood rd.

hammonton, nj. 08037 or dogedward@comcast.net

Richard Page
Joy Ramer
POB 585
Elwood, NJ 09217
Lots 4,6 &8
3/20/18

Pinelands Commission
POD 359
New Lisbon, NJ 08064

Re: Pinelands Application No. 1987-1299.005
Mullica Twp School #1, 500 Elwood Road
Block 3303, Lot 9

APPA 1987-1299.005
Per Type 110
MAR 26 2018
Scanner

Dear

In reference to the above application I have multiple concerns about the proposed parking lot at Mullica Township School #1. This parking lot is going to be a major impact on our neighborhood-runoff, traffic, noise & light pollution.

First, there has been existing runoff from the back driveway for decades, and every time an 'improvement' is made, the water problem gets worse throughout the adjoining block. I have been told that the runoff issue will be mitigated rather than exacerbated. It's critical that this issue be addressed. There is an existing retention pond (circa 1990) where the current runoff *should* go, however, it takes the path of least resistance down the paved driveway. The runoff flows west along Abscon Road and north along Elm Street. Video is available, if necessary.

Second, plans should keep the entrance/exits connected *only* to the existing driveway to keep all the additional traffic moving at a reasonable speed for the welfare of both children and neighbors.

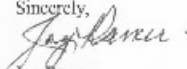
Third, multiple road signs should be placed throughout the adjoining streets for everyone's safety.

Fourth, vegetation should be added to Elm Street as to cut down on the headlights and noise as a consequence of the new lot.

I sincerely hope that the Edwards Engineering Group will include me as the planning goes forward as I have first-hand knowledge of the past and present problems they will be facing.

Thank you for your time in this matter.

Sincerely,


Joy Ramer

Enclosed: photos

PS - This is point source runoff

MATCH SHEET 92

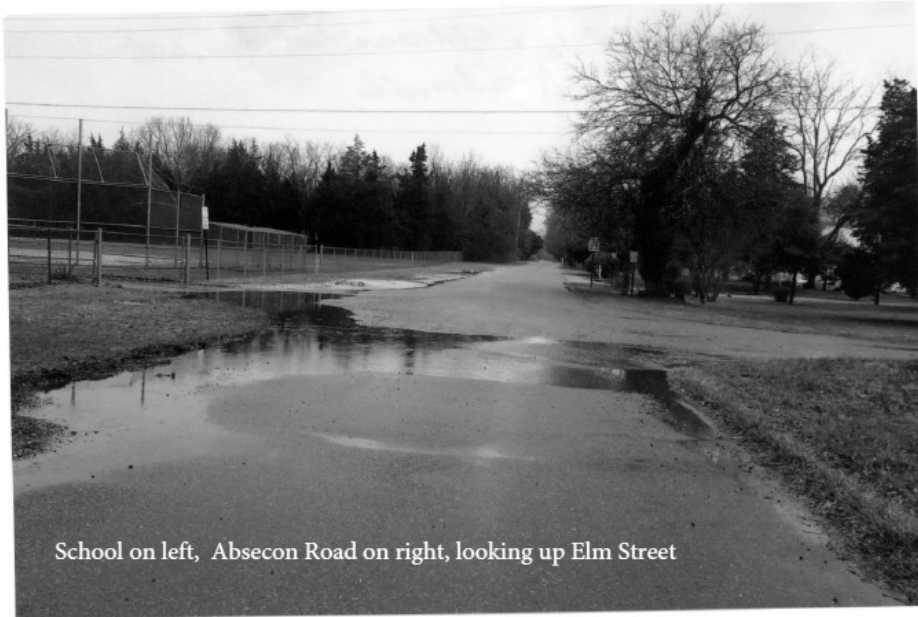


MATCH SHEET 100 C1

MATCH SHEET 100

NEW JERSEY DEPARTMENT OF TREASURY
 DIVISION OF LAND REVENUE
 NOTICE TO THE PUBLIC: THE TOWNSHIP OF MULLI
 HAS BEEN APPROVED BY THE BOARD OF TAXATION
 AND THE DEPARTMENT OF TREASURY.
 BY: *[Signature]* DEPUTY COMMISSIONER
 DATE: 11/14/88

