



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



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

General Information: Info@pinlands.nj.gov  
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RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director



Pinelands  
 Comprehensive  
 Management Plan  
*Four Decades of Protection*

**NEW JERSEY PINELANDS COMMISSION MEETING AGENDA**

Friday, May 14, 2021 - **9:30 a.m.**

Pinelands Commission YouTube link:

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

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 833 5477 1666

1. Call to Order

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

2. Adoption of Minutes

- April 9, 2021

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

- Office of Administrative Law
  - None
- Review of Local Approval
  - None
- Public Development Projects and Waivers of Strict Compliance

Resolution Approving With Conditions (2) Applications for Public Development:

- Application No. 1986-0944.007 - Town of Hammonton  
 Demolition of a 3,000 square foot abandoned industrial building, 50 years old or older

## Town of Hammonton

- Application No. 2006-0160.003 – New Jersey Department of Military & Veterans Affairs  
Construction of a 37,325 square foot New Jersey National Guard Readiness building at Joint Base McGuire-Dix-Lakehurst  
Jackson Township

## B. Planning Matters

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

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

## A. Public Development Projects

- Application No. 2013-0010.002 – NJ Division of Property Management and Construction  
Construction of two building additions, totaling 1,457 square feet, to an existing New Jersey Forest Fire Service Headquarters  
Hamilton Township
- Application No. 2018-0186.002 – Medford Township  
Two lot subdivision and no further development  
Medford Township

## B. Waivers of Strict Compliance

- None

## 6. Master Plans and Ordinances Not Requiring Commission Action

- Egg Harbor Township Ordinance 11-2021
- Weymouth Township Ordinance 573-2021
- Hamilton Township Ordinance 1945-2021

## 7. General Public Comment

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

## 9. Adjournment

**Upcoming Meetings**

Wed., May 19, 2021	Pinelands Climate Committee Meeting (9:30 a.m.)
Fri., May 28, 2021	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., June 11, 2021	Pinelands Commission Meeting (9:30 a.m.)

**Office Closures**

Mon., May 31, 2021	Memorial Day
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To ensure adequate time for all members of the public to comment, we will respectfully limit comments to three minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.

Pinelands Commission and Committee meeting agendas are posted on the Commission's Website and can be viewed at [www.nj.gov/pinelands/](http://www.nj.gov/pinelands/) for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@pinelands.nj.gov) at [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov).

PINELANDS COMMISSION MEETING

MINUTES  
**April 9, 2021**

*The April 9, 2021 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=uxqUMhLYy4o>*

Commissioners Participating in the Meeting

Alan W. Avery Jr., Daniel Christy, Shannon Higginbotham, Jerome H. Irick, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky and Chairman Richard Prickett. Also participating were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Rudy Rodas.

Commissioners Absent

Jordan P. Howell, Gary Quinn and D'Arcy Rohan Green.

Call to Order

Chairman Prickett called the meeting to order at 9:33 a.m.

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

The Commission pledged allegiance to the Flag.

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

Minutes

Chairman Prickett presented the open and closed session minutes from the Commission's March 12, 2021 meeting. Commissioner Lloyd moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the March 12, 2021 Commission meeting were adopted by a vote of 8 to 0.

Commissioner Christy joined the meeting at 9:40 a.m.

#### Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval for stormwater management improvements within the Route 30 right-of-way in Winslow Township.

Commissioner Pikolycky made a motion Approving With Conditions an Application for Public Development (Application Number 2019-0142.001) (See Resolution # PC4-21-11). Commissioner Lohbauer seconded the motion.

Director Charles Horner said this application is for two stormwater modifications along the White Horse Pike.

Commissioner Lohbauer noted that retention basins are not proposed as part of this application but rather a series of underground pipes.

Chairman Prickett asked if the volume of surface water would stay the same.

Director Horner said the wetlands protection standards outlined in the Comprehensive Management Plan (CMP) do not permit an increase in rate or volume of discharge in the Pinelands Area.

Ernest Deman of the Regulatory Programs Office further explained where the surface water would discharge.

Chairman Prickett asked if any preventive measures were in place to capture petrol.

Director Horner said no preventative measures are proposed as part of this application. He noted the CMP requires certain actions when a surface area is deemed to be a high pollutant loading area.

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

#### Planning Matters

Chairman Prickett presented a resolution for a Barnegat Township Ordinance.

Commissioner Avery made a motion Issuing an Order to Certify Ordinance 2021-4, Amending Chapter 55 (Land Use) of the Code of Barnegat Township. Commissioner Jannarone seconded the motion.

Susan R. Grogan, Director of Planning, said the Executive Director's report was revised after the Policy and Implementation Committee meeting to indicate the broader impacts of the Ordinance. A map was displayed to show the Commercial Neighborhood zone both east (Pinelands National Reserve) and west (inside the Pinelands Area) of the Garden State Parkway. She said the township has added standards for Assisted Living facilities since the CMP defines them as a residential use. The township has established permitted densities, use of Pinelands Development Credits (PDCs) and bonus density. The Township's goal is to encourage and attract the development of hotels and motels within 1,000 feet of either side of the Parkway. She added that the ordinance is consistent with the CMP.

Commissioner Lloyd said originally he had concerns that the Ordinance was spot zoning and he said he raised the issue at the P&I Committee meeting. He thanked Director Grogan for the additional information that shows the Township's intent.

Commissioner Irick raised concerns that the CMP does not have limitations regarding height and density. He said he thinks the CMP should be revised to address both. He added that he will most likely abstain from the vote on the Barnegat ordinance.

Commissioner Lohbauer said the Commission received public comment related to concerns that new development would create flooding in the residential development in which they reside. Commissioner Lohbauer said it's premature for that comment considering there is no development application.

Commission staff members confirmed that at this time no development is be proposed and this is for an ordinance approval only. Additionally, all stormwater management rules would apply.

Commissioner Lloyd said he shared Commissioner Irick's concern, and he said the Commission should consider addressing the matter. Commissioner Lohbauer agreed, and Chairman Prickett suggested the issue could be discussed at a future P&I Committee meeting.

Chairman Prickett said staff should encourage water and energy conservation measures whenever possible because with the increase in density, there is an increased stress on our natural resources.

The Commission adopted the resolution by a vote of 8 to 0. Commissioner Irick abstained from the vote.

### Committee Reports

Chairman Prickett provided an update of the March 26, 2021 P&I Committee meeting:

The Committee adopted the minutes of the February 26, 2021 meeting.

The Committee reviewed Barnegat Township Ordinance 2021-4 but made no recommendation to the Commission, pending receipt of additional information from the Township on the applicability of the ordinance.

The Committee received a presentation on the proposed 2021 round of land acquisition using the Pinelands Conservation Fund. The new round focuses on grassland habitat and carbon sequestration. The Committee endorsed the schedule and the matrix to be used for evaluating project applications.

The Committee reviewed the latest updates to the draft CMP stormwater management amendments. These amendments will next be provided to the Governor's Office for review.

The Committee continued its discussion of application exemptions.

Commissioner Lohbauer said the Land Use, Climate Impacts and Sustainability (LUCIS) Committee met on March 17, 2021. Due to the lack of a quorum, the Committee could not adopt its minutes from the previous meeting.

Staff provided an update on the proposed new round of Pinelands Conservation Fund land acquisition.

Two speakers delivered presentations on forestry management issues.

Lastly, the Committee discussed the possibility of changing its name.

Commissioner Avery said staff is working on scheduling a pre-audit meeting with the State Auditor.

#### Executive Director's Report

ED Wittenberg confirmed that the Fiscal Year 2020 Audit will begin soon. She also said that she has spoken to the New Jersey Department of Environmental Protection (NJDEP) about the process to schedule a meeting with the Acting Commissioner. She also mentioned that she spoke with the NJDEP about Horizontal Directional Drilling (HDD). She said the NJDEP is in the very early stages of drafting rules, noting that the Department does not currently have any regulations regarding HDD. In talking to the Department, she learned that they requested guidance from the State Science Advisory Board. Lastly, she said the hiring memo to the Governor's Authorities Unit is almost complete.

Chuck Horner, Director of Regulatory Programs, provided information on the following regulatory matters:

- A Certificate of Filing was issued for the development of 55 single-family dwellings in Hamilton Township. The entire parcel is 436 acres but the

development envelope will be about 60 acres; many acres will be deed-restricted because of the Commission's clustering rules.

- Staff will be participating in an upcoming trial regarding the establishment of a commercial development that occurred without application to the Commission or the Township. The violator cleared approximately six acres, which included some wetlands and wetland buffers in Galloway Township.
- Staff held a conference call with an applicant to discuss a prior subdivision approval dating back to the early 2000's. The New Jersey Municipal Land Use Law (MLUL) offers limited protection for zoning changes, after which projects must adhere to current zoning.
- At the beginning of March, staff sent a letter to Pemberton Township that outlines the application requirements regarding sewerage two existing schools. The schools are located in a Rural Development Area. In order for the sewer line to reach the school, it would traverse through the Agricultural Production Area. Sewer is only permitted in the Rural Development and Agricultural Production Areas if it is demonstrated that there is a public health problem.

