



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
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www.nj.gov/pinelands



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

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, August 14, 2020 - **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

- July 10, 2020

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects and Waivers of Strict Compliance
 - Resolution Approving With Conditions (1) Application for Public Development: Application No. 1993-0360.005 - Pemberton Township
Paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex
Pemberton Township
 - Resolution Approving With Conditions (2) Applications for Development
Application No. 2000-0637.004 New Jersey Department of Environmental Protection

Change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection
Washington Township

Application No. 2019-0026.001 - NJ Department of Transportation
Installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49
Upper 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. 1982-2787.003 – Monroe Township
Construction of a 4,550 square foot addition to a municipal firehouse
Monroe Township
- Application No. 1983-5250.015 – Atlantic Cape Community College
Construction of a baseball field and associated development
Hamilton Township
- Application No. 1983-5765.007 – Atlantic County Facilities Management
Improvements to the Atlantic County Lake Lenape Park
Hamilton Township
- Application No. 1985-0462.005 – Shelterwood Forest Managers on behalf of Ocean County
Creation of a 152 acre forest fire fuel break
Manchester Township
- Application No. 1985-0949.039 – Ocean County
Construction of a salt storage dome and three storage buildings at an Ocean County maintenance facility
Lacey Township

- Application No. 1992-0102.007 – New Jersey Division of Property Management & Construction
Construction of a 2,400 square foot NJDEP storage building
Washington Township
- Application No. 1999-0303.002 – Borough of Medford Lakes
Construction of a walking path and dock at the Medford Lakes Municipal Office
Medford Lakes Borough

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Shamong Township Ordinances 2020-04 & 2020-06

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

Fri., Aug. 28, 2020	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., Sept. 11, 2020	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/ for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@pinelands.nj.gov) at Info@pinelands.nj.gov.

PINELANDS COMMISSION MEETING

MINUTES
July 10, 2020

The July 10, 2020 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube.

Commissioners Participating in the Meeting

Daniel Christy, Sean Earlen, Jerome H. Irick, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn and Chairman Richard Prickett. Also participating were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Craig Ambrose.

Commissioners Absent

Alan W. Avery Jr., Jordan P. Howell and D'Arcy Rohan Green.

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

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

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

The Commission pledged allegiance to the Flag.

Election of Vice-Chair

Chairman Prickett said the Commissions By-Laws require that the Commission hold a re-organization at its July meeting, including the election of Vice-Chairman. He added that Commissioner Avery is interested in serving as Vice-Chair for another year. He asked if Commissioners had any other nominations for Vice-Chair.

Commissioner Lloyd moved the nomination of Commissioner Avery as Vice-Chairman. Commissioner Lohbauer seconded the motion. All were in favor. No other nomination for Vice-Chairman was made.

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

Chairman Prickett said on June 22nd he sent an email to Commissioners asking for requests for new Committee assignments. He said he didn't hear back from any Commissioners. He said the only change is Commissioner Lohbauer will serve as Chair of the Land Use, Climate Impacts and Sustainability (LUCIS) Committee.

Minutes

Chairman Prickett presented the minutes from the Commission's June 12, 2020 meeting. Commissioner Jannarone moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the June 12, 2020 Commission meeting were adopted by a vote of 9 to 0.

Policy and Implementation Committee Meeting

Chairman Prickett provided an update on the June 26, 2020 Policy and Implementation Committee:

The Committee adopted the minutes of the May 29, 2020 meeting.

The Committee recommended to the Commission the certification of Barnegat Township Ordinance 2020-5, amending Chapter 55 (Land Use) by revising standards for condominium developments in the C-N (Neighborhood Commercial) Zone in the Regional Growth Area.

Staff provided a briefing on current CMP procedures for the Commission's review of municipal and county approvals.

Executive Director's Report

ED Wittenberg provided an update on the following items:

- A pre-audit conference was held on June 25th. The auditors are currently conducting the Fiscal Year 2019 audit. Most of the work will be conducted remotely. An interview with Commissioner Avery, who serves as the Audit Chair, will occur this year based on some new practices required by the Auditing team.
- The Business Services office is preparing year end (FY 20) financial documents and working on the FY 21 Budget.
- The recent incident in Upper Freehold Township stemming from the construction of New Jersey Natural Gas (NJNG) Southern Reliability Link (SRL) pipeline has been in the media. The Commission denied a stay request received from the Pinelands

Preservation Alliance and the Sierra Club. The pipeline work in the Pinelands Area was completed earlier this year.

- Pinelands staff remain busy processing applications and responding to inquiries. Employees were not required to furlough. Furloughs were part of the state union negotiations.