TAX MAP
 TOWNSHIP OF MULLI
 ATLANTIC COUNTY, NEW JERSEY
 SCALE: 1"=100' DATE: NOV.
 ERIC R. REHMANN
 PROFESSIONAL ENGINEER & LAND SURVEYOR
 NEW JERSEY LICENSE NO. 17-18
 200 S. 10TH AVE.
 PHILADELPHIA, PA 19106



School on left, Absecon Road on right, looking up Elm Street



School driveway



Corner of Elm St. & Absecon Road



Looking down Elm Street



Absecon Road



End of Elm Street



School driveway



Absecon Road



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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

April 18, 2019

Brenna Fairfax (via email)
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Re: Application # 2011-0075.002
State Route 50
Upper Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for construction of an electronic traffic advisory sign within the State Route 50 right-of-way and associated development. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 10, 2019 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Upper Township Planning Board (via email)
Upper Township Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)



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Governor
SHEILA Y. OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Brenna Fairfax (via email)
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Application No.: 2011-0075.002
State Route 50
Upper Township

This application proposes construction of an electronic traffic advisory sign with associated development within the State Route 50 right-of-way in Upper Township.

The proposed development associated with the traffic advisory sign includes the construction of 165 linear feet of guiderail, equipment cabinets, a maintenance vehicle paver pad and the installation of fiber optic cable. The applicant indicates that the proposed development will be utilized to inform motorists of traffic congestion and to assist the New Jersey Department of Transportation with emergency management and congestion mitigation.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26(b)10)

In the area of the proposed development, State Route 50 is the boundary between the State regulated Pinelands Area and the Pinelands National Reserve. In this area, the entire State Rt. 50 right-of-way is located in the Pinelands Area.

The majority of the proposed development is located in the Pinelands Area. A small portion of the proposed development is located outside the State Route 50 right-of-way in the Pinelands National Reserve.

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

The proposed development in the Pinelands National Reserve is not subject of this application.

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

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in the required buffer to wetlands.

The CMP permits roads (linear improvement) and accessory structures to roads such as road signs and guiderails, in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the proposed development is necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located within existing maintained grassed road shoulders. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to replant non-native lawn grasses along the maintained road shoulder.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on March 28, 2019. The Commission’s public comment period closed on April 12, 2019. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Michael Baker International, Inc., all sheets dated December 6, 2018.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on May 7, 2019 and include the following information:

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

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



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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

April 18, 2019

Brenna Fairfax (via email)
NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Re: Application # 2017-0191.001
State Route 49
Upper Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for construction of an electronic traffic advisory sign with associated development within the State Route 49 right-of-way. 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 May 10, 2019 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Upper Township Planning Board (via email)
Upper Township Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)



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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Brenna Fairfax (via email)
 NJ Department of Transportation
 1035 Parkway Avenue
 Trenton, NJ 08625

Application No.: 2017-0191.001
 State Route 49
 Upper Township

This application proposes construction of an electronic traffic advisory sign with associated development within the State Route 49 right-of-way in Upper Township.

The proposed development associated with the traffic advisory sign includes the construction of 165 linear feet of guiderail, equipment cabinets, a maintenance vehicle paver pad and the installation of fiber optic cable. The applicant indicates that the proposed development will be utilized to inform motorists of traffic congestion and to assist the New Jersey Department of Transportation with emergency management and congestion mitigation.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.23(b)14)

The proposed electronic traffic advisory sign is located in a Pinelands Forest Area. The proposed traffic advisory sign is permitted in a Pinelands Forest Area.

