



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

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



LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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)

### NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, July 14, 2023 - 9:30 a.m.

**This meeting will be held in-person and virtually**

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel via the following links:

Part I of the Meeting: <https://www.youtube.com/live/tj0QrrehG-4?feature=share>

Part II of the Meeting (Post Closed Session): <https://www.youtube.com/live/tmy8Sujh3yw?feature=share>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 851 2096 0021

#### 1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag
- Election of Vice Chair
- Committee Assignments

#### 2. Adoption of Minutes

- June 9, 2023

#### 3. Committee Chairs' and Executive Director's Reports

#### 4. Presentation by Stafford Township on a proposed Memorandum of Agreement with the Commission

#### 5. Matters for Commission Consideration *Where the Record is Closed*

##### A. Permitting Matters

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

Resolution Approving With Conditions (3) Applications for Public Development:

- Application No. 1986-1154.004 - Franklin Township  
1,200 linear feet of trail at the Piney Hollow Preservation Area  
Franklin Township
- Application No. 2006-0160.004 - New Jersey Dept. of Military & Veterans Affairs  
Construction of a 10,470 square foot New Jersey National Guard Civil Support Team  
building at Joint Base McGuire-Dix-Lakehurst  
Jackson Township
- Application No. 1992-0351.005 - Egg Harbor Township  
Construction of two artificial turf athletic fields, a 2,680 square foot concession stand,  
a 1,500 square foot storage building and a 96-stall parking lot  
Egg Harbor Township

B. Planning Matters

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

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

A. Public Development Projects

- Application No. 1985-0557.007 - Medford Township  
Demolition of an existing abandoned municipal building, 50 years old or older  
Medford Township
- Application No. 1988-0706.025 - Town of Hammonton  
Construction of a 3,627 linear foot earthen berm associated with the municipal treated  
wastewater land application site  
Town of Hammonton
- Application No. 1988-1286.006 - Hammonton Board of Education  
Construction of an addition to the Early Childhood Education Center  
Town of Hammonton
- Application No. 2018-0029.002 - New Jersey Department of Transportation

Installation of sidewalks within the Route 322 right-of-way  
Hamilton Township

- Application No. 2023-0095.001 - Egg Harbor Township Municipal Utilities Authority  
Sanitary sewer main within the Winnepeg Avenue right-of-way  
Egg Harbor Township

B. Waivers of Strict Compliance

- None

7. Master Plans and Ordinances Not Requiring Commission Action

- Barnegat Township Ordinance 2023-14
- Buena Borough Ordinances 725 & 731
- Egg Harbor City Ordinance 17-2022
- Lakehurst Borough Ordinance 2023-12
- Little Egg Harbor Township Ordinance 2022-13
- Medford Lakes Borough Ordinance 690
- Medford Township Ordinance 2023-9
- Shamong Township Ordinance 2023-6
- Southampton Township Ordinance 2023-08
- Stafford Township Ordinance 2022-06
- Winslow Township Ordinance O-2023-006
- Wrightstown Borough Ordinance 2022-05

8. General Public Comment

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

10. Adjournment

**Upcoming Meetings**

Wed., July 19, 2023	Climate Committee (9:30 a.m.)
Fri., July 28, 2023	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., August 11, 2023	Pinelands Commission Meeting (9:30 a.m.)

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  
June 9, 2023

*All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=OGvcWT2n7ao>*

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., John Holroyd, Jerome H. Irick, Theresa Lettman, Mark Lohbauer, Mark Mauriello, Jonathan Meade, William Pikolycky, and Douglas Wallner. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Nicolas Seminoff and Governor's Authorities Unit representative Janice Venables.

Commissioners Absent

Dan Christy, Ed Lloyd and Laura E. Matos.

Call to Order

Vice Chair Avery called the meeting to order at 9:31 a.m.

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

Executive Director (ED) Grogan called the roll and announced the presence of a quorum. Ten Commissioners participated in the meeting.

The Commission pledged allegiance to the Flag.

Minutes

Vice Chair Avery presented the minutes from the Commission's May 12, 2023 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the May 12, 2023 Commission meeting were adopted by a vote of 10 to 0.

### Committee Reports

Vice Chair Avery provided a summary of the May 26, 2023 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the April 28, 2023, meeting.

The Committee was updated on the status of the Pemberton Lake Trails Memorandum of Agreement (MOA). Staff is still working to finalize the language of the agreement. A formal draft will be presented to the Committee once the staff meets with the applicant and determines how to address stormwater management requirements. No formal action was needed from the Committee.

Stafford Township made a presentation on a proposed Memorandum of Agreement (MOA) to allow paving trails in wetlands buffers at Forecastle Basin and Lake in Ocean Acres. The Township would upgrade approximately 2,600 linear feet of existing trails near Route 72. Representatives from the Township described the need to draw more attention to the value of parks and open space, and to create an inclusive recreation facility for handicapped people. The Committee was generally supportive of the proposal but had some concerns about using asphalt as the surface material. The Committee voted to move the matter to the full Commission for discussion and authorization at an upcoming meeting.

The Committee received a presentation on upcoming Long Term Economic Monitoring (LTEM) Projects for the Federal FY2023. The projects include the five-year LTEM update for the years 2018-2022, describing the economic benefits of parks and open space, ongoing Cultural Resources projects, tasks related to the Pine Barrens Byway, and a digital database to track municipal conformance and zoning. Committee members were supportive of the projects and expressed interest in finding ways to quantify the benefits of parks and open space.

### Executive Director's Report

ED Grogan provided information on the following matters:

- Connolly and Hickey, the architecture firm that the Commission has contracted with, is close to issuing a final draft of the Fenwick Manor preservation plan. An additional site visit has been scheduled with a structural engineer. The final plan will be shared with the New Jersey Historic Trust as part of the grant application that was filed in April of this year.

- Staff met with the Commission's outside labor counsel who has been retained for collective bargaining negotiations. The first negotiations meeting will be held on June 13, 2023.
- The public comment period for the Kirkwood-Cohansey water management rule proposal closed on June 2, 2023. Staff is in the process of preparing a response to the comments and drafting an adoption notice. Adoption of the rule proposal is anticipated at the August Commission meeting.
- Stafford Township will attend the July Commission meeting to discuss a project to pave trails at an existing municipal park. The project requires an MOA. The Commission will be asked to authorize staff to draft an MOA for the deviation.
- A contract has been signed with a radio frequency consultant, Dr. Bruce Eisenstein. The Commission contracted with Dr. Eisenstein during the initial local communication facility amendments back in the late 1990s. Dr. Eisenstein will provide guidance related to the need for additional local communication facilities in the Pinelands Area. The Commission expects one or more amendments to be received and will now have the expertise needed to determine the need for additional cell towers.
- A revised Request For Quotes (RFQ) was posted to the Commission's website seeking hybrid/electric field vehicles. A quote was submitted from a vendor on the state contract. The Commission has purchased two hybrid, plug-in electric Jeep Wranglers, which will be delivered soon. If the Commission installs a charging station in the future, the Wranglers can run fully on electric.
- Chinonye Uzowuru, a summer intern from Rutgers University, was introduced. She will be working in the Information System's office. The Commission applied to Rutgers to be part of the internship program and was accepted.

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

- In October of 2022, the Commission approved an application for a 25-foot firebreak along Oswego and Allen Road rights-of-way. A condition outlined in the Public Development report required the applicant to submit information regarding the treatment of the three existing threatened and endangered snake research sites along the project route. The applicant is eliminating clearing in front of each site and will maintain a 50-foot buffer to the three research sites. The Commission sent the applicant a letter that was signed by the Executive Director and approves the approach.
- Staff is reviewing an application for the redevelopment of the 21-acre Red Lion Diner site. The development proposed includes the construction of a convenience

store, two fast food restaurants, a retail commercial storefront and the demolition of the existing Red Lion Diner.

Commissioner Avery asked if the recent fire in Bass River State Forest was in the area of the proposed fire break.

Director Horner said staff had the same question and will find out and report the information at the next Commission meeting.

Commissioner Irick said he had heard a local fire chief express concerns about the ability to access water when working in remote areas of the forest. He asked if staff could suggest the installation of a well as part of a future forest firebreak application.

Director Horner said he read the same comments and believe they were made by the Woodland Township Fire Chief who said his fire department was having difficulty filling its tankers. He said staff has reached out to the New Jersey Forest Fire Service to better understand the matter. He provided an overview of the Pinelands Comprehensive Management Plan's (CMP) requirements for the installation of a well and briefly described the water allocation process.

Stacey Roth, Chief, Legal & Legislative Affairs said the Lake Lenape MOA with Atlantic County that the Commission authorized earlier this year has been signed. Atlantic County is working with the New Jersey Department of Environmental Protection (NJDEP) to amend the deed of conservation restriction. She said she is working with NJDEP's Office of Natural Lands Management on several matters. She said the NJDEP holds the Commission's easements because the Commission cannot hold real property. She said the NJDEP has a new portal on their website and the process has become easier for applicants.

Commissioner Mauriello asked whether the full State House Commission review and approval process is required for the deed of conservation restriction amendments.

Ms. Roth said many are below the acreage threshold and do not trigger that process.

Paul Leakan, Communications Officer, said the recent article in the Philadelphia Inquirer generated interest in the upcoming 7<sup>th</sup> annual Pinelands Summer Short Course, which is scheduled for June 23, 2023 at Kramer Hall in Hammonton.

#### Public Development Projects and Other Permit Matters

Vice Chair Avery introduced a resolution in which the Department of Transportation is proposing to demolish four buildings, 50 years old or older, and construct two material storage buildings in Galloway Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1995-1676.004) (See Resolution # PC4-23-24). Commissioner Pikolycky seconded the motion.

The resolution was adopted by a vote of 10 to 0.

Public Comment on Development Applications and Items Where the Record is Open

No one from the public spoke.

Ordinances Not Requiring Commission Action

Vice Chair Avery said there are several ordinances that staff reviewed this past month.

ED Grogan confirmed that most if not all of the ordinances listed on the agenda were related to stormwater amendments.

Other Resolutions

Vice Chair Avery introduced a resolution that will allow the Commission to proceed with purchases and payments until the Fiscal Year 2024 budgets are adopted.

Commissioner Irick made a motion To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2024 at the Same Level of Expenditures as Fiscal Year 2023 until the Adoption of the Fiscal Year 2024 Budgets (See Resolution #PC4-23-25).

Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 10 to 0.

General Public Comment

Tom Besselman of Pemberton Township said the Commission approved an application to demolish a structure 50 years old or older. He asked if there was any thought to change that requirement to a different figure.

ED Grogan said this is not the first time the 50-year threshold for the demolition of a structure has been questioned. She said she has asked staff archaeologists in the past and they have advised that it should not be changed because it's a moving window.

Adjournment

Commissioner Lohbauer said he wished the Commission could have waited to buy the new field vehicles because he believes that in approximately six months electric field vehicles meeting the Commission's needs will be available, eliminating the use of fossil fuels.

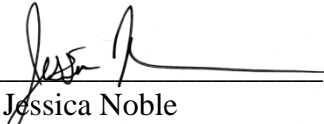
Commissioner Asselta noted that fossil fuels still create the majority of electricity in most parts of this country. He said if South Jersey cannot bring wind energy into the grid, the reliance on fossil fuels remains. He said the use of more electric causes an increase in demand for electricity.



Commissioner Lohbauer said he predicts that by the end of this decade the country will see a shift from fossil fuels to sustainable energy in utility scale storage batteries.

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 10:15 a.m.

Certified as true and correct:

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

Date: June 14, 2023



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 24

TITLE: Approving With Conditions an Application for Public Development (Application Number 1995-1676.004)

Commissioner Lohbauer moves and Commissioner Pikolycky 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:

1995-1676.004
Applicant: New Jersey Department of Transportation
Municipality: Galloway Township
Management Area: Pinelands Regional Growth Area
Date of Report: May 19, 2023
Proposed Development: Demolition of four buildings, 50 years old or older, and the construction of two material storage buildings

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 1995-1676.004 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

Table with 16 columns (AYE, NAY, NP, A/R\* repeated 4 times) and 6 rows of member votes (Asselta, Avery, Christy, Holroyd, Irick, Lettman, Lloyd, Lohbauer, Mauriello, Meade, Pikolycky, Wallner, Matos).

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: June 9, 2023

Susan R. Grogan

Susan R. Grogan
Executive Director

Alan W. Avery, Jr.

Alan W. Avery, Jr.
Vice Chair



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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

May 19, 2023

Brendan Brock (via email)  
New Jersey Department of Transportation  
P.O. Box 600  
Trenton NJ 08625

Re: Application # 1995-1676.004  
Block 738, Lot 1  
Galloway Township

Dear Mr. Brock:

The Commission staff has completed its review of this application for the demolition of four buildings, 50 years old or older, and the construction of two material storage buildings. 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 June 9, 2023 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, Galloway Township Planning Board (via email)  
Galloway Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Bryan VanderGheynst, PE (via email)



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LAURA E. MATOS  
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SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

May 19, 2023

Brendan Brock (via email)  
New Jersey Department of Transportation  
P.O. Box 600  
Trenton NJ 08625

Application No.: 1995-1676.004  
Block 738, Lot 1  
Galloway Township

This application proposes demolition of four buildings, 50 years old or older, and the construction of two material storage buildings located on the above referenced 4.39 acre parcel in Galloway Township. There is an existing New Jersey Department of Transportation Maintenance Facility located on the parcel.

This application proposes the demolition of two material storage buildings, a garage and a salt storage shed. The four buildings proposed for demolition total approximately 4,200 square feet. This application also proposes the construction of a 3,200 square foot salt storage building and a 1,740 square foot material storage building.

### **STANDARDS**

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

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

The proposed development is located in a Pinelands Regional Growth Area. The CMP permits the proposed development in a Pinelands Regional Growth Area.

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

There are wetlands located within 300 feet of the above referenced parcel. The wetlands are located on the opposite side of US Route 30 from the parcel. The proposed development will be located no closer to wetlands than existing development.

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

The proposed development will be located over existing paved and gravel surfaces. The proposed disturbance is limited to that which is necessary to accommodate the proposed development.

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

The parcel is serviced by public sanitary sewer.

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

The proposed demolition and development will result in a decrease of impervious surfaces by 480 square feet. There will be no increase in the volume and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with CMP stormwater management standards.

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

A cultural resource survey was conducted on the parcel. The survey determined that the project area contains no significant cultural resources.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on August 16, 2022. Newspaper public notice was completed on August 19, 2022. The application was designated as complete on the Commission's website on April 20, 2023. The Commission's public comment period closed on May 12, 2023. 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 NV5, all sheets dated August 4, 2022.
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 demolition and 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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General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

### **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 June 5, 2023 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. PC4-23- 25

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2024 at the Same Level of Expenditures as Fiscal Year 2023 until the Adoption of the Fiscal Year 2024 Budgets

Commissioner Irick moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, based on the Governor’s proposed budget, it is anticipated that the Commission will receive an appropriation of at least \$3,549,000 to support its operations during Fiscal Year 2024; and

WHEREAS, confirmation of the State appropriation is expected in July, after which the Commission will be able to finalize and adopt its FY24 budgets; 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 actions shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to continue to expend funds during Fiscal Year 2024 at the same level of expenditures as Fiscal Year 2023 until the Commission’s adoption of the Fiscal Year 2024 Budgets.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Asselta	X			Lettman	X			Pikolycky	X		
Avery	X			Lloyd			X	Wallner	X		
Christy			X	Lohbauer	X			Matos			X
Holroyd	X			Mauriello	X						
Irick	X			Meade	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 9, 2023

Susan R. Grogan  
Executive Director

Alan W. Avery, Jr.  
Vice Chair



*RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION*

NO. PC4-23-\_\_\_\_\_

**TITLE:**     **Approving** With Conditions Applications for **Public Development** (Application Numbers 1986-1154.004, 1992-0351.005 & 2006-0160.004)

**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:

<b>1986-1154.004</b>	
<b>Applicant:</b>	<b>Franklin Township</b>
Municipality:	Franklin Township
Management Area:	Pinelands Agricultural Production Area
Date of Report:	June 21, 2023
Proposed Development:	1,200 linear feet of trail at the Piney Hollow Preservation Area;
<b>1992-0351.005</b>	
<b>Applicant:</b>	<b>Egg Harbor Township</b>
Municipality:	Egg Harbor Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	June 19, 2023
Proposed Development:	Construction of two artificial turf athletic fields, a 2,680 square foot concession stand, a 1,500 square foot storage building and a 96 stall parking lot; and
<b>2006-0160.004</b>	
<b>Applicant:</b>	<b>New Jersey Department of Military &amp; Veterans Affairs</b>
Municipality:	Jackson Township
Management Area:	Pinelands Military/Federal Installation Area
Date of Report:	June 21, 2023
Proposed Development:	Construction of a 10,470 square foot New Jersey National Guard Civil Support Team 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 1986-1154.004, 1992-0351.005 & 2006-0160.004 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*				
Asselta					Lettman					Pikolycky				
Avery					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

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

\_\_\_\_\_  
Susan R. Grogan  
Executive Director

\_\_\_\_\_  
Laura E. Matos  
Chair



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)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

June 21, 2023

John Bruno, Mayor (via email)  
Franklin Township  
1571 Delsea Drive  
Franklinville NJ 08322

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

Dear Mr. Bruno:

The Commission staff has completed its review of this application for 1,200 linear feet of trail at the Piney Hollow Preservation Area. Enclosed is a copy of an Amended 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 July 14, 2023 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Franklin Township Planning Board (via email)  
Franklin Township Construction Code Official (via email)  
Franklin Township Environmental Commission (via email)  
Secretary, Gloucester County Planning Board (via email)  
Austin Bazuk (via email)



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT**

June 21, 2023

John Bruno, Mayor (via email)  
Franklin Township  
1571 Delsea Drive  
Franklinville NJ 08322

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

This application proposes 1,200 linear feet of trail at the Piney Hollow Preservation Area located on the above referenced 221.92 acre parcel in Franklin Township. The proposed trail will be six feet wide. No trail surfacing material is proposed. The trail will be earthen.

On January 10, 2020, the Pinelands Commission approved an application for the construction of 853 linear feet of wooden boardwalk and certain minor accessory recreational improvements at the Piney Hollow Preservation Area (App. No. 1986-1154.004). The 1,200 linear feet of trail proposed in this amended application is instead of the previously approved 853 linear feet of wooden boardwalk. The previously approved recreational improvements have not been constructed.

### **STANDARDS**

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

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

The proposed trail is located in a Pinelands Agricultural Production Area. The proposed trail constitutes a low intensity recreational use. Low intensity recreational uses are permitted in a Pinelands Agricultural Production Area provided five specified CMP conditions are met. The proposed trail meets the five CMP specified conditions.

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

The proposed trail will be located in the required buffer to wetlands. The CMP permits trails (linear development) in the required buffer to wetlands provided it is demonstrated that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the trail that does not involve development in the required buffer to wetlands or that will result in a less significant adverse

impact to the buffer to wetlands. In addition, the proposed trail will not result in substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures will be taken to mitigate the impact of the trail on the required buffer to wetlands. The applicant has indicated that the proposed trail will provide a connection from an existing parking lot to an existing trail system and will provide safe passage along the existing trails of the Piney Hollow Preservation Area. The applicant has demonstrated that the need for the proposed trail overrides the importance of protecting the concerned wetlands.

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

The proposed trail will be located in existing forested areas. The applicant has indicated that no tree removal is proposed or required and that the proposed vegetation removal is limited to the cutting of understory vegetation flush with the ground. The proposed vegetation removal is limited to that which is necessary to accommodate the proposed trail.

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

The applicant has submitted information that demonstrates that the proposed earthen trail will not result in any increase in volume and rate of stormwater runoff. The applicant has demonstrated that the earthen trail is consistent with the stormwater management standards.

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 provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on April 29, 2021. Newspaper public notice was completed on May 20, 2021. The application was designated as complete on the Commission's website on May 24, 2023. The Commission's public comment period closed on June 9, 2023. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed trail shall adhere to the plan, consisting of 10 sheets, prepared by CME Associates, Inc. and dated as follows:  
  
 Sheets 1, 3, 5, 8 & 10 - April 2018; revised to January 3, 2023;  
 Sheets 2 & 4 - April 2018; revised to November 2, 2021;  
 Sheets 6, 7 & 9 - April 2018; revised to February 24, 2020.
2. Disposal of any vegetative debris may only occur at an appropriately licensed facility.
3. Prior to any trail development, the applicant shall obtain any other necessary permits and approvals.

4. Appropriate measures shall be taken during vegetation removal for the proposed trail to preclude sedimentation from entering wetlands and shall be maintained in place until the trail has been completed.

### **CONCLUSION**

As the proposed trail 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 trail subject to the above conditions.



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

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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
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)

### **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 July 10, 2023 and include the following information:

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

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

June 19, 2023

Donna Markulic, Administrator (via email)  
Egg Harbor Township  
3515 Bargaintown Road  
Egg Harbor Township NJ 08234

Re: Application # 1992-0351.005  
Block 3201, Lots 34 - 36  
Egg Harbor Township

Dear Ms. Markulic:

The Commission staff has completed its review of this application for the construction of two artificial turf athletic fields, a 2,680 square foot concession stand, a 1,500 square foot storage building and a 96 stall parking lot. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 14, 2023 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Egg Harbor Township Planning Board (via email)  
Egg Harbor Township Construction Code Official (via email)  
Egg Harbor Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Adam Warburton (via email)



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SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

June 19, 2023

Donna Markulic, Administrator (via email)  
Egg Harbor Township  
3515 Bargaintown Road  
Egg Harbor Township NJ 08234

Application No.: 1992-0351.005  
Block 3201, Lots 34 - 36  
Egg Harbor Township

This application proposes construction of two artificial turf athletic fields, a 2,680 square foot concession stand, a 1,500 square foot storage building and a 96 stall parking lot located on the above referenced 91.73 acre parcel in Egg Harbor Township. There is an existing recreational facility (Tony Canale Park) on the parcel.

The application proposes to replace existing grassed athletic fields with two artificial turf athletic fields. The submitted plan labels the 2,680 square foot concession stand and the 1,500 square foot storage building as "future storage building." The two concerned buildings are included in this application.

### **STANDARDS**

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

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

The proposed development is located in a Pinelands Regional Growth Area. The proposed athletic fields and accessory development are a permitted land use in a Pinelands Regional Growth Area.

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

There are wetlands located on the above referenced parcel. All development, including clearing and land disturbance, will be located at least 300 feet from wetlands.

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

The proposed development will be located primarily within the limits of the existing grassed athletic



fields. The proposed storage building will require the clearing of approximately 7,800 square feet of pine-oak forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize the disturbed areas beyond the limits of the proposed artificial turf athletic fields, the application proposes to utilize a seed mixture which meets that recommendation.

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

The proposed development will be serviced by public sanitary sewer.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the application proposes to construct five subsurface stormwater infiltration systems.

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

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

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on December 15, 2022. Newspaper public notice was completed on December 17, 2022. The application was designated as complete on the Commission's website on May 26, 2023. The Commission's public comment period closed on June 9, 2023. No public comment was submitted to the Commission regarding this application.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 22 sheets, prepared by Colliers Engineering & Design, all sheets dated November 22, 2022 and revised to March 20, 2023.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

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



PHILIP D. MURPHY  
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Lt. Governor

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

### **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 July 7, 2023 and include the following information:

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

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

June 21, 2023

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

Re: Application # 2006-0160.004  
Block 23601, Lot 1  
Jackson Township

Dear Mr. Lyons:

The Commission staff has completed its review of this application for construction of a 10,470 square foot New Jersey National Guard Civil Support Team 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 July 14, 2023 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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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

June 21, 2023

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

Application No.: 2006-0160.004  
Block 23601, Lot 1  
Jackson Township

This application proposes construction of a 10,470 square foot New Jersey National Guard Civil Support Team 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 140 acre New Jersey National Guard Consolidated Logistic and Training Facility comprised of a 109,000 square foot building and associated site improvements on the parcel was approved with conditions by the Commission on April 6, 2006 (App. No. 1991-0836.023). The applicant represented 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 further represented that App. No. 1991-0836.023 was phase one of a four phase development.

On June 12, 2009, the Commission approved an application with conditions 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 (App. No. 2006-0160.002). The applicant represented that App. No. 2006-0160.002 was phase two of the four phase development.

On May 14, 2021, the Commission approved an application with conditions for the construction of a 37,325 square foot building at the existing Consolidated Logistic and Training Facility (App. No. 2006-0160.003). The applicant represented that App. No. 2006-0160.003 was phase three of the four phase development.

The proposed 10,470 square foot Civil Support Team building will be located at the existing Consolidated Logistic and Training Facility.

## **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 land management areas such as Regional Growth Areas, Forest Areas and Military and Federal Installation Areas that overlay the entire Pinelands Area.

The parcel subject of this application is located in a Military and Federal Installation Area. Provided four CMP specified conditions are met, any use associated with the function of a Federal Installation is permitted in a Military and Federal Installation Area. The proposed 10,470 square foot New Jersey National Guard Civil Support Team building is associated with the function of this Federal Installation.

One of the CMP specified 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 Commission's approval of App. No. 1991-0836.023, the applicant demonstrated that there was no feasible location for the Consolidated Logistic and Training Facility that would not require development in the Pinelands Preservation Area. Specifically, the applicant indicated that based on the size of the 140 acre Consolidated Logistic and Training Facility, the need to readily access existing training and range areas and the availability of lands not encumbered by existing uses or environmental standards, the proposed development could not be located within that portion of Joint Base McGuire-Dix-Lakehurst located in the Pinelands Protection Area.

A second CMP specified condition is that, where feasible, the proposed use shall not require any development in a Pinelands Forest Area or the 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 Pinelands Village or Military and Federal Installation Area. The Civil Support Team 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 Pinelands Forest Area or the Pinelands Preservation Area District.

The third CMP specified condition concerns hazardous waste facilities, landfills or incinerators and is not applicable to the Civil Support Team building proposed in this application.

The fourth CMP specified condition requires all development undertaken by the Federal government meet the management programs and minimum standards of the CMP. The Civil Support Team building proposed in this application meets the management programs and minimum standards of the CMP.

As the proposed Civil Support Team building is associated with the function of this Federal Installation and meets the four CMP specified 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. Considering the size of the parcel, 6,464 acres, 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. The proposed development meets the groundwater quality (septic dilution) standard.

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. Stormwater runoff from the proposed development will be directed 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 significant cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Newspaper public notice was completed on January 6, 2023. The application was designated as complete on the Commission's website on May 10, 2023. The Commission's public comment period closed on June 9, 2023. 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 16 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., all sheets dated August 22, 2022.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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

### **CONCLUSION**

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





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

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Executive Director

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

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

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

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

## MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*  
Planning Specialist

Date: June 30, 2023

Subject: No Substantial Issue Findings

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During the past month, the Planning Office reviewed 13 ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP). It included the following:

**Barnegat Township Ordinance 2023-14** – amends Chapter 55, Land Use, of the Code of Barnegat Township. The ordinance amends Section 55-161, Accessory Buildings and Structures, to clarify that accessory structure height is to be measured from the average finished grade to the highest point of the structure.

**Buena Borough Ordinance 725** – amends Chapter 150, Land Use, of the Code of Buena Borough. The ordinance establishes Section 150-118.2, Cannabis, regulating cannabis business/establishments within the Borough. Within the Pinelands Area, the ordinance permits cannabis Classes 1-6 (cultivation, manufacture, wholesale, distribution, retail, and delivery) in the Pinelands Town Industrial (P-I) District. Cannabis Class 5 (retail) is conditionally permitted in the Pinelands Town Highway Business (P-B2) district. The ordinance also includes conditional use standards relating to Cannabis Retail siting, advertising, and outdoor sound equipment. The P-I and P-B2 Districts are located within a Pinelands Town management area.

**Buena Borough Ordinance 731** – amends Chapter 150, Land Use, of the Code of Buena Borough in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development within the Pinelands Area.

**Egg Harbor City Ordinance 17-2022** – amends the Code of Egg Harbor City by establishing provisions authorizing and encouraging the installation of Electric Vehicle Supply/Service Equipment and Make-Ready parking spaces.

**Lakehurst Borough Ordinance 2023-12** – amends Chapter 25, Land Development, of the Code of Lakehurst Borough in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development within the Pinelands Area.

**Little Egg Harbor Township Ordinance 2022-13** – amends Chapter 215, Land Use and Development, of the Code of Little Egg Harbor Township by establishing provisions authorizing and encouraging the installation of Electric Vehicle Supply/Service Equipment and Make-Ready parking spaces.

**Medford Lakes Borough Ordinance 690** – amends Chapter 145, Land Development, of the Code of Medford Lakes Borough by establishing provisions authorizing and encouraging the installation of Electric Vehicle Supply/Service Equipment and Make-Ready parking spaces.

**Medford Township Ordinance 2023-9** – adopts the Redevelopment Plan for 17 North Main Street, dated May 13, 2023. The redevelopment plan establishes the 17 North Main Street Redevelopment Area (NMSRA). The NMSRA is composed of a single 0.5-acre lot (Block 1801, Lot 4), and is located within the Township’s existing Park/Public/Education (PPE) District. The PPE District is located within a Regional Growth Area. The NMSRA supersedes the underlying PPE District. Permitted principal uses are limited to a micro-brewery or limited brewery. The redevelopment plan includes a concept plan as well as standards for area and bulk, signs, off-street parking and loading, landscaping, building and site design, and lighting. The redevelopment plan expressly requires that all development within the redevelopment area meet the requirements of the CMP.

**Shamong Township Ordinance 2023-6** – amends Chapter 110, Land Development, of the Code of Shamong Township. The ordinance amends Section 110-128.5, Cannabis Overlay Zoning, to include Block 22, Lot 10.01 within the Township’s Cannabis Overlay Zone. The ordinance conditionally permits Class 1 (cultivation) and Class 2 (manufacturing) cannabis-related businesses on said lot, provided that any cultivation and/or manufacturing activities are consistent with the existing definitions of “Agricultural or Horticultural Purpose or Use” and/or “Agricultural Products Processing Facility” contained in Chapter 110. Said lot is located within the Township’s Agricultural Commercial District, which is located within a Pinelands Agricultural Production Area.

**Southampton Township Ordinance 2023-08** – adopts the amended Redevelopment Plan for the Red Lion Diner Redevelopment Area, dated April 8, 2023. The original Redevelopment Plan for the Red Lion Diner Redevelopment Area, adopted by Ordinance 2022-05, was previously certified by the Pinelands Commission. The amended redevelopment plan contains updated goals and objectives for the internal circulation and access of the redevelopment area as well as a new Appendix F containing a concept plan for the redevelopment area, dated January 26, 2023.

**Stafford Township Ordinance 2022-06** – amends Chapter 130, Land Use and Development, of the Code of Stafford Township by revising the definitions of the following terms: “building,” “building area,” “lot coverage,” and “setback.”

**Winslow Township Ordinance O-2023-006** – amends Chapter 296, Zoning within Pinelands Area, of the Code of Winslow Township. The ordinance conditionally permits warehousing and distribution operations within the Major Commercial (PC-2) District. Associated conditions are established related to bulk and area standards, landscaping and buffering, off-street parking and loading, and signage. Additional supplementary regulations are also established for warehousing and distribution operations. Fulfillment warehouse/centers, high cube warehouses, and truck terminals and expressly prohibited within the PC-2 District. The PC-2 District is located within a Pinelands Regional Growth Area.

**Wrightstown Borough Ordinance 2022-05** – amends Chapter 219, Zoning and Land Development, of the Code of Wrightstown Borough by establishing provisions authorizing and encouraging the installation of Electric Vehicle Supply/Service Equipment and Make-Ready parking spaces.