Director Grogan provided an update on the following Planning matters:

- The Septic Pilot Program will soon be accepting applications for new technologies. Staff began the process by sending a notice to the Office of Administrative Law, that notice will be published in the New Jersey Register on May 3. The Pilot program can accept up to five new technologies.
- A recent press release from the Board of Public Utilities announced that it had received 410 applications for Round Two of its Community Solar Pilot Program. Approximately seven to 10 of those applications are in the Pinelands Area.
- Atlantic County recently submitted a copy of recorded deed restriction. The County was required to acquire and preserve a total of 356 acres as part of the Secondary Impacts agreement associated with the construction of Interchange 44 on the Garden State Parkway. The County only has 14 more acres to acquire.

Commissioner Avery asked if there were height requirements designated by the CMP. He also wanted affirmation from staff that each management area has an assigned or associated density.

Director Grogan said there is a 35-foot height limit in all Pinelands Management Areas, except Regional Growth Areas and Pinelands Towns. She also said that each management area has an assigned density.

Stacey Roth, Chief of Legal and Legislative Affairs, said Commissioners must file their Financial Disclosure Statements (FDS) by May 15, 2021.

Paul Leakan, Communications Officer, said he shared the final 40<sup>th</sup> Anniversary CMP post this morning, and it highlights the benefits of Pinelands preservation and regional planning. He said that since launching the anniversary celebration on January 14th, the Commission has shared 125 CMP-related posts on 60 consecutive workdays, along with 463 photos and 26 videos. He said that based on the response from the public, the Commission's efforts



have greatly heightened awareness of the history, purpose and successful implementation of the CMP, along with showcasing the work of the Commission and its staff.

Commissioner Jannarone left the Zoom meeting.

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

Chairman Prickett read the list of Public Development Applications. No one provided comment on the applications.

Ordinances Not Requiring Commission Action

Chairman Prickett read the list of ordinances not requiring Commission action.

- Barnegat Township Ordinance 2021-6
- Eagleswood Township Ordinance 2021-01
- Manchester Township Ordinances 21-08 & 21-09

No questions were raised.

General Public Comment

Agnes Marsala of Chesterfield Township asked if Commissioners had determined why they were not informed about the Inadvertent Returns (IRs) in a timely manner. She said three more IRs recently occurred along the Southern Reliability Link (SRL) pipeline route outside of the Pinelands Area. She said the Commission should craft its own policies regarding HDD and not wait for the NJDEP.

Rhyan Grech of the Pinelands Preservation Alliance (PPA) provided information about recent IR's that occurred outside of the Pinelands during the week of March 15<sup>th</sup>. She said New Jersey State agencies have failed to protect the Pinelands, and the land, water and health of New Jersey residents. She said thus far there has been no accountability from New Jersey Natural Gas (NJNG) or its contractors. She asked Commissioners to urge the NJDEP to halt construction of the SRL pipeline and let the courts decide.

Chairman Prickett said he hopes the public is commenting about the SRL pipeline at other state agency meetings, not just Commission meetings. He said the members of the P&I Committee have been discussing issues raised by the public. He said protection of the water in the Pinelands remains a priority and any proposed HDD in the Pinelands will need to meet the water quality standards in the CMP.

Commissioner Christy said he doesn't agree with comments that the ED withheld information. He said it makes the ED sound negligent. He said the appropriate action was taken at the time of the IRs.

Patricia Caruso of Upper Freehold Township spoke about the endless hours she has spent fighting the SRL to protect the water and the environment in her community. She also

asked Commissioners to reach out to NJDEP to halt construction and let the courts decide the outcome of the pipeline.

### Other

Commissioner Lohbauer said he would like to have an expanded discussion at the P&I Committee about HDD in the Pinelands. He said he doesn't think the Commission needs to wait for NJDEP to draft rules.

Commissioner Lloyd said the Commission needs to make HDD a priority but acknowledged that the P&I Committee agendas are full with other important matters. He said HDD should definitely be discussed with the Acting NJDEP Commissioner. He said the Commission should not wait for the next application proposing HDD to create regulations.

Commissioner Avery said he agreed with Commissioner Lloyd that the topic of HDD should be on the agenda for when Commissioners meet with the Acting NJDEP Commissioner. He said the NJDEP has an interest in HDD as it is common practice used to install a multitude of utility lines. He said as the process unfolds, the Commission needs to hear from other stakeholders. He said the Executive Director's Recommendation Report for the SRL pipeline application took into account IRs and a process was in place should they occur.

Chairman Prickett said he would welcome other stakeholders as the HDD process unfolds. He said he is interested in minimizing any negative effects the construction method would have on Pinelands water and habitat.

Commissioner Irick said HDD is not the state of the art process that it is portrayed to be. He said there are many issues with the method. He suggested working quickly to come up with policies and procedures regarding HDD and, in the meantime, declaring a moratorium on all HDD in the Pinelands.

Ms. Roth said a moratorium is a significant action and would require further exploration, and the Commission would need to include potential parameters for instances where HDD may be necessary. Currently, the CMP allows for certain exempt activities to occur without application to the Commission, as outlined in the 4.1 section of the plan. Without rule making, the Commission cannot change those rules.

Chairman Prickett asked if applicants proposing exempt activities still have to adhere to the environmental standards of the CMP.

Ms. Roth said CMP environmental and land use standards still apply.

DAG Miles said she would have to do some research to determine if the Commission has the ability to impose a moratorium. Notice to the regulatory community, including potential applicants would need to be considered. She said she would need to know if this is

something the Commission as a whole wants to pursue and what the potential parameters would be. She asked, for example, if the moratorium would include all trenching construction techniques or just HDD.

Commissioner Lloyd requested that staff inform Commissioners of future projects proposing HDD. He said the state has used moratoria in the past but said he feels the Commission should focus on expedited rule making.

Commissioner Lohbauer said that while the Commission works to change the rules, a moratorium should be put in place to allow Commissioners to take action on proposed exempt activities under 7:50-4.1(a) 5 & 6 that involve use of HDD, rather than letting staff review them.

Ms. Roth said there is a possibility that the Commission can do an emergency rule. She said notice must be provided to the public and the process occurs parallel with the actual rule making.

Director Grogan said emergency rule making is an option. However, certain steps and requirements must be met, including signoff from the Governor's office on a statement of imminent peril.

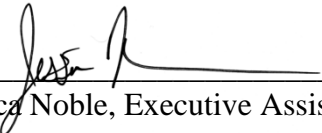
Chairman Prickett said the discussion on this matter would continue at the next Policy and Implementation Committee meeting on April 30. He asked if the Commission could be provided with legal advice regarding a moratorium on application of the exemptions in 7:50-4.1(a) 5 & 6 to projects proposing HDD.

DAG Miles said she would look into the Commission's authority to impose a temporary moratorium on linear development where HDD is proposed until the Commission undertakes formal rule making.

#### Adjournment

Commissioner Avery moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:46 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: May 3, 2021



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-11

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 2019-0142.001)

Commissioner Pikolycky moves and Commissioner Lohbauer seconds the motion that:

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

**2019-0142.001**

<b>Applicant:</b>	<b>New Jersey Department of Transportation</b>
Municipality:	Winslow Township
Management Area:	Pinelands Village
Date of Report:	March 19, 2021
Proposed Development:	Stormwater management improvements within the U.S. Route 30 right-of-way in Winslow Township.

**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 2019-0142.001 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*
Avery	X				Irick	X				Pikolycky	X			
Christy	X				Jannarone	X				Quinn			X	
Higginbotham	X				Lloyd	X				Rohan Green			X	
Howell			X		Lohbauer	X				Prickett	X			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 9, 2021

Nancy Wittenberg  
Executive Director



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

March 19, 2021

Brenna Fairfax (via email)  
New Jersey Department of Transportation  
P.O. Box 600  
Trenton, NJ 08625

Re: Application # 2019-0142.001  
U.S. Route 30  
Winslow Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for stormwater management improvements within the U.S. Route 30 right-of-way in Winslow Township. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 9, 2021 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, Winslow Township Planning Board (via email)  
Winslow Township Construction Code Official (via email)  
Winslow Township Environmental Commission (via email)  
Secretary, Camden County Planning Board (via email)





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General Information: Info@pinelands.nj.gov  
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RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

March 19, 2021

Brenna Fairfax (via email)  
 New Jersey Department of Transportation  
 P.O. Box 600  
 Trenton, NJ 08625

Application No.: 2019-0142.001  
 U.S. Route 30  
 Winslow Township

This application proposes stormwater management improvements within the U.S. Route 30 right-of-way in Winslow Township. The proposed improvements will be located within a 400 linear foot section of the U.S. Route 30 right-of-way near its intersection with Spring Road and within a 1,400 linear foot section of the U.S. Route 30 right-of-way near its intersection with East Fleming Pike.