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

The proposed development will be located within existing maintained grassed road shoulders. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to replant non-native lawn grasses

along the maintained grass road shoulder.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on March 6, 2019. The Commission’s public comment period closed on April 12, 2019. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Michael Baker International, Inc. and dated as follows:

Sheet 1 - December 5, 2018
Sheet 2 - December 6, 2018
Sheet 3 - December 17, 2018
Sheet 4 - undated
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on May 7, 2019 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1985-0641.013)

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:

1985-0641.013

Applicant: Pemberton Township Board of Education
Municipality: Pemberton Township
Management Area: Pinelands Regional Growth Area
Date of Report: April 18, 2019
Proposed Development: Construction of a 56 stall paved parking lot.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1985-0641.013 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				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Christy				Lohbauer				Earlen			
Howell				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

April 18, 2019

Daniel Smith, Business Administrator (via email)
Pemberton Township Board of Education
1 Egbert Street
Pemberton, NJ 08068

Re: Application # 1985-0641.013
Block 839.02, Lot 44.06
Pemberton Township

Dear Mr. Smith:

The Commission staff has completed its review of this application for the construction of a 56 stall paved parking lot. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 10, 2019 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Scott Brown (via email)



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

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Daniel Smith, Business Administrator (via email)
Pemberton Township Board of Education
1 Egbert Street
Pemberton, NJ 08068

Application No.: 1985-0641.013
Block 839.02, Lot 44.06
Pemberton Township

This application proposes the construction of a 56 stall paved parking lot on the above referenced 35.3 acre parcel in Pemberton Township. The Samuel T. Busansky Elementary School and Howard L. Emmons Elementary School are located on the parcel.

STANDARDS

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

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

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

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

There are wetlands located on the parcel. All development will be located at least 300 feet from wetlands.

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

The proposed development will be located within an existing maintained lawn area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

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

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on February 24, 2019. Notice to required land owners within 200 feet of the above referenced parcel was completed on February 25, 2019. The application was designated as complete on the Commission's website on March 14, 2019. The Commission's public comment period closed on April 12, 2019. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 9 sheets, prepared by Dante Guzzi Engineering Associates, all sheets dated November 26, 2018 and revised February 14, 2019.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. All development, including clearing and land disturbance, shall be located at least 300 feet from wetlands.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on May 7, 2019 and include the following information:

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

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



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

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

LETTER OF INTERPRETATION #2173

April 25, 2019

Daniel & Pamela Giberson
 310 Isaac Budd Road
 Southampton, NJ 08088

Re: Application # 2001-0144.001
 Block 1601, Lots 11, 12, 13.01 & 14
 Isaac Budd Road
 Southampton Township

FINDINGS OF FACT

The applicants own the above referenced 55.96 acre parcel in Southampton Township. This acreage is based on the recorded property deed for Block 1601, Lots 13.01 and 14 and the municipal tax map for Block 1601, Lots 11 and 12. The parcel is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

The parcel consists of 6.77 acres of uplands and 49.19 acres of wetland soils in active agriculture. The active agriculture in wetland soils was established prior to February 7, 1979. The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel.

The parcel is vacant. There are no easements limiting the use of the parcel to nonresidential uses. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the CMP.

CONCLUSION

The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the Plan; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 6.77 acres of uplands, the applicant would be entitled to 0.347 PDCs. For the 49.19 acres of wetland soils in active agriculture, the applicant would be entitled to 2.523 PDCs. There would be 2.870 PDCs allocated to this parcel.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 2.75 PDCs allocated to Block 1601, Lots 11, 12, 13.01 and 14.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making 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 within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Southampton Township Planning Board (via email)
 Southampton Township Construction Code Official (via email)
 Southampton Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 Susan R. Grogan, Executive Director, PDC Bank (via email)



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

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

LETTER OF INTERPRETATION #2174

April 26, 2019

Daniel and Pamela Giberson
 310 Isaac Budd Road
 Southampton, NJ 08088

Re: Application # 2001-0145.001
 Block 1503.07, Lot 2 (formerly Block 1503, Lot 2)
 Block 1602, Lot 1
 Isaac Budd Road
 Southampton Township

FINDINGS OF FACT

The applicants own the above referenced 27.4 acre parcel in Southampton Township. Information available to the Commission staff indicates that Block 1503, Lot 2 is now known as Block 1503.07, Lot 2. The acreage of the overall parcel is based on the recorded property deed for Block 1503.07, Lot 2 and the municipal tax map for Block 1602, Lot 1. The parcel is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

The parcel consists of 22.79 acres of uplands and 4.61 acres of wetland soils in active agriculture. The active agriculture in wetland soils was established prior to February 7, 1979. The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel.

