



State of New Jersey
 THE PINELANDS COMMISSION
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RICHARD PRICKETT
 Chairman
 SUSAN R. GROGAN
 Acting Executive Director



Pinelands
 Comprehensive
 Management Plan
Four Decades of Protection

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, September 10, 2021 - **9:30 a.m.**

Pinelands Commission YouTube link:

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

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 884 9203 0042

1. Call to Order

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

2. Adoption of Minutes

- August 13, 2021

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approvals
 - None

- Public Development Projects (4) and Waivers of Strict Compliance (1):

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

- Application No. 1985-0160.013 - New Jersey Department of Environmental Protection
Installation of a 10,800 square foot geothermal well field for the heating and cooling of the Batsto Visitors Center
Washington Township
- Application No. 1990-0868.035 – New Jersey Department of Environmental Protection, Natural & Historic Resources
Demolition and reconstruction of the Lake Absegami beach recreational facility
Bass River Township

Resolution Approving with Conditions (1) Application for Public Development:

- Application No. 2015-0087.003 - Egg Harbor City
Construction of 1,600 linear feet of a ten foot wide pedestrian path, paving of a 16,830 square foot stone parking lot and installation of 1,124 linear feet of sidewalk
Egg Harbor City

Resolution Approving with Conditions (1) Application for Public Development:

- Application No. 1990-0868.033 – New Jersey Department of Environmental Protection
Spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower
Bass River Township

Resolution Approving with Conditions (1) Application for a Waiver of Strict