This application proposes the installation of a total of 2,911 linear feet of stormwater drainage pipe and 27 stormwater inlets within the two sections of the U.S. Route 30 right-of-way. The proposed stormwater drainage pipe and 27 stormwater inlets will be installed within the paved cartway.

The applicant indicates that the stormwater drainage improvements have been designed to alleviate persistent roadway flooding and will improve highway safety.

**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(a))**

The proposed development is located in the Pinelands Village of Elm. The proposed development is a permitted land use in a Pinelands Village.

**Wetlands Standards (N.J.A.C. 7:50-6.7)**

Each of the two sections of the U.S. Route 30 right-of-way proposed for stormwater management improvements have existing stormwater drainage systems. These existing systems were installed prior to the 1981 effective date of the Commission’s regulations. Both existing systems currently discharge

stormwater runoff from the roadway directly to wetlands. To alleviate roadway flooding, the proposed stormwater management systems will tie into and extend the existing stormwater systems. To demonstrate that the proposed stormwater improvements will not result in a significant adverse impact to those wetlands, the applicant has designed the proposed stormwater improvements to ensure that there will be no increase in the volume and rate of stormwater runoff discharging to wetlands after the development than occurred prior to the proposed development.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on February 2, 2021. The application was designated as complete on the Commission's website on February 24, 2021. The Commission's public comment period closed on March 12, 2021. No public comment was submitted to the Commission regarding this application.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by WSP USA Solutions, Inc. and dated as follows:  
  
Sheets 1 & 2 - undated  
Sheets 3 & 4 - September 24, 2020  
Sheet 5 - September 23, 2020
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
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.





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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on April 5, 2021 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. PC4-21- 12**

**TITLE:** Issuing an Order to Certify Ordinance 2021-4, Amending Chapter 55 (Land Use) of the Code of Barnegat Township

**Commissioner Avery moves and Commissioner Jannarone seconds the motion that:**

**WHEREAS**, on April 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Barnegat Township; and

**WHEREAS**, Resolution #PC4-83-29 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 #PC4-83-29 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 February 2, 2021, Barnegat Township adopted Ordinance 2021-4, amending Chapter 55, Land Use, of the Code of Barnegat Township by, among other things, revising conditionally permitted uses and standards in the C-N (Neighborhood Commercial) Zone West of the Garden State Parkway; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 2021-4 on February 5, 2021; and

**WHEREAS**, by letter dated February 8, 2021, the Executive Director notified the Township that Ordinance 2021-4 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Ordinance 2021-4 was duly advertised, noticed and remotely held on March 3, 2021 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in; and

**WHEREAS**, the Executive Director has found that Ordinance 2021-4 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 2021-4, amending Chapter 55, Land Use, of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission's CMP Policy and Implementation Committee reviewed and discussed Ordinance 2021-4 and the Executive Director's report at its March 26, 2021 meeting; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2021-4 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 2021-4, amending Chapter 55, Land Use, of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Barnegat 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.

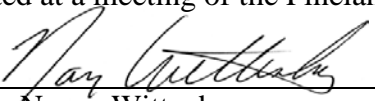
**Record of Commission Votes**

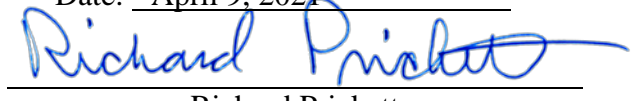
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery	X			Irick			A	Pikolycky	X		
Christy	X			Jannarone	X			Quinn			X
Higginbotham	X			Lloyd	X			Rohan Green			X
Howell			X	Lohbauer	X			Prickett	X		

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 9, 2021

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

  
 \_\_\_\_\_  
 Richard Prickett  
 Chairman



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



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

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

RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

**REPORT ON ORDINANCE 2021-4, AMENDING CHAPTER 55 (LAND USE)  
 OF THE CODE OF BARNEGAT TOWNSHIP**

March 30, 2021

Barnegat Township  
 900 West Bay Avenue  
 Barnegat, NJ 08005

**FINDINGS OF FACT**

I. **Background**

The Township of Barnegat is located in southern Ocean County in the eastern portion of the Pinelands Area. Pinelands municipalities that border Barnegat Township include the Townships of Lacey, Ocean, Stafford and Little Egg Harbor in Ocean County, and the Townships of Bass River and Woodland in Burlington County.

On April 8, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Barnegat Township.

On February 2, 2021, Barnegat Township adopted Ordinance 2021-4, amending Chapter 55 (Land Use) of the Code of Barnegat Township. Ordinance 2021-4 revises district regulations for the Township’s Neighborhood Commercial (C-N) zones both east and west of the Garden State Parkway. In the C-N Zone West of the Parkway, the ordinance adds hotels, motels, reception and banquet halls as well as assisted living facilities, nursing and convalescent homes and long-term care facilities as conditionally permitted uses. Within the Pinelands Area portion of the Township, the ordinance limits these uses to the C-N Zone located within the Township’s Regional Growth Area. For assisted living facilities within the C-N Zone, the ordinance establishes a base density of 8 units per acre, a bonus density of 12 units per acre through the use of Pinelands Development Credits, and a maximum bonus density of 20 units per acre.

The Pinelands Commission received a certified copy of Ordinance 2021-4 on February 5, 2021. By letter dated February 8, 2021, the Executive Director notified the Township that Ordinance 2021-4 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 2021-4, amending Chapter 55 (Land Use) of the Code of Barnegat Township, introduced on January 1, 2021 and adopted on February 2, 2021.

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 (CMP). 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**

Ordinance 2021-4 amends Chapter 55 (Land Use) of the Code of Barnegat Township by revising district regulations for the Township's Neighborhood Commercial (C-N) zones both east and west of the Garden State Parkway. The C-N Zone West of the Parkway is located within the Pinelands Area, while the C-N Zone East of the Parkway is located outside of the state-designated Pinelands Area but within the Pinelands National Reserve (PNR). In 2013, the Pinelands Commission certified the Township's land development regulations and zoning plan for the PNR portion of the Township.

#### *Neighborhood Commercial Zone West of the Garden State Parkway*

Within the C-N West of the Parkway, the ordinance permits hotels and motels as well as assisted living facilities, nursing and convalescent homes and long-term care facilities as conditional uses. The ordinance also conditionally permits reception and banquet halls as accessory uses to a hotel.

Prior to the adoption of Ordinance 2021-4, permitted uses in the C-N Zone West of the Parkway were limited to various retail and service uses, professional offices, self-storage facilities, churches, libraries, and other institutional uses. Mixed-use development, consisting of commercial uses and age-restricted apartments, are also permitted in certain portions of the C-N Zone, as are condominiums.

According to the standards adopted by Ordinance 2021-4, the newly permitted conditional uses must be located within 1,000 feet of the Garden State Parkway. The Township's certified zoning map includes three discrete C-N zones within the Pinelands Area. The condition requiring a 1,000-foot proximity to the Parkway limits these uses to the C-N Zone located within the Township's Regional Growth Area. The C-N Zone in the Regional Growth Area is located along West Bay Avenue, immediately to the north of Ocean Acres (see Exhibit #1).

Other standards adopted by Ordinance 2021-4 include a maximum permitted height of 60 feet for hotels and motels. Assisted living facilities, nursing and convalescent homes and long-term care facilities are required to have a minimum lot size of five acres and a maximum building height of 50 feet. Ordinance 2021-4 also establishes a maximum building coverage limitation of 50% when an assisted living, nursing and convalescent home and long-term care facility is developed in association with a mixed-use commercial development. Maximum permitted building coverage decreases to 20% for “stand-alone” assisted living, nursing and convalescent home and long-term care facilities.

With respect to assisted living facilities, which are defined by the CMP as residential uses, Ordinance 2021-4 establishes a maximum permitted density. The ordinance establishes a base density of 8 units per acre, a bonus density of up to 12 units per acre through the use of Pinelands Development Credits, and a maximum density of 20 units per acre. Consistent with the CMP, only the portion of a tract devoted to the assisted living facility is included in the calculation of density (N.J.A.C. 7:50-5.34(a)5). Long-term care beds within nursing and convalescent facilities are considered institutional uses under the CMP and are not counted towards the maximum density requirement nor are they required to use Pinelands Development Credits. Additionally, the ordinance adds the CMP definition of “assisted living facilities” as part of Chapter 55.

There is only one parcel in the C-N Zone that could satisfy the new conditional use standards for assisted living facilities. The parcel is approximately 22.5 acres and is composed of six contiguous lots in common ownership (Block 92.112; Lots 42.05, 42.06, 42.07, 42.09, 42.10, 42.11; see exhibit 1). Ordinance 2021-4 therefore creates the potential for approximately 450 new assisted living units in the C-N Zone. The purchase of PDCs would be necessary for 90 of these potential units, or approximately 20% of the total units. These numbers presume the entire parcel is developed as an assisted living facility, an outcome that is unlikely given the mixture of commercial, residential and institutional uses envisioned under Ordinance 2021-4.

It is worth noting that within Regional Growth Areas, the CMP provides that Pinelands municipalities may permit any use, with the exception of certain waste management facilities, provided residential density and opportunities for the use of Pinelands Development Credits are appropriately accommodated. The CMP also expressly authorizes assisted living facilities as a permitted use in Regional Growth Areas pursuant to N.J.A.C. 7:50-5.34, which sets forth specific standards for such uses. Among these standards is the establishment of a permitted residential density applicable to assisted living facilities. Ordinance 2021-4 satisfies this requirement by establishing a permitted density of 20 units per acre, which while quite a bit higher than the minimum required by the CMP for Barnegat’s Regional Growth Area, is nevertheless appropriate given the intensity of surrounding development, developability of vacant lands in the C-N Zone and availability of infrastructure.

#### ***Neighborhood Commercial Zone East of the Garden State Parkway***

The C-N Zone East of the Parkway is located within a Regional Growth Area of the Pinelands National Reserve (PNR) (see exhibit 3). For the C-N Zone East of the Parkway, Ordinance 2021-04 amends the conditional use standards for hotels and motels as well as for assisted living facilities, nursing and convalescent homes and long-term care facilities. These uses were conditionally permitted in the C-N Zone East of the Parkway prior to the adoption of this ordinance. For assisted living facilities, nursing and convalescent homes and long-term care facilities, the ordinance amends conditional use standards related to front yard setbacks, maximum building coverage requirements and parking standards. For hotels and motels, the

ordinance amends conditional use standards to require that these uses be located within 1,000 feet of the Garden State Parkway. Staff has confirmed with the Township that multiple sites within the C-N Zone East of the Parkway could meet the ordinance standards for the development of these uses.

The standards adopted by Ordinance 2021-4 for the conditional uses permitted in the C-N Zone are appropriate for a Regional Growth Area. In addition, the ordinance provides a new opportunity for assisted living facilities within Barnegat's Regional Growth Area in a manner that achieves an appropriate balance between "base" units and those requiring the use of Pinelands Development Credits. Therefore, Ordinance 2021-4 is consistent with the land use and development standards of the Comprehensive Management Plan and this standard for certification is met.

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

Not applicable.

**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**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

The CMP permits assisted living facilities within Regional Growth Areas and specifies that such facilities may only exceed a density of eight units per acre through the use of Pinelands Development Credits (N.J.A.C. 7:50-5.34(a)2). Ordinance 2021-4 permits assisted living facilities in Barnegat Township's C-N Zone as a conditional use. Such facilities will have a permitted base density of eight units per acre. This density may be increased to 12 units per acre through the use of PDCs. Ordinance 2021-4 also provides that once a density of 12 units per acre is achieved through the use of PDCs, assisted living facilities are eligible for additional bonus density without the use of PDCs. The ordinance establishes an overall maximum density for assisted living facilities of 20 units per acre.

The density structure adopted by Ordinance 2021-4 is appropriate for a Regional Growth Area and consistent with CMP standards for assisted living facilities. It should be noted that the CMP (N.J.A.C. 7:50-5.28(a)7i) expressly provides Pinelands municipalities with the ability to employ additional density bonus or incentive programs in their Regional Growth Areas, provided such programs do not interfere with or otherwise impair requirements for the use of PDCs. In this case, Ordinance 2021-4 appropriately provides for additional bonus density only after all required PDCs have been redeemed.

This standard for certification is met.

**9. Referral of Development Applications to Environmental Commission**

Not applicable.

**10. General Conformance Requirements**

Ordinance 2021-4 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

Therefore, this standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Ordinance 2021-4 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**

The Neighborhood Commercial (C-N) Zone does not border any neighboring municipalities of Barnegat Township. As such, no intermunicipal conflicts are expected.

Therefore, this standard for certification is met.



## PUBLIC HEARING

A public hearing to receive testimony concerning Barnegat Township's application for certification of Ordinance 2021-4 was duly advertised, noticed and held on March 3, 2021 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. The following oral testimony was provided:

- **Matthew R. von der Hayden, Township Administrator, Stafford Township**, shared concerns about added stormwater from Barnegat Township flowing into Ocean Acres in Stafford Township. He said that new residential development in Barnegat Township along the border has been causing more stormwater to flow into Stafford's stormwater system. He made specific reference to impacts along Compass Road and Swordfish Road. He said that the basin at the end of Neptune Drive is taking on more sediment and water, requiring additional maintenance on the system.

(Please note that Mr. von der Hayden supplemented his oral testimony with written comments that are attached in Exhibit 2 of this report.)

- **Charles Cunliffe**, a resident of Barnegat Township, shared concerns about the impact on open space at Cloverdale Park and Natural Trust Lands adjacent to the C-N Zone as well as the added impact of stormwater run-off that this zoning change could allow in the area in addition to existing projects and projects under construction.

There being no further testimony, the hearing was concluded at 9:40 a.m.

Written comments on Ordinance 2021-4 were accepted through March 8, 2021, and were submitted by the following parties:

- Matthew R. von der Hayden, Township Administrator, Stafford Township
- Charles O'Connell
- Deborah Scott
- Florence Bogaenko
- Eileen Anglin
- David Kruczek
- Ron Naples
- Betty Ann Bleakly
- Christopher J. Dasti, Township Attorney, Barnegat Township
- Andrew Gold, Legal Director, Pinelands Preservation Alliance

All written comments received are included in Exhibit 2 of this report.

## EXECUTIVE DIRECTOR'S RESPONSE

The comments received on Ordinance 2021-4 range from concerns with stormwater runoff, impacts on other residential and open space areas, overdevelopment, residential density, housing types and building standards applicable to the new conditional uses permitted in the C-N Zone.

Ordinance 2021-04 permits a variety of new conditional uses in Barnegat Township's C-N Zone in the Pinelands Area, including hotels and assisted living facilities. Conditional use standards for these new uses limit them to areas within 1,000 feet of the Garden State Parkway in the Pinelands Regional Growth Area. In the Pinelands Area, this effectively limits the new uses to a single 22.5-acre parcel that is adjacent to the Garden State Parkway Exit 67. Across the Parkway in the Pinelands National Reserve, multiple sites in the C-N Zone could be developed in accordance with the revised conditional use standards. Ordinance 2021-04 does not expand the C-N Zone, nor does it expand the boundaries of the Township's Regional Growth Area.

The CMP provides that Regional Growth Areas are areas of existing growth that can accommodate regional growth influences while protecting the essential character and environment of the Pinelands. As noted above, the uses permitted by this ordinance are consistent with what the CMP allows in a Regional Growth Area. Barnegat Township has incorporated the CMP's minimum environmental standards into its land development ordinance, including those related to stormwater management, and they are applicable to any development that is proposed within the C-N Zone. These existing provisions, together with the conditional use standards adopted by Ordinance 2021-4, will allow for development appropriate for a Regional Growth Area while protecting the essential character and environment of the Pinelands. It is worth noting that 77% of Barnegat Township's Pinelands Area is designated as either Preservation Area District or Forest Area, the most conservation-oriented Pinelands management areas. Only 23% of the Township's Pinelands Area is designated as a Regional Growth Area and slated for development. To date, nearly 9,000 acres in the Township's Pinelands Area have been permanently preserved.

Regarding a concern over impacts to Cloverdale Farm County Park and a Natural Lands Trust property (Lin Lee Preserve), these lands are located outside of Barnegat Township's C-N Zone. Given both the limited area within the C-N Zone where the newly permitted uses could be developed and the CMP's requirements for on-site retention of stormwater, development in general, and stormwater runoff in particular, is not expected to impact these or any other preserved lands.

A suggestion was also made that hotels in the C-N Zone be limited to three stories in height. Ordinance 2021-4 permits hotels of up to 60 feet in height. The CMP does not impose any height limitations on buildings in Regional Growth Areas (N.J.A.C. 7:50-5.4). Municipalities are provided flexibility to establish height limitations in Regional Growth Areas based on local knowledge of community preferences and context of the area. In this case, the Township has determined that a height of 60 feet for hotels and 50 feet for assisted living and nursing homes is appropriate in this small portion of the C-N Zone.

Finally, the comments received from the Pinelands Preservation Alliance ask that the following two issues be addressed by the Executive Director: (1) Ordinance 2021-4 permits a density of over eight units per acre without the use of PDCs; and (2) Ordinance 2021-4 does not provide opportunities for the use of PDCs in association with single-family detached dwellings.