Three single family dwellings and seven structures accessory to an agricultural use are located on the parcel. There are no easements limiting the use of the parcel to nonresidential uses. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the CMP.

CONCLUSION

The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the Plan; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 22.79 acres of uplands, the applicant would be entitled to 1.17 PDCs. For the 4.61 acres of wetland soils in active agriculture, the applicant would be entitled to 0.24 PDCs. There would be 1.41 PDCs allocated to this parcel.

N.J.A.C. 7:50-5.43(b)3ii requires that the PDC entitlement for the parcel be reduced by 0.25 PDCs for each existing dwelling unit on the parcel. Based upon the three existing dwellings, there would be 0.66 PDCs allocated to the parcel.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.75 PDCs allocated to Block 1503.07, Lot 2 and Block 1602, Lot 1.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making 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 within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,



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

- c: Secretary, Southampton Township Planning Board (via email)
- Southampton Township Construction Code Official (via email)
- Southampton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)



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PHILIP D. MURPHY
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SHEILA Y. OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

April 12, 2019

Vicki Lange (via email)
Pine Barons Enduro Riders
16 Mills Brook Lane
Shamong, NJ 08088

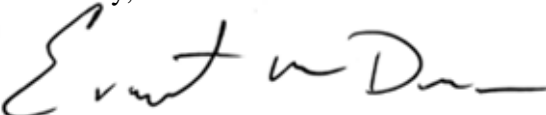
Re: Application # 1982-3054.085
PBER Clock Run
April 14, 2019
Pemberton, Tabernacle, Washington
& Woodland Townships

Dear Ms. Lange:

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

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

Sincerely,



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

Enc: Off-Road Vehicle Event Route Map Approval

c: Pemberton Township Clerk (via email)
Tabernacle Township Clerk (via email)
Washington Township Clerk (via email)
Woodland Township Clerk (via email)
Robert Auermuller, Superintendent, NJDEP Division of Parks and Forestry (via email)
Tom Keck, Regional Superintendent, NJ State Park Service - Southern Region (via email)
Cynthia Coritz, Superintendent, Bass River State Forest (via email)
Dave Robbins (via email)



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1347

Application #: 1982-3054.085

Applicant: Pine Barons Enduro Riders

Event Name: PBER Clock Run

Event Date: April 14, 2019

Municipalities: Pemberton, Tabernacle, Washington & Woodland Townships

Management Area: Forest Area, Infill Development Area, Pinelands Village, Preservation Area District, Special Agricultural Production Area

Lands Utilized

Brendan T. Byrne, Bass River, Penn & Wharton State Forests

Approved Route Map

100 mile route delineated on the route map received on April 10, 2019

April 12, 2019

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

Date

Please see reverse side for additional information and conditions.

RELEVANT INFORMATION

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

CONDITIONS

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



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

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

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: April 30, 2019

Subject: No Substantial Issue Findings

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

Buena Borough Ordinance 676 - amends Chapter 150 (Land Use) of the Borough's Code in response to amendments to the CMP. These amendments include revisions to definitions, types of development exempt from application to the Commission, notice requirements and standards for the installation of advanced wastewater treatment systems.

Evesham Township Ordinance 3-3-2019 - amends Chapters 15 (Land Use Administration) and 160 (Zoning) of the Township's Code of in response to amendments to the CMP. These amendments include revisions to definitions, types of development exempt from application to the Commission, notice requirements and standards for the installation of advanced wastewater treatment systems.

Franklin Township Ordinance O-4-19 - amends Chapter 253 (Land Development) of the Township's Code in response to amendments to the CMP. These amendments include revisions to definitions, types of development exempt from application to the Commission, notice requirements and standards for the installation of advanced wastewater treatment systems.