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

- A request for renewal of a Pinelands Development Credit (PDC) Letter of Interpretation (LOI) has been received. The parcel consists of 2,500 acres in Bass River Township. The last LOI allocated 50 PDC's to the parcel.
- At the June Commission meeting, two members of the public called in from the Lower Bank section of Washington Township regarding a bulkhead issue. Staff site inspected the property and determined that backfilling behind existing bulkheads had occurred and that this activity would not require an application to the Commission. Other issues related to ownership, width of the county right-of-way and tax map matters should be raised with the County and the Township.
- Staff has scheduled a pre-application meeting with an applicant proposing a floating solar facility at a resource extraction site in Lacey Township.
- On June 19th, staff held a pre-application meeting with an applicant proposing a change of use at a site in Winslow Township; converting about six acres to a parking area to store approximately 263 tractor trailers. Currently, there is an existing 180,000 square foot warehouse on the parcel.
- An application was received to convert the Atco raceway into an auto auction facility. Commercial development is permitted on the parcel based on the Pinelands management area designation. The proposal will have to meet the environmental standards of the Comprehensive Management Plan (CMP) and the Waterford Township Land Use Ordinance. Once the applicant receives a Certificate of Filing from the Commission, the Township will make the determination if the proposed development is a permitted use.
- Longtime Environmental Specialist, Jean Montgomerie is retiring from the Commission at the end of July with over 25 years of service. Ms. Montgomerie is extremely knowledgeable about threatened and endangered species and served as the Commission's primary point person for Forestry applications. Director Horner wished Ms. Montgomerie well.

Commissioner Lohbauer said Commissioners were made aware of an inadvertent return incident in Upper Freehold Township that occurred in June. He said an article that was shared with Commissioners this morning referenced a letter from the NJDEP to the NJNG that noted three separate incidents, one of which dated back to April. He wanted to know if the inadvertent return in April occurred in the Pinelands or if any there were other inadvertent returns that the applicant did not tell us about. He said the NJDEP did not copy the Pinelands Commission on the letter and he would like staff to follow up on this matter.

ED Wittenberg said staff had discussions with the NJDEP about its response to the inadvertent returns that occurred. She said staff did receive a copy of NJDEP's letter to

NJNG. She said the SRL pipeline work in the Pinelands was completed in January 2020. She noted that during the construction of the pipeline, NJNG notified the Commission of a number of small inadvertent returns that occurred in the Pinelands. She said the Commission's approval required an expert to be on-site during the construction and that the Commission be notified in the event of any occurrences. She said the Commission has the reports of the inadvertent returns and that they can be shared.

Susan R. Grogan, Director of Planning, provided an update on the following matters:

- The demand for PDC's is strong. There have been more sales, new severances and deed restrictions. Sending areas are being permanently preserved and development is occurring in the intended growth areas.
- At the June Commission meeting, the Commission authorized a proposal to amend the CMP, related mostly to the alternate design wastewater program. The proposal was formally submitted to the Office of Administrative Law. The proposal will be published in the New Jersey Register on July 20 and the 60-day public comment period will begin. The P&I Committee will be briefed on additional CMP amendment proposals regarding stormwater management rules and the Kirkwood Cohansy water supply policies in the near future.
- A signed agreement was received from the National Park Service allocating the next round of funding for Long -Term economic and environmental monitoring.
- The Department of Community Affairs local planning office has entered into an agreement with Egg Harbor Township to create a redevelopment plan for the Cardiff Shopping Center. The shopping center is partially located in a Pinelands Regional Growth Area. She said earlier this week she participated in a meeting to discuss the challenges of the shopping center and its future.

Commissioner Irick asked about the current cost of a PDC.

Director Grogan said on average a quarter credit is selling for \$10,000 but recently she has seen both lower and higher sales prices.

Stacey Roth, Chief of Legal and Legislative Affairs, reminded Commissioners that Financial Disclosure Statements must be completed by July 31, 2020.

Ms. Roth said the Permit Extension Act (PEA) of 2020 extends certain governmental approvals that were in effect on March 9, 2020 for as long as the public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), declared by the Governor in response to COVID-19, remains in effect. A3919 which was substituted for S2346, was initially passed by both houses of the Legislature on May 14, 2020. The Governor conditionally vetoed the bill on June 25, 2020. On June 29, 2020, both houses of the Legislature passed the bill with concurrence with the Governor's recommendations. It was subsequently signed into law by the Governor on July 1, 2020. As with prior PEAs, the Act only extends Commission approvals that are not inconsistent with the current requirements of the Pinelands Comprehensive Management Plan. Moreover, County and Municipal approvals and State permits issued for development within the Pinelands will only be extended if such approvals, in addition to being consistent with

the requirements of the CMP, also are solely for development to be conducted in a Regional Growth Area, Pinelands Village or Pinelands Town.

Ms. Roth provided an update on NJNG. She said the Commission received a renewed stay request from the Pinelands Preservation Alliance and the Sierra Club that dated back to December 14, 2018. The request was premised on the environmental impacts associated with horizontal directional drilling (HDD). At the time the Commission received the request, HDD in the Pinelands Area was completed. She said the matter is moot and there is nothing for the Commission to stay. She added that the letter the NJDEP received was not a stay, it was a request to suspend its approvals. After the NJDEP conducted an investigation, violations were found with the specific conditions of the issued permits. She said at this time the Board of Public Utilities (BPU) is still reviewing the matter.

Commissioner Lohbauer asked Ms. Roth to confirm the date that the pipeline work was completed in the Pinelands.

Ms. Roth said she did not have the specific date but work concluded in January 2020.

Paul Leakan, Communications Officer, said Joel Mott recently presented a webinar on the history of the Pinelands. He provided information on three upcoming webinars. He said webinars are scheduled every Thursday through August and archived on the Commission's YouTube channel.

Commissioner Earlen said he was very interested in the floating solar facility concept. He said if solar can be placed on water it would reduce the need to clear land. He said it may be something the LUCIS Committee could investigate further.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution to approve a number of improvements at the Woodbine Municipal Utilities Authority (MUA).

Commissioner Pikolycky said he would be recusing on this application. He was placed in the Zoom "lobby".

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1986-1408.012) (See Resolution # PC4-20-21). Commissioner Irick seconded the motion.

Director Horner noted that this is an amendment to a previously approved public development application. He said the MUA is increasing the size of a garage from 480 square feet to 2,000 square feet.

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

Commissioner Pikolycky rejoined the virtual Zoom meeting.

Chairman Prickett presented a resolution recommending approval of two public development applications: ground mounted solar facility at the Cedar Creek High School in Egg Harbor City and the installation of 1,675 linear feet of sanitary sewer main in Egg Harbor Township.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 2003-0530.012 & 2020-0085.001) (See Resolution # PC4-20-22). Commissioner Jannarone seconded the motion.

Director Horner noted that the applicant is proposing to install a 2,500 square foot ground mounted solar array. The applicant is also installing a total of 90,000 square foot roof-top solar facility on the rooftop of a school and over a paved parking area. These installations do not require an application to the Commission.

Commissioner Lohbauer said he appreciated Director Horner pointing out the roof-top solar that the applicant is planning to install. He said initially he had reservations about the ground-mounted solar array because he feels solar should be placed on top of existing structures.

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

Planning Matters

Chairman Prickett presented a resolution recommending approval of a Barnegat Township ordinance.

Commissioner Lloyd made a motion Issuing an Order to Certify Ordinance 2020-5, Amending Chapter 55 (Land Use) of the Code of Barnegat Township (See Resolution # PC4-20-23). Commissioner Lohbauer seconded the motion.

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

Public Comment on Public Development Applications and Items where the record is open
Chairman Prickett read the list of Public Development applications up for comment. There were no public comments.

Ordinances Not Requiring Commission Action

Chairman Prickett read the list of ordinances not requiring Commission action. No questions were raised.

- Egg Harbor City Ordinances 03-2020 and 07-2020
- Manchester Township Ordinance 20-014
- Ocean Township Ordinance 2020-6
- Vineland City Ordinance 2020-16

Commissioner Lohbauer said Harmful Algae Blooms (HABs) can occur throughout the state. He said the NJDEP is encouraging rain gardens to combat HABs. He asked that the matter be discussed at the next P&I Committee meeting. He said maybe the Commission can consider a similar approach.

General Public Comment

Rhyan Grech, of the Pinelands Preservation Alliance said she was concerned to hear that there had been a number of small inadvertent returns during construction of the SRL pipeline in the Pinelands Area. She said an inadvertent return is an inappropriate term. She said they are unpermitted discharges into our waterways. She said NJNG cannot be trusted. She added she was pleased that NJDEP stopped NJNG from HDD activities.

Adjournment

Director Horner read a brief statement from Jean Montgomerie expressing her appreciation for the hard decisions the Commissioners must make and the good work they do protecting the Pinelands. She said it's been an honor and a privilege to serve as a Pinelands Commission employee for over 25 years.

Commissioner Lloyd suggested formally recognizing Ms. Montgomerie at a meeting.

Director Horner said we will invite Jean back when we are back in the office and can have in-person meetings.

Commissioner Lohbauer requested that he see the reports of inadvertent returns.

ED Wittenberg said she would share them with Commissioners.

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Earlen seconded the motion. The Commission agreed to adjourn at 10:41 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: July 21, 2020



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 21

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1986-1408.012)

Commissioner Lohbauer moves and Commissioner Irick 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:

1986-1408.012

Applicant:	Woodbine Municipal Utilities Authority
Municipality:	Borough of Woodbine
Management Area:	Pinelands Town
Date of Report:	June 17, 2020
Proposed Development:	Improvements to an existing municipal potable water treatment facility.

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 1986-1408.012 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

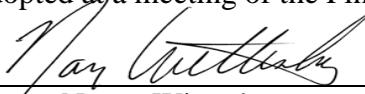
Record of Commission Votes

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

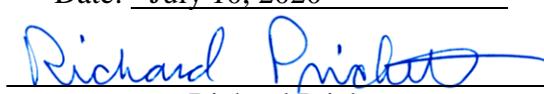
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 10, 2020



 Nancy Wittenberg
 Executive Director



 Richard Prickett
 Chairman



State of New Jersey

THE PINELANDS COMMISSION

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

June 17, 2020

Mayor William Pickolycky (via email)
Woodbine Municipal Utilities Authority
501 Washington Avenue
Woodbine, NJ 08270

Re: Application # 1986-1408.012
Block 65, Lots 1-3
Borough of Woodbine

Dear Mayor Pickolycky:

The Commission staff has completed its review of this amended application for improvements to an existing municipal potable water treatment facility. 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 amended application with conditions at its July 10, 2020 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Borough of Woodbine Planning Board (via email)
Borough of Woodbine Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)
Cape May County Health Department (via email)
Bruce S. Graham, P.E. (via email)



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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT

June 17, 2020

Mayor William Pickolycky (via email)
 Woodbine Municipal Utilities Authority
 501 Washington Avenue
 Woodbine, NJ 08270

Application No.: 1986-1408.012
 Block 65, Lots 1-3
 Borough of Woodbine

This application proposes improvements to an existing potable water treatment facility located on the above referenced 4.32 acre parcel in the Borough of Woodbine.

On August 9, 2019, the Commission approved an application for the construction of a 200 square foot shed, a 480 square foot garage and a 660 square foot expansion of an existing paved parking lot (App. No. 1986-1408.008). This application proposes to increase the square footage of the previously approved 480 square foot garage to 2,000 square feet.

STANDARDS

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

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

The proposed development is located in the Pinelands Town of Woodbine. The proposed development is a permitted land use in a Pinelands Town Management Area.

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

The proposed development will be located in an existing developed and/or maintained grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. This amended application was designated as complete on the Commission’s website on May 27, 2020. The Commission’s public comment period closed on June 12, 2020. 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 ten sheets, prepared by Van Note Harvey and Associates, and dated as follows:

Sheets 1- 8 & 10 - December 19, 2017; last revised January 17, 2020
Sheet 9 - October 18, 2017; last revised January 17, 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.



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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 July 6, 2020 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 22

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 2003-0530.012 & 2020-0085.001)

Commissioner Lohbauer moves and Commissioner Jannarone 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:

2003-0530.012

Applicant: **GEH Solar 1, LLC on behalf of the Greater Egg Harbor Regional School District**

Municipality: Egg Harbor City

Management Area: Pinelands Town

Date of Report: June 17, 2020

Proposed Development: Installation of a 20,445 square foot ground mounted solar energy facility at the Cedar Creek High School; and

2020-0085.001

Applicant: **Egg Harbor Township Municipal Utilities Authority**

Municipality: Egg Harbor Township

Management Area: Pinelands Military/Federal Installation Area

Pinelands Regional Growth Area

Date of Report: June 18, 2020

Proposed Development: Installation of 1,675 linear feet of sanitary sewer main within the Delilah Road right-of-way.

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 2003-0530.012 & 2020-0085.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery			X	Irick	X			Pikolycky	X		
Christy	X			Jannarone	X			Quinn	X		
Earlen	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: July 10, 2020

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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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

June 17, 2020

Pierre Moses
GEH Solar 1, LLC (via email)
2060 Winding Brook Way
Scotch Plains, NJ 07076

Re: Application # 2003-0530.012
Block 16, Lot 1
Egg Harbor City

Dear Mr. Moses:

The Commission staff has completed its review of this application for installation of a 20,445 square foot ground mounted solar energy facility at the Cedar Creek High School.

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 10, 2020 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Egg Harbor City Planning Board (via email)
Egg Harbor City Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Jesse Dougherty, PE, Sr. Project Engineer (via email)

Thomas Grossi, Board Secretary (via email)
Derrick A. Manka (via email)



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
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 17, 2020

Pierre Moses
GEH Solar 1, LLC (via email)
2060 Winding Brook Way
Scotch Plains, NJ 07076

Re: Application # 2003-0530.012
Block 16, Lot 1
Egg Harbor City

This application proposes the installation of a 20,445 square foot ground mounted solar energy facility at the Cedar Creek High School located on the above referenced 66.23 acre parcel. The proposed solar energy facility will be an accessory use to the existing school. The 20,445 square foot solar energy facility subject of this application will be installed on grassed areas.

An additional approximately 93,735 square feet of proposed solar energy facility will be installed over existing paved parking areas and partially on the roof of the school. The proposed installation of accessory solar facilities on existing impervious surfaces or existing structures does not require application to the Commission (N.J.A.C. 7:50-4.1(a)20).

The applicant has indicated that the proposed 114,180 square foot solar energy facility will produce 2,009.7 kW per year, which represents approximately seventy percent of the school's annual electric use.

STANDARDS

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

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

The proposed development is located in the Pinelands Town of the City of Egg Harbor City. The proposed development is a permitted land use in a Pinelands Town.

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

The proposed development will be located within existing maintained non-native grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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 January 30, 2020. Newspaper public notice was completed on February 3, 2020. The application was designated as complete on the Commission's website on May 26, 2020. The Commission's public comment period closed on June 12, 2020. The Commission received one written public comment regarding this application.

Commenter #1: The commenter indicated that they lived adjacent to the school and inquired as to the location and footprint of the proposed solar energy facility.

Staff Response: On March 27, 2020, the Commission staff provided the commenter with a map of the proposed solar energy facility.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of ten sheets, prepared by Marathon Engineering Associates, and dated as follows:

Sheets 1-10- January 22, 2020; revised April 17, 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.



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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

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 6, 2020 and include the following information:

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

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



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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

June 18, 2020

Michael Duffy (via email)
Egg Harbor Township Municipal Utilities Authority
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Re: Application # 2020-0085.001
Delilah Road
Egg Harbor Township

Dear Mr. Duffy:

The Commission staff has completed its review of this application for installation of 1,675 linear feet of sanitary sewer main within the Delilah Road right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 10, 2020 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: 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)
Vincent J. Polistina, PE (via email)



State of New Jersey

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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

June 18, 2020

Michael Duffy (via email)
Egg Harbor Township Municipal Utilities Authority
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Application No.: 2020-0085.001
Delilah Road
Egg Harbor Township

This application proposes installation of 1,675 linear feet of sanitary sewer main within the Delilah Road right-of-way located in Egg Harbor Township. The proposed sewer main will connect to an existing sanitary sewer main in Delilah Road and extend west until it reaches the Delilah Road and Tilton Road intersection.

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) & 5.29)

The proposed sanitary sewer main is located entirely within the Delilah Road right-of-way. Delilah Road is a county road. Approximately 730 linear feet of the proposed sanitary sewer main is located in a Pinelands Regional Growth Area and approximately 945 linear feet of the proposed sanitary sewer main is located in a Military and Federal Installation Management Area.

The portion of the proposed sanitary sewer main located in a Pinelands Regional Growth Area is a permitted land use.

In the area of Egg Harbor Township where the 945 linear feet of sanitary sewer main is proposed, the Delilah Road right-of-way is bounded on one side by a Pinelands Regional Growth Management Area and on the other side by a Military and Federal Installation Management Area. When two Pinelands land management area boundaries coincide with a road right of way, the boundaries of the two respective Pinelands land management areas extend to the centerline of the road right-of-way. The proposed sanitary sewer main is located on the Military and Federal Installation Management Area side of the Delilah Road right-of-way.

The CMP permits, with conditions, any public purpose use undertaken by or on behalf of another level of government in a Military and Federal Installation Management Area. The proposed sanitary sewer main meets the CMP conditions that are applicable to the proposed development of a sanitary sewer main in the Delilah Road right-of-way and it is a permitted land use in a Military and Federal Installation Management Area.

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

The proposed development will be located under existing pavement and within existing maintained grassed road shoulders. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

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 May 8, 2020. The application was designated as complete on the Commission's website on May 11, 2020. The Commission's public comment period closed on June 12, 2020. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Houser Engineering, LLC. all sheets dated May 29, 2019 and revised to March 3, 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.



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RICHARD PRICKETT
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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 July 6, 2020 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____23_____

TITLE: Issuing an Order to Certify Ordinance 2020-5, Amending Chapter 55 (Land Use) of the Code of Barnegat Township.

Commissioner Lloyd moves and Commissioner Lohbauer 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 May 8, 2020, Barnegat Township adopted Ordinance 2020-5, amending Chapter 55, Land Use, of the Code of Barnegat Township by revising standards applicable to condominium development in the C-N (Neighborhood Commercial) Zone; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2020-5 on May 12, 2020; and

WHEREAS, by letter dated May 14, 2020, the Executive Director notified the Township that Ordinance 2020-5 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2020-5 was duly advertised, noticed and remotely held on June 10, 2020 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 2020-5 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 2020-5, 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 has reviewed the Executive Director's report and has recommended that Ordinance 2020-5 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2020-5 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 2020-5, 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		Jannarone	X				Rohan Green			X	
Christy	X				Lloyd	X				Prickett	X			
Earlen	X				Lohbauer	X								
Howell			X		Pikolycky	X								
Irick	X				Quinn	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 10, 2020



 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
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

**REPORT ON ORDINANCE 2020-5, AMENDING CHAPTER 55 (LAND USE)
OF THE CODE OF BARNEGAT TOWNSHIP**

June 26, 2020

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 May 8, 2020, Barnegat Township adopted Ordinance 2020-5, amending Chapter 55 (Land Use) of the Code of Barnegat Township. The ordinance amends condominium standards applicable to the Neighborhood Commercial (C-N) Zone. Condominium developments are a conditional use in that portion of the C-N Zone located in the Pinelands Regional Growth Area. The ordinance establishes a maximum affordable housing set-aside for such developments; exempts from Pinelands Development Credit requirements those units that are provided as affordable up to the maximum affordable housing set-aside; modifies minimum unit size requirements; and modifies requirements for outdoor recreational amenities.

The Pinelands Commission received a certified copy of Ordinance 2020-5 on May 12, 2020. By letter dated May 14, 2020, the Executive Director notified the Township that Ordinance 2020-5 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 2020-5, Amending Chapter 55 (Land Use), introduced on March 3, 2020 and adopted on May 8, 2020.

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 2020-5 amends the condominium standards applicable to the Neighborhood Commercial (C-N) Zone. In 2017, the Commission certified Ordinance 2017-12, which established condominium developments as a conditional use in that portion of the C-N Zone located in the Pinelands Regional Growth Area. This area of the Township is located along West Bay Avenue, immediately to the north of Ocean Acres (see Exhibit #1). As was the case in 2017, there remains only one parcel that meets the standards for a condominium development within the C-N Zone. The parcel is slightly less than 10 acres in size, with a potential for 148 new units based on the maximum permitted density of 15 units per acre.

Ordinance 2020-5 establishes a 20% limit on the number of condominium units that may be set aside as affordable to low- and moderate-income households. No minimum set-aside requirement is established. The ordinance also provides that no more than 10 of the units may be made affordable to low-income households.

As noted, the Commission previously certified Ordinance 2017-12, which required that Pinelands Development Credits be purchased and redeemed for 25% of all units in a condominium development within the C-N Zone. Ordinance 2020-5 exempts units made affordable to low- and moderate-income households from this Pinelands Development Credit requirement, provided that such affordable units do not exceed 20% of the total number of units in a proposed development. Given the residential unit potential of 148 units, Ordinance 2020-5 would permit a maximum of 29 affordable units to be exempted from Pinelands Development Credit requirements. The remaining 119 market-rate units would require the purchase and redemption of 30 rights (7.5 full Credits).

Additionally, Ordinance 2020-5 reduces the minimum two-bedroom unit size from 1,100 square feet to 950 square feet with a minimum of 70% of the two-bedroom units having no less than 1,100 square feet. It also eliminates the requirement for a pool as part of a condominium

development, and further provides that developments with 50 or more units are required to include a clubhouse with a minimum size of 1,000 square feet and at least 17 square feet per unit.

The standards adopted by Ordinance 2020-5 for condominium developments are appropriate for a Regional Growth Area and have no effect on its residential development potential. Therefore, Ordinance 2020-5 is consistent with the land use and development standards of the Comprehensive Management Plan. 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

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficient residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

Barnegat Township previously established a permitted density of 15 units per acre for condominium developments in its C-N Zone, with the use of PDCs required for 25% of all units. Ordinance 2020-5 does not change the permitted density or residential development potential of Barnegat Township's Regional Growth Area; however, it does exempt a small number of affordable housing units from the existing PDC requirement. Ordinance 2020-5 exempts those units made affordable to low- and moderate-income households, provided that such affordable units do not exceed 20% of the total proposed units. PDCs must still be purchased and redeemed for 25% of all market-rate units developed as part of a condominium development.

Based on the standards for condominium development previously adopted by Ordinance 2020-12 and certified by the Commission, a maximum of 148 units is permitted. Ordinance 2020-5 allows a maximum of 29 affordable units to be excluded from the calculation of a project's PDC obligation. The remaining 119 market-rate units require the purchase and redemption of 30 rights (7.5 full Credits). Because the ordinance establishes no minimum affordable housing set-aside requirement, there is still the opportunity for use of up to 37 rights (9.25 full Credits) if a project were to be developed without any affordable housing units.

While the 25 percent requirement for condominium developments in the C-N Zone is not as high a number as would be provided through the more traditional zoning approach where PDCs would account for 33 percent of the total number of permitted units, it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an opportunity for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any development project. Ordinance 2020-5 maintains the guarantee that PDCs will be purchased and redeemed as part of the approval of any condominium development within the C-N Zone, regardless of the density or number of units ultimately built. The exemption of affordable housing units results in a very small reduction in PDC potential (7 rights). Appropriate and sufficient opportunities for the use of PDCs remain in the C-N Zone and elsewhere in Barnegat's Regional Growth Area.

Therefore, this standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2020-5 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 2020-5 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 C-N Neighborhood Commercial 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 2020-5 was duly advertised, noticed and held on June 10, 2020 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. No testimony was received.

Written comments on Ordinance 2020-5 were accepted through June 15, 2020. However, no written comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2020-5, 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 2020-5 of Barnegat Township.

SRG/DBL/CBA
Attachment

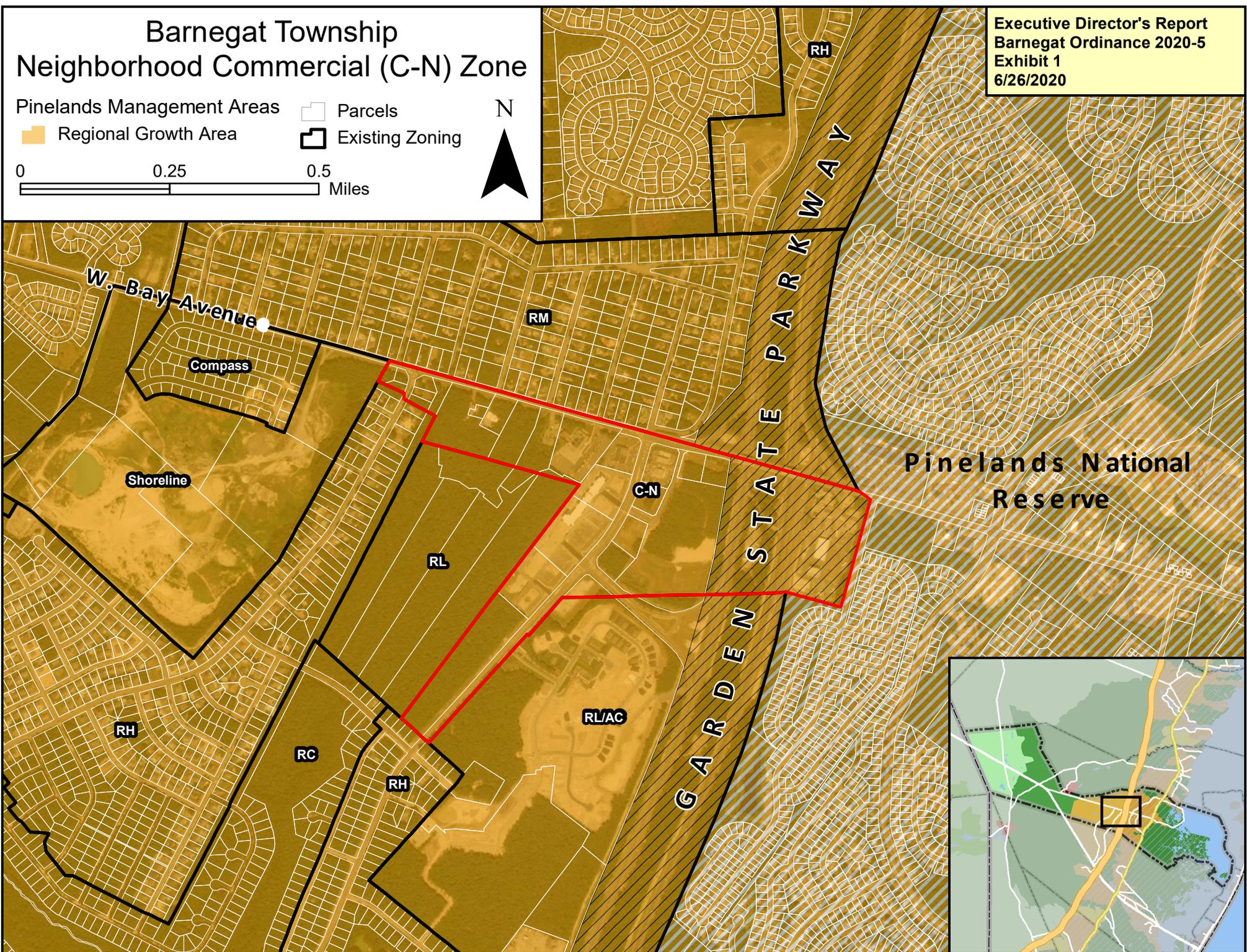
Barneгат Township Neighborhood Commercial (C-N) Zone

Executive Director's Report
Barneгат Ordinance 2020-5
Exhibit 1
6/26/2020

Pinelands Management Areas
Regional Growth Area
Parcels
Existing Zoning



0 0.25 0.5
Miles





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1993-0360.005)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1993-0360.005

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 22, 2020
Proposed Development:	Paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex.

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 1993-0360.005 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				Irick				Pikolycky			
Christy				Jannarone				Quinn			
Earlen				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

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

July 22, 2020

David A. Patriarca, Mayor (via email)
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1993-0360.005
Block 812, Lot 16.01
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application proposing the paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex. 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 August 14, 2020 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Marianne Risley (via email)



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Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2020

David A. Patriarca, Mayor (via email)
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1993-0360.005
Block 812, Lot 16.01
Pemberton Township

This application proposes paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex located on the above referenced 93.68 acre parcel in Pemberton Township. The walking trails will be paved to a width of five feet.

On February 24, 2014, the Commission approved the expansion of an existing recreational facility on the above referenced parcel. That application included the construction of the 2,930 linear feet of five foot wide stone walking trails (App. No. 1993-0360.004).

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 development is 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. The CMP provides that no development shall be carried out within 300 feet of any wetland unless the applicant demonstrates that the proposed development will not result in a significant adverse impact on the wetlands in accordance with the criteria contained in the CMP (N.J.A.C. 7:50-6.7(a)). Based upon the results of a Buffer Delineation Model for New Jersey Pinelands Wetlands completed for the development proposed in App. No. 1993-0360.004, the applicant previously demonstrated that the proposed 175 foot buffer to wetlands will not result in a significant adverse impact on the wetlands. The walking trails are located at least 175 feet from wetlands.

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

The proposed development will be located over existing stone walking trails. No clearing or soil disturbance 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. As the application does not propose any clearing or soil disturbance, no revegetation has been proposed.

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

The applicant previously demonstrated that the development proposed in App. No. 1993-0360.004 was consistent with the stormwater management standards contained in the CMP. The stone walking trails were classified as an impervious surface in the stormwater calculations submitted for App. No. 1993-0360.004. Therefore, no additional stormwater management is required for this application.

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

A cultural resource survey was previously prepared for the above referenced parcel. The cultural resource survey determined that no significant cultural resources existed on the parcel.

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 June 28, 2020. Newspaper public notice was completed on June 29, 2020. The application was designated as complete on the Commission's website on June 30, 2020. The Commission's public comment period for this application closed on July 10, 2020. 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, prepared by Adams, Rehmann & Heggan Associates and dated May 4, 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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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 August 10, 2020 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 2000-0637.004 & 2019-0026.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

2000-0637.004

Applicant: New Jersey Department of Environmental Protection
Municipality: Washington Township
Management Area: Pinelands Village
Date of Report: July 23, 2020
Proposed Development: Change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection; and

2019-0026.001

Applicant: NJ Department of Transportation
Municipality: Upper Township
Management Area: Pinelands Rural Development Area
Date of Report: August 10, 2020
Proposed Development: Installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49.

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 2000-0637.004 & 2019-0026.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery				Irick				Pikolycky			
Christy				Jannarone				Quinn			
Earlen				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



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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

July 23, 2020

William White (via email)
New Jersey Department of Environmental Protection
Bureau of Natural & Historic Resources
275 Freehold-Englishtown Road
Englishtown, NJ 07726

Re: Application # 2000-0637.004
Block 52.01, Lot 6.02
Washington Township

Dear Mr. White:

The Commission staff has completed its review of this application for a change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection. 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 August 14, 2020 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure
c: Secretary, Washington Township Planning Board (via email)
Washington Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Burlington County Health Department (via email)
William Fleming (via email)



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 23, 2020

William White (via email)
New Jersey Department of Environmental Protection
Bureau of Natural & Historic Resources
275 Freehold-Englishtown Road
Englishtown, NJ 07726

Application No.: 2000-0637.004
Block 52.01, Lot 6.02
Washington Township

This application proposes a change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection (NJDEP). The school is located on the above referenced 15.9 acre parcel. The New Jersey State Park Police will utilize 9,000 square feet of the existing 24,720 square foot school for office space.

On January 14, 2005, the Commission approved the construction of a 24,720 square foot school on the above referenced parcel (App. No. 2000-0637.001). After construction, the school was closed and subsequently purchased by the State of New Jersey.

The NJDEP has expressed an interest in utilizing the remaining 15,720 square feet of the building as an office. By letter dated June 2, 2020, the NJDEP confirmed that no use of the remaining 15,720 square foot portion of the building will occur prior to the completion of an application with the Pinelands Commission. Any such application must demonstrate consistency with all standards of the Pinelands Comprehensive Management Plan (CMP), including the groundwater quality (septic dilution) standard. Based on the acreage of the parcel and the square footage of the existing building which is serviced by an onsite septic system, use of the remaining 15,720 square feet of the building as an office may raise an issue with the groundwater quality (septic dilution) standard.

STANDARDS

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

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

The parcel is located in the Pinelands Village of Green Bank. The proposed change in use of a portion of the building from a school to an office is a permitted land use in a Pinelands Village Management Area.

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

The existing building is serviced by an on-site septic system. The applicant has demonstrated that the proposed change in use of the 9,000 square foot portion of the existing building will be consistent with the groundwater quality (septic dilution) standard of the CMP.

PUBLIC COMMENT

The CMP defines the proposed change in use 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 June 29, 2020. The Commission’s public comment period closed on July 10, 2020. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
2. A copy of the Certificate of Occupancy (CO) for the proposed use of the 9,000 square foot portion of the existing building shall be submitted to the Commission. The CO shall specifically limit occupancy to the 9,000 square foot portion of the building subject of this application. The CO shall also indicate that prior to occupancy of any portion of the remaining 15,720 square feet of the building, an application for any proposed change in use of that square footage must be approved by the Pinelands Commission.
3. In accordance with NJDEP’s June 2, 2020 letter, no use of the remaining 15,720 square foot portion of the building shall occur prior to the completion of an application with the Pinelands Commission.

CONCLUSION

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



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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 August 10, 2020 and include the following information:

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

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



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

August 10, 2020

(Corrected Copy – Revised Cond. #5 on Page 2 of Report)

Brendan Brock (via email)
NJ Department of Transportation
951 Parkway Avenue
Ewing, NJ 08625

Re: Application # 2019-0026.001
Route 49 Mill Creek Bridge
Upper Township

Dear Mr. Brock:

The Commission staff has completed its review of your application for installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49. Enclosed is a copy of a revised 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 August 14, 2020 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Upper Township Planning Board (via email)
Upper Township Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)
James Mellett (via email)



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RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

(Corrected Copy – Revised Cond. #5 on Page 2 of Report)

August 10, 2020

Brendan Brock (via email)
 NJ Department of Transportation
 951 Parkway Avenue
 Ewing, NJ 08625

Application No.: 2019-0026.001
 Route 49 Mill Creek Bridge
 Upper Township

This application proposes installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49 in Upper Township.

This application proposes the installation of approximately 4,900 square feet of articulated concrete blocks within the stream channel and along the banks adjacent to the existing bridge to prevent soil erosion.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26(b)10)

The parcel is located in a Pinelands Rural Development Area. The proposed development is permitted in a Pinelands Rural Development Area.

Wetlands Standards (N.J.A.C. 7:50-6.13)

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in wetlands and the required buffer to wetlands. The proposed development will disturb approximately 4,000 square feet of wetlands.

The CMP permits bridges (linear improvements) and improvements associated with bridges, such as soil erosion measures, in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible

alternative to the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to the wetlands and the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The applicant has represented that the proposed stream bank erosion scour countermeasures are necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located over vegetated road shoulders and within open water. All soil disturbance and clearing is limited to that which is necessary to accommodate the proposed development.

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

PUBLIC COMMENT

The CMP defines the proposed bridge improvements 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 June 24, 2020. The Commission’s public comment period closed on July 10, 2020. 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 eight sheets, prepared by Churchill Consulting Engineers and dated May 21, 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.
5. Prior to the construction of any portion of the proposed development which will result in the disturbance of any tidal wetland area, the applicant shall obtain any authorization or permits required by the New Jersey Department of Environmental Protection and the United States Army Corps of Engineers.

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 August 10, 2020 and include the following information:

1. the name and address of the person requesting the appeal;
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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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MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Director of Planning

Date: July 31, 2020

Subject: No Substantial Issue Findings

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

Shamong Township Ordinance 2020-04 amends Chapter 110 (Land Development) of the Township's Code by providing that residential owners are no longer required to apply to the Land Development Board for the development of accessory, ground-mounted solar systems unless a variance is required.

Shamong Township Ordinance 2020-06 amends Chapter 110 (Land Development) of the Township's Code regarding various zoning district regulations. In the Regional Growth district, Pinelands Village district and the Preservation Area district, the maximum permitted square footage for private garages, carports and accessory buildings is increased from 600 square feet to 834 square feet. The ordinance further provides that one private garage is permitted per lot, with a maximum square footage of 865 feet. For residential uses township-wide, the ordinance limits the height of any accessory structure to 75% of the principal structure, unless otherwise restricted within the current code. Additionally, in residential districts, garages and carports are prohibited from being used for commercial purposes, are limited to a three-vehicle capacity, and not more than one commercial-registered vehicle owned or used by the resident shall be permitted in a residential zone. The limitation on the number of commercial-registered vehicles does not apply to permitted agricultural uses.