With respect to the issue of residential density, the only residential use permitted by Ordinance 2021-4 is assisted living facilities. Specific standards for such facilities are set forth at N.J.A.C. 7:50-5.34, including a requirement that PDC use be accommodated *when permitted density exceeds eight units per acre*. Ordinance 2021-4 complies with this requirement by permitting a base density of eight units per acre and requiring the use of PDCs to increase that density to 12 units per acre. In addition, Ordinance 2021-4 contains conditional use standards that effectively restrict the development of assisted living facilities to one parcel in the Township's Regional Growth Area, in close proximity to an existing

Garden State Parkway interchange and other development. This will serve as a limitation on the number of potential assisted living facility units that can ultimately be developed.

With respect to the use of PDCs in association with single-family detached dwellings, the CMP does not require that each and every Regional Growth Area zoning district accommodate PDC use or a particular type of housing unit. Rather, N.J.A.C. 7:50-5.28(a)3 requires that municipalities accommodate PDC use in a manner that assures a “reasonable proportion of the density increase” permits the development of single family detached dwellings. Barnegat Township’s certified zoning plan for its Regional Growth Area meets this standard. This zoning plan permits single-family detached dwellings in a number of Regional Growth Area zoning districts, as well as the Shoreline Sand and Gravel and Compass Point Redevelopment Areas, and provides ample opportunities for the use of PDCs in association with these units. Large planned adult communities consisting entirely of single-family detached dwellings have been developed in Barnegat’s Regional Growth Area. Development of such homes continues in the Ocean Acres portion of the municipality, where an opportunity to build on lots of a certain size is permitted through the use of PDCs. The Township has elected to permit a wider variety of housing types in its C-N Zone, including apartments as part of mixed-use developments, condominiums and, through Ordinance 2021-4, assisted living facilities. The use of PDCs is required for all of these residential uses, which satisfies the requirements of N.J.A.C. 7:50-5.28(a)3.

### **CONCLUSION**

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2021-4, amending Chapter 55 (Land Use) of the Code of Barnegat Township, complies with the 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 2021-4 of Barnegat Township.

SRG/DBL/CBA  
Attachments

# Barneget Township Neighborhood Commercial (C-N) Zone West of Parkway

Executive Director's Report  
Barneget Ordinance 2021-4  
Exhibit 1  
3/30/2021

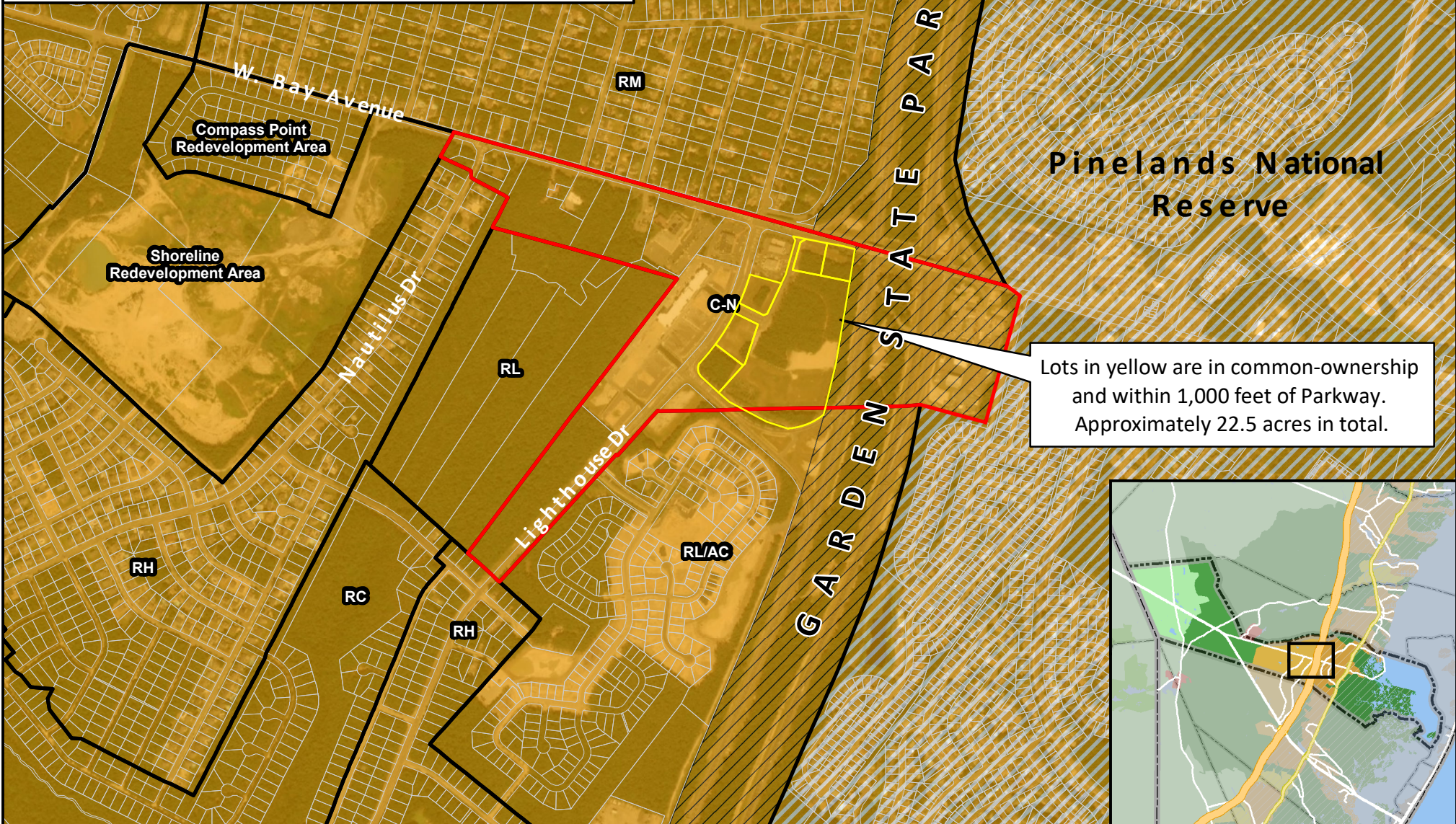

**Pinelands Management Areas**

- Regional Growth Area

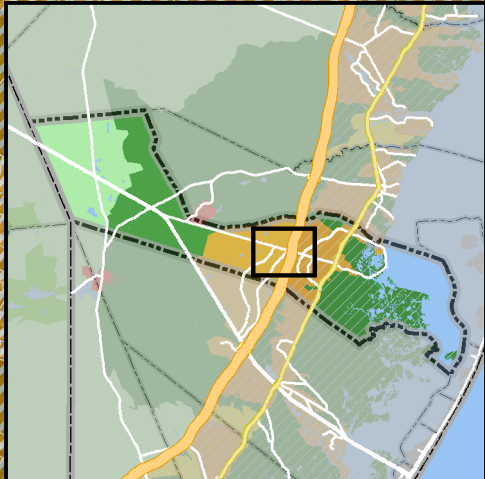
**Parcels**

- Existing Zoning

0 0.25 0.5 Miles



Lots in yellow are in common-ownership and within 1,000 feet of Parkway. Approximately 22.5 acres in total.



## Barnegat Township Ordinance 2021-4 Public Comments Received

Names of commenters  
(in the order they were received):

- Matthew R. von der Hayden, Township Administrator, Stafford Township
- Charles O'Connell
- Deborah Scott
- Florence Bogaenko
- Eileen Anglin
- David Kruczek
- Ron Naples
- Betty Ann Bleakly
- Christopher J. Dasti, Township Attorney, Barnegat Township
- Andrew Gold, Legal Director, Pinelands Preservation Alliance

[EXTERNAL] RE: Barnegat Ordinance 2021-4 Public Hearing Comments

Matthew von der Hayden <[mvonderhayden@staffordnj.gov](mailto:mvonderhayden@staffordnj.gov)>

Wed 3/3/2021 1:00 PM

To: Lanute, Brad <[Brad.Lanute@pinelands.nj.gov](mailto:Brad.Lanute@pinelands.nj.gov)>

Cc: Grogan, Susan <[Susan.Grogan@pinelands.nj.gov](mailto:Susan.Grogan@pinelands.nj.gov)>

Good Afternoon Brad and Susan,

I just received the general notice so I didn't realize the area. Understanding this, I do not see any issues with the development.

The issues we are seeing are on the Barnegat line, along Fawcett Boulevard which connects to the Township's stormwater system. Barnegat, their engineers and developer have been very helpful resolving short term issues. My concern are the long term issues as the topography of this area all leads south through Stafford which puts that stormwater and debris into the Township's stormwater system.

Again thank you for the clarification.

All the best,

Matt

Matthew R. von der Hayden  
Township Administrator  
Township of Stafford  
260 East Bay Avenue  
Manahawkin, NJ 08050  
Phone: 609-597-1000 Extension 8516  
Email: [MvonderHayden@staffordnj.gov](mailto:MvonderHayden@staffordnj.gov)

**Piner, Betsy**

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**From:** charles oconnell <njcoc79@aol.com>  
**Sent:** Wednesday, March 3, 2021 7:24 PM  
**To:** Comments, PC  
**Subject:** Public Comment Submissions

Below is the result of your feedback form. It was submitted by charles oconnell ([njcoc79@aol.com](mailto:njcoc79@aol.com)) on Wednesday, March 3, 2021 at 19:23:35

-----  
email: [njcoc79@aol.com](mailto:njcoc79@aol.com)

subject: Public Comment Submissions

Name: charles oconnell

Mailing Address: 31 spruce circle south po box 657 barnegat nj 08005

Phone Number: 6096612905

Comment Topic: selected=

Message: as a 43 year resident of barnegat i am very much in favor of allowing a hotel,banquetfacility and assisted living facility in the township. it would be nice to have such a facility in town instead of traveling when they are needed. it would be a great fit for the town. if the person from stafford township was so concerned about runoff it certainty doesn't stop stafford township from their ongoing development, if runoff is a concern it can be addressed in the development plan so it is not an issue . maybe the official is more concern about competition. the second charles cunliffe has no credibility on this subject. moved to the town like 8 year ago, to new construction,he was ok with that.as long as it was his house no problem with cutting down trees.mr cunliffe ran in the last election for council in Barnegat who's theme was overdependent. mr cunliffe lost by a huge majority. the residents of barnegat have already spoken on this project. the officials that are looking for approval of this plan won the last election in a landslide.

Submit: Submit

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## **Piner, Betsy**

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**From:** Mary Nevins <malvern062@aol.com>  
**Sent:** Friday, March 5, 2021 6:17 AM  
**To:** Planning, PC  
**Subject:** Re: [EXTERNAL] Barnegat

Yes. Deborah Scott. 972 West Bay Avenue. Barnegat Ann 08005

[Sent from the all new Aol app for iOS](#)

On Friday, March 5, 2021, 5:40 AM, Planning, PC <[planning@pinelands.nj.gov](mailto:planning@pinelands.nj.gov)> wrote:

Could you kindly provide your name and mailing address?  
Thank you

Betsy Piner  
Principal Planning Assistant  
Planning Office and Pinelands Development Credit (PDC) Bank  
P.O. Box 359  
New Lisbon, NJ 08064-0359

### Confidentiality Notice:

This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email and its contents are intended for the sole use of the persons or entities that are the addressees and may be Privileged & Confidential, subject to Attorney- Client Privilege, Attorney Work Product Privilege, Deliberative Process or exempted from disclosure under New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1 et seq.. If you are not an intended recipient of this email, please do not read, print, retain, disseminate, copy, act upon, disclose or use this E-mail or its content. If you received this E-mail in error, please notify the sender and delete it.

-----Original Message-----

From: malvern062 [mailto:[malvern062@aol.com](mailto:malvern062@aol.com)]  
Sent: Thursday, March 4, 2021 11:54 AM  
To: Planning, PC  
Subject: [EXTERNAL] Barnegat

It is time to stop all the overdevelopment going on. All the trees and wildlife being destroyed for overdevelopment in an area

Sent from my iPhone



## Piner, Betsy

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**From:** Florence Bogaenko <floboisin@gmail.com>  
**Sent:** Thursday, March 4, 2021 1:46 PM  
**To:** Comments, PC  
**Subject:** Public Comment Submissions

Below is the result of your feedback form. It was submitted by Florence Bogaenko ([floboisin@gmail.com](mailto:floboisin@gmail.com)) on Thursday, March 4, 2021 at 13:45:44

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email: [floboisin@gmail.com](mailto:floboisin@gmail.com)

subject: Public Comment Submissions

Name: Florence Bogaenko

Mailing Address: 4 Boiling Springs Drive

Phone Number: 1732735361

Comment Topic: selected=

Message: OVERBUILDING has begun in Barnegat Township NJ. Water and wildlife displacement has already become a problem. The current builder of a new modular home development on West Bay Avenue is facing huge fines on Long Beach Island. I object to this overbuilding in Barnegat and voice serious concerns about the future of our Township.

Submit: Submit

-----

**Piner, Betsy**

---

**From:** Eileen Anglin <whiterose@whiterosepath.com>  
**Sent:** Thursday, March 4, 2021 7:03 PM  
**To:** Comments, PC  
**Subject:** Public Comment Submissions

Below is the result of your feedback form. It was submitted by Eileen Anglin ([whiterose@whiterosepath.com](mailto:whiterose@whiterosepath.com)) on Thursday, March 4, 2021 at 19:03:19

-----  
email: [whiterose@whiterosepath.com](mailto:whiterose@whiterosepath.com)

subject: Public Comment Submissions

Name: Eileen Anglin

Mailing Address: 1 Rifle Court

Phone Number: 6094885321

Comment Topic: selected=

Message: I am concerned with the overdevelopment and the changes to building and it's effects on the Barnegat watershed and bay. I am also concerned about the natural preserved land and the water runoff. This is polluting our bay and is unsustainable.

With so many empty buildings, lots and malls, why are we not focusing on having businesses build on them, give them tax breaks if they do and stop cutting down our open lands. This also makes our area look less economically depressed.

Submit: Submit

-----

## Piner, Betsy

---

**From:** Dave Kruczek <djkruczek@yahoo.com>  
**Sent:** Thursday, March 4, 2021 7:57 PM  
**To:** Comments, PC  
**Subject:** Public Comment Submissions

Below is the result of your feedback form. It was submitted by Dave Kruczek ([djkruczek@yahoo.com](mailto:djkruczek@yahoo.com)) on Thursday, March 4, 2021 at 19:57:16

-----  
email: [djkruczek@yahoo.com](mailto:djkruczek@yahoo.com)

subject: Public Comment Submissions

Name: Dave Kruczek

Mailing Address: 186 Chestnut Dr. Barnegat, NJ 08005

Phone Number: 6092902188

Comment Topic: selected=

Message: Please do not approve this request.

I've been a resident of a Manufactured Housing Community (Pinewood Estates Rte.72W) that borders the Pinelands for the past decade.

In that short time, increased development of residential communities West of the parkway has drastically impacted the area.

I'm neither a hunter nor an environmentalist, and understand both when intelligently applied.

Combine the increasing developments with the summer traffic nightmare, and a more rapid destruction of these lands is inevitable.

Recent improvements in a neighboring community septic system necessitated destruction of a few acres of pines and can see as a normal result of "progress".

Dirt bikes and assorted ATVs are heard almost every weekend.

There is also a "sports club" within walking distance, and gun shots (target practice perhaps) are frequent at this limited use site.

A noticeable decline in wildlife, native plants, migratory birds and insects are visible to the most casual observer.

I can not implicate a cause to the effects, simply provide a personal observation and a solution- deny this petition.

Yes, a few will lose major profits, many citizens will be denied the potentially opportunity to purchase residences valued at at least a half-million dollars-based on current market availability and developments.

You were entrusted to protect the Pinelands and you can prevent the loss of this public asset for the financial gain of private individuals.

Recently, the Commission prevented a natural gas pipeline construction intrusion into the Pinelands- please continue along this path.

Respectfully submitted,

David Kruczek

Barnegat,NJ

**Piner, Betsy**

---

**From:** rnaples <rnaples@aol.com>  
**Sent:** Thursday, March 4, 2021 9:33 PM  
**To:** Planning, PC  
**Subject:** [EXTERNAL] Please dont let Barnegat give conditional use permits for hotel and banquet facilities.

The township is delinquent in policing sites already. Just look at the trash and dangerous parking at plaza 67.

The township is tax hungry but cant handle the policing from a permit perspective.

Thanks  
Ron Naples  
153 Brighton Rd  
Barnegat, NJ 08005

Sent via the Samsung Galaxy A10e, an AT&T 4G LTE smartphone

**Piner, Betsy**

---

**From:** BettyAnn Bleakley <bableak@comcast.net>  
**Sent:** Friday, March 5, 2021 8:04 AM  
**To:** Comments, PC  
**Subject:** Public Comment Submissions

Below is the result of your feedback form. It was submitted by BettyAnn Bleakley ([bableak@comcast.net](mailto:bableak@comcast.net)) on Friday, March 5, 2021 at 08:04:04

-----  
email: [bableak@comcast.net](mailto:bableak@comcast.net)

subject: Public Comment Submissions

Name: BettyAnn Bleakley

Affiliation: Resident and Member- Barnegat Shade Tree Commission

Mailing Address: 265 BayShore Dr., Barnegat NJ

Phone Number: 609-709-7813

Comment Topic: selected=

Message: I believe that a hotel with a restaurant would be a good addition to our community, but perhaps limiting the height to 3 stories. An assisted/independent living facility would also be welcome and is greatly needed. If you can approve so many neighborhoods, you need to approve things for the residents to do. Just try not to remove so many trees.

Submit: Submit

-----

# DASTI&ASSOCIATES

Christopher J. Dasti

---

Joseph C. Falk\*

Jeffrey D. Cheney

\*Rule 1:40 Mediator

A Professional Corporation

Attorneys At Law

310 Lacey Road

P.O. Box 779

Forked River, New Jersey 08731

609-549-8990

Fax: 609-549-5043

www.DastiLaw.com

File No. GL-1011

March 8, 2021

Via Email

Susan R. Grogan, Director of Planning

Brad Lanute, Resource Planner

New Jersey Pinelands Commission

PO Box 359

New Lisbon, NJ 08064

## **Re: Barnegat Township Ordinance 2021-4**

Dear Mr. Lanute and Ms. Grogan:

As you are aware, this firm services as Township Attorney for the Township of Barnegat. Please accept this correspondence in response to the comments received by the Pinelands Commission regarding Barnegat Ordinance 2021-4.

The vast majority of the comments that have been received by the Pinelands Commission that have been forwarded to this office, seem to make clear that there must be a misunderstanding with regard to the area affected by Ordinance 2021-4.

Ordinance 2021-4 allows for certain development in close proximity to the Garden State Parkway. Most of the comments with regard to the Ordinance address concerns in Ocean Acres as well as Pinewood Estates, which is on Route 72. Neither Pinewood Estates, the Route 72 Corridor, or Ocean Acres would be affected in any way whatsoever by Ordinance 2021-4. The Ordinance completely encapsulates any possible development affected by the Ordinance within the Garden State Parkway interchange. The Ordinance was carefully crafted so as to not have a detrimental affect to the residents of Barnegat Township or the Pinelands Comprehensive Management Plan.

By simply reviewing the area affected the area included in the Ordinance and the Route 72 and Ocean Acres areas, it is clear that they would be completely unaffected by the Ordinance.

Susan R. Grogan, Director of Planning  
Brad Lanute, Resource Planner  
Re: Barnegat Township Ordinance 2021-4  
March 8, 2021  
Page 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,

*/s/ Christopher J. Dasti*

CHRISTOPHER J. DASTI

CJD: bm



## PINELANDS PRESERVATION ALLIANCE

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

March 8, 2021

Susan Grogan  
Director of Planning  
Pinelands Commission  
15 Springfield Road  
New Lisbon, NJ 08064

Dear Director Grogan:

Please accept these comments as Pinelands Preservation Alliance's submission with respect to the recently adopted Ordinance in 2021-4 in Barnegat Township, creating new "C-N Neighborhood Commercial Zones" east and west of the Garden State Parkway, and whose approval is currently pending before the Pinelands Commission. We have a few brief questions which we request be addressed in the Commission's report on the ordinance.

Under N.J.A.C. 7:50-5.28(a)(1)(i), Barnegat Township may permit up to 2 dwelling units per acre in developable areas of the Regional Growth Area within the town. This density may be exceeded within certain ranges if 50% of such exceedance is accomplished through the use of Pinelands Development Credits (PDCs). For each range (e.g., nine to twelve dwelling units per acre, or twelve and greater), a number higher than the lowest within each range may be applied only through density bonuses for use of PDCs. Additionally, a "reasonable proportion" of the density increase must permit development of single family detached residences.

Under Barnegat's amendment, Chapter 55, § 57(10)(c)[4] of the town's code would allow a conditional use for Assisted living facilities, nursing and convalescent homes, and long-term care facilities with a maximum density of 20 units per acre (without counting long-term care beds for density or PDC purposes). Under § 57(10)(c)[5], the base density without use of PDCs is 8 units per acre. There also does not appear to be any provision for the development of single family detached residences.

Under the Comprehensive Management Plan, any increase in density in the Regional Growth Area in Barnegat beyond 2 units per acre requires the use of PDCs. As a result, the allowed density sections of the Barnegat ordinance of 8 units per acre, without use of PDCs, do not appear to comply with the CMP. We respectfully request that Commission staff address this and the absence of single family dwelling development in your forthcoming report.

Thank you for your consideration of these comments.

Sincerely,



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

Andrew Gold  
Legal Director

# Barneгат Township

## Neighborhood Commercial (C-N) Zone

### Pinelands Management Areas

Regional Growth Area

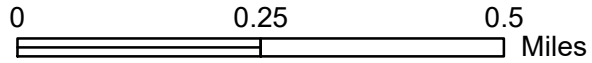
Pinelands Area Boundary

Parcels

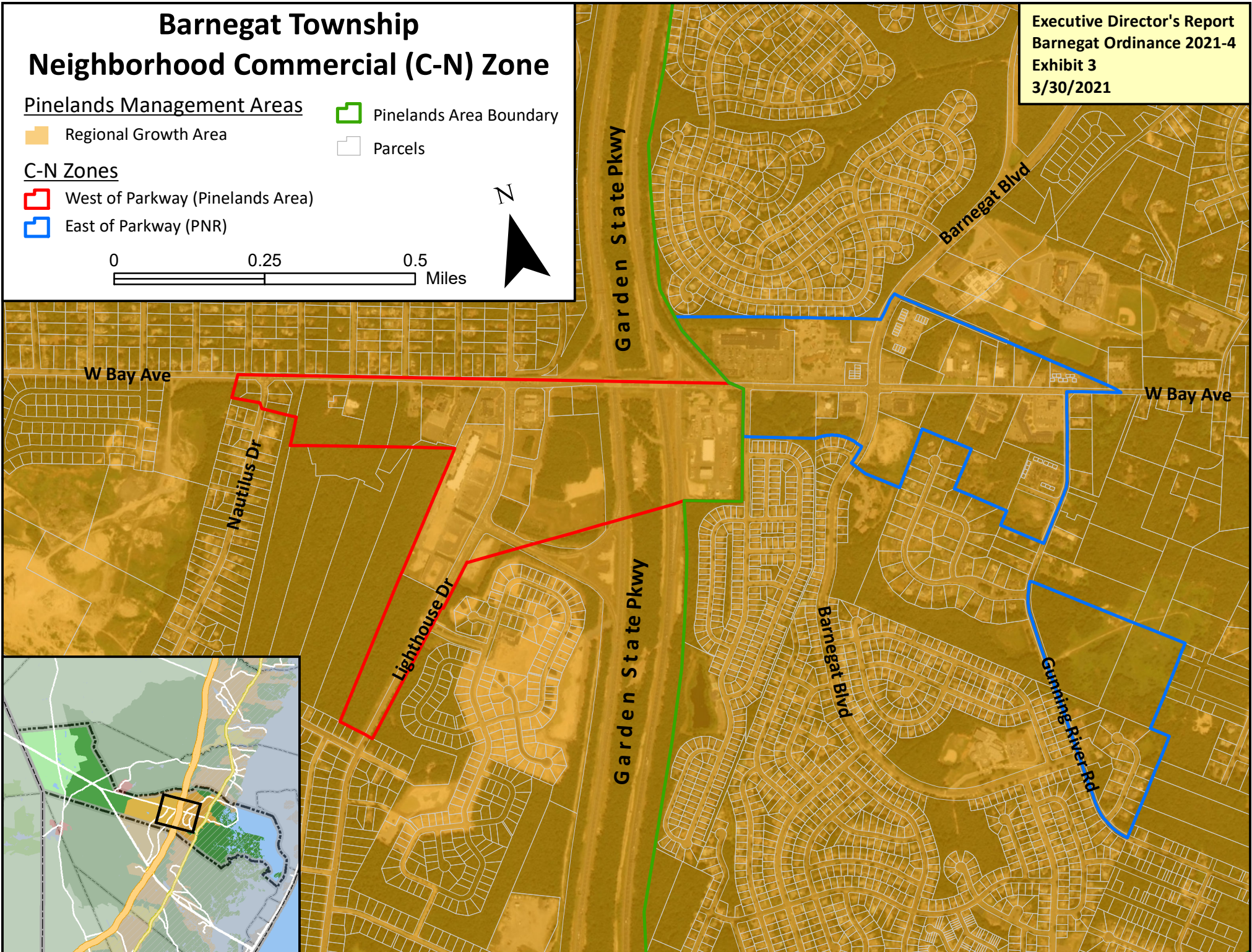
### C-N Zones

West of Parkway (Pinelands Area)

East of Parkway (PNR)



Executive Director's Report  
Barneгат Ordinance 2021-4  
Exhibit 3  
3/30/2021





# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-\_\_\_\_\_

**TITLE:** Approving With Conditions Applications for Public Development (Application Numbers 1986-0944.007 & 2006-0160.003)

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:

**1986-0944.007**

**Applicant:** Town of Hammonton  
**Municipality:** Town of Hammonton  
**Management Area:** Pinelands Town  
**Date of Report:** April 20, 2021  
**Proposed Development:** Demolition of a 3,000 square foot abandoned industrial building, 50 years old or older; and

**2006-0160.003**

**Applicant:** New Jersey Department of Military & Veterans Affairs  
**Municipality:** Jackson Township  
**Management Area:** Pinelands Military/Federal Installation Area  
**Date of Report:** April 22, 2021  
**Proposed Development:** Construction of a 37,325 square foot New Jersey National Guard Readiness building at Joint Base McGuire-Dix-Lakehurst.

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 1986-0944.007 & 2006-0160.003 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\*

Avery					Irick					Pikolycky				
Christy					Jannarone					Quinn				
Higginbotham					Lloyd					Rohan Green				
Howell					Lohbauer					Prickett				

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

Nancy Wittenberg  
Executive Director

Richard Prickett  
Chairman



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

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

April 20, 2021

Stephen DiDonato, Mayor (via email)  
Town of Hammonton  
100 Central Avenue  
Hammonton, NJ 08037

Re: Application # 1986-0944.007  
Block 2811, Lot 6  
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for demolition of a 3,000 square foot abandoned industrial building, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 14, 2021 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Town of Hammonton Planning Board (via email)  
Town of Hammonton Construction Code Official (via email)  
Town of Hammonton Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Marianne Risley (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](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

April 20, 2021

Stephen DiDonato, Mayor (via email)  
Town of Hammonton  
100 Central Avenue  
Hammonton, NJ 08037

Application No.: 1986-0944.007  
Block 2811, Lot 6  
Town of Hammonton

This application proposes demolition of a 3,000 square foot abandoned industrial building, 50 years old or older, located on the above referenced 0.18 acre parcel in the Town of Hammonton. The submitted Pinelands application form indicates that the parcel is owned by the Town of Hammonton.

### **STANDARDS**

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

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

The parcel is located in the Pinelands Town of Hammonton. The demolition of a building is permitted in the Pinelands Area.

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

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

### **PUBLIC COMMENT**

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on March 29, 2021. The Commission’s public comment period closed on April 9, 2021. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.
3. This application is for the proposed demolition only. Any other future development of the above-referenced parcel shall be governed by the Town of Hammonton's certified land use ordinance and the CMP.

**CONCLUSION**

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



State of New Jersey  
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PHILIP D. MURPHY  
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Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on May 7, 2021 and include the following information:

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

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





# State of New Jersey

THE PINELANDS COMMISSION

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Governor

SHEILA Y. OLIVER  
Lt. Governor

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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

April 22, 2021

Michael Lyons (via email)  
New Jersey Department of Military & Veterans Affairs  
101 Eggert Crossing Road  
Lawrenceville, NJ 08648-2805

Re: Application # 2006-0160.003  
Block 23601, Lot 1  
Jackson Township

Dear Mr. Lyons:

The Commission staff has completed its review of this application for construction of a 37,325 square foot New Jersey National Guard Readiness building at Joint Base McGuire-Dix-Lakehurst. 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 14, 2021 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, Jackson Township Planning Board (via email)  
Jackson Township Construction Code Official (via email)  
Jackson Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
Ocean County Health Department (via email)  
Marianne G. Risley (via email)





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

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

RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

April 22, 2021

Michael Lyons (via email)  
 New Jersey Department of Military & Veterans Affairs  
 101 Eggert Crossing Road  
 Lawrenceville, NJ 08648-2805

Application No.: 2006-0160.003  
 Block 23601, Lot 1  
 Jackson Township

This application proposes construction of a 37,325 square foot New Jersey National Guard Readiness building at Joint Base McGuire-Dix-Lakehurst located on the above referenced 6,464 acre parcel in Jackson Township.

An application for the construction of a New Jersey National Guard Consolidated Logistic and Training Facility comprised of a 109,000 square foot building and associated site improvements on a 140 acre project site on the above referenced parcel was approved with conditions by the Commission on April 6, 2006 (App. No. 1991-0836.023). The applicant indicated that the purpose of the facility was to consolidate New Jersey National Guard logistical support functions within close proximity to Fort Dix training ranges and facilities. The applicant represented that App. No. 1991-0836.023 was phase one of a four phase development.

On June 12, 2009, the Commission approved an application for the construction of an 82,340 square foot building addition and an 11,130 square foot building addition, both to the existing Consolidated Logistic and Training Facility, on the same 140 acre project site (App. No. 2006-0160.002). The applicant represented that App. No. 2006-0160.002 was phase two of the development.

The proposed 37,325 square foot building proposed in the current application will be located within the previously approved 140 acre project site and is identified as a portion of phase three of the development.

**STANDARDS**

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

### Land Use (N.J.A.C. 7:50-5.29)

The Pinelands Protection Act delineates the boundaries of the 938,000 acre Pinelands Area. Within the boundaries of the Pinelands Area, the Pinelands Protection Act also delineates the 366,000 acre Pinelands Preservation Area and the 572,000 acre Pinelands Protection Area. The CMP establishes management areas such as Regional Growth Area, Forest Area and Military and Federal Installation Area that overlay the entire Pinelands Area.

The parcel subject of this application is located in a Military and Federal Installation Area. Provided certain conditions are met, the CMP permits any use associated with the function of a Federal Installation in a Military and Federal Installation Area. The proposed New Jersey National Guard Readiness building is associated with the function of this Federal Installation.

One of the required CMP conditions is that, where feasible, proposed development in a Military and Federal Installation Area shall be located in the Pinelands Protection Area portion of the Pinelands Area. The development proposed in this application is located in the Pinelands Preservation Area portion of the Pinelands Area. As part of the previously approved application for the Consolidated Logistic and Training Facility (App. No. 1991-0836.023), the applicant demonstrated that there was no feasible location for the Facility that would not require development in the Pinelands Preservation Area. Specifically, the applicant indicated that based on the size of the proposed project site (140 acres), the need to readily access existing training and range areas, the availability of lands not encumbered by existing uses and environmental standards, the proposed development could not be located in the Pinelands Protection Area portion of the Pinelands Area.

A second required CMP condition is that, where feasible, the proposed use shall not require any development in a Forest Area or Pinelands Preservation Area District. The Pinelands Preservation Area District is that portion of the Pinelands Preservation Area that is not otherwise overlain by another management area such as a Military and Federal Installation Area. The New Jersey National Guard Readiness building proposed in this application is located in the Pinelands Preservation Area and overlain by a Military and Federal Installation Area. Accordingly, this application does not propose development in a Forest Area or the Pinelands Preservation Area District.

As the proposed New Jersey National Guard Readiness building is associated with the function of this Federal Installation and meets the two above conditions, the proposed development is a permitted land use in a Military and Federal Installation Area.

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

The proposed development will occur within an existing stone and grass vehicle storage area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Re-vegetation 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.

Water Quality Standard (N.J.A.C. 7:50-6.83)

The proposed facility will utilize an existing on-site septic system. Based on the size of the parcel and the number of personnel using the facility, the applicant has demonstrated that the total nitrogen concentration in the groundwater will not exceed two parts per million at the property line of the parcel.

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. The applicant proposes to direct stormwater runoff from the proposed development to an existing stormwater infiltration basin approved as part of App. No. 2006-0160.002.

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 notice. Newspaper public notice was completed on July 21, 2020. The application was designated as complete on the Commission's website on March 10, 2021. The Commission's public comment period closed on April 9, 2021. 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 17 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:  
  
Sheet 1 - July 7, 2020; revised to December 11, 2020  
Sheets 2-17 - July 1, 2020; revised to December 11, 2020
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

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



## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

[www.nj.gov/pinelands](http://www.nj.gov/pinelands)



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by 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 May 10, 2021 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.



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

State of New Jersey  
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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

## MEMORANDUM

To: Members of the Pinelands Commission

From: Brad Lanute  
Planning Specialist

Date: May 5, 2021

Subject: No Substantial Issue Findings

---

During the past month, the Planning Office reviewed three ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. They included the following:

**Egg Harbor Township Ordinance 11-2021** – amends Chapter 255 (Zoning) of the Township’s Code by revising the Township’s zoning map to rezone 12 lots from the Professional Office (PO-I) Zone to the Residential (RG-5) Zone. All lots to be rezoned are developed as single-family dwelling units and are all located within a Pinelands Regional Growth Area.

**Weymouth Township Ordinance 573-2021** - amends Chapter 155 (Land Use) of the Township’s Code to expressly require that a development permit be secured prior to any change or alteration to an approved site plan, subdivision, or any other approval from the Township. The ordinance also amends the Chapter to include a list of duties of the Administrative Officer.

**Hamilton Township Ordinance 1945-2021** - amends the Township-wide Redevelopment Plan, which was previously adopted by Ordinance 1897-2019 and found to raise no substantial issue with respect to the standards of the CMP. The amendment establishes an overlay zone composed of a single lot (Block 1132.01, Lot 16) that permits medical marijuana dispensary facilities. Said lot is approximately .9 acres, contains an existing non-residential building and parking area, and is located within the Township’s Growth Area – Intensive (GA-I) Zone. The GA-I Zone is located within a Pinelands Regional Growth Area. The amendment provides bulk and area standards for dispensaries as well as requirements for signs, parking, security, buffering and screening. All existing zoning provisions and land use requirements of the Township apply to the overlay zone unless specifically addressed in the redevelopment plan amendment.