Town of Hammonton Ordinance 001-2019 - adopts a Redevelopment Plan for the White Horse Pike Redevelopment Area. The Redevelopment Area is approximately nine acres in size, encompassing Block 3904, Lots 39 and 40, and is located entirely within a Pinelands Town management area. The purpose of the Redevelopment Plan is to facilitate an adaptive reuse of a former motor inn with an assisted living and adult daycare facility. Permitted uses in the new Redevelopment Area are limited to assisted living facilities with associated medical support services, adult medical daycare facilities and memory care facilities. Maximum permitted density is 18 dwelling units per acre. The Redevelopment Plan supersedes the existing HB (Highway Business) District zoning.

Little Egg Harbor Township Ordinance 2019-05 - amends Chapter 15 (Land Use and Development) of the Township's Code in response to amendments to the CMP. These amendments include revisions to the types of development exempt from application to the Commission, notice requirements and standards for the installation of advanced wastewater treatment systems.

Manchester Township Ordinance 19-008 - amends Chapters 409 (Utility Company Work) and 372 (Streets and Sidewalks) of the Township's Code. Chapter 409 is amended to require the issuance of a Right-of-Way Permit for the siting of poles, cabinets and antennas within the municipal right-of-way. Chapter 372 is amended by establishing Article VII, Siting of Poles, Cabinets and Antennas. The new article contains definitions, siting standards for poles, antennas and cabinets in the right-of-way, application procedures, permit fees and procedures applicable to applications for right-of-way permits in the Pinelands Area. Ordinance 19-008 limits the height of new poles to 35 feet or 110% of the average height of "Poles in the Surrounding Streetscape", whichever is higher. The ordinance also incorporates all required Pinelands application and notification procedures and explicitly requires that no pole shall be sited in a manner inconsistent with Subchapters 5 and 6 of the CMP.

Shamong Township Ordinance 2018-10 - amends Chapter 110 (Land Development) of the Township's Code by revising Section 110-125(D) to permit the following uses in the Pinelands Village Commercial District: limited breweries; restricted breweries (brewpubs); plenary wineries; farm wineries; instructional winemaking facilities; plenary distilleries; and limited distilleries. The Pinelands Village Commercial District is located entirely within the Pinelands Village of Indian Mills.

City of Vineland Ordinance 2019-22 - amends Chapter 425 (Land Use) of the City's Code. In particular, the ordinance amends Chapter 425 in response to amendments to the CMP, and includes revisions to definitions, types of development exempt from application to the Commission, notice requirements and standards for the installation of advanced wastewater treatment systems.

Woodland Township Ordinance 2019-2 - amends Ordinances 1998-3 and 1998-4 in response to amendments to the CMP. These amendments include revisions to definitions, types of development exempt from application to the Commission, notice requirements and standards for the installation of advanced wastewater treatment systems.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-_____

TITLE: Resolution Authorizing a Change of the Pinelands Commission’s Fiduciary Institution

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission currently uses Beneficial Bank as its fiduciary institution; and

WHEREAS, the Pinelands Commission conducts most of its fiduciary business at the Beneficial Bank branch located at 101 Pemberton-Browns Mills Road, Browns Mills, New Jersey, 08015; and

WHEREAS, the Pinelands Commission has received notice that this branch has been acquired by The Bank of Princeton and will begin operating as a branch of said institution effective May 20, 2019; and

WHEREAS, the Pinelands Commission has determined it to be in its best interests to continue to conduct its fiduciary business at this branch; and

WHEREAS, in order to continue using this branch, the Pinelands Commission must convert its accounts from Beneficial Bank to The Bank of Princeton; and

WHEREAS, after reviewing The Bank of Princeton’s terms and conditions associated with its fiduciary transactions, the Pinelands Commission has determined that it is in its best interests to convert its existing fiduciary accounts with Beneficial Bank to The Bank of Princeton; 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 hereby authorizes the Bank of Princeton to be its fiduciary institution and commencing on May 20, 2019, the Bank of Princeton shall be used for the Commission’s fiduciary business, including but not limited to the maintenance of the Operating Account.

BE IT FURTHER RESOLVED: that a copy of this resolution shall be provided to The Bank of Princeton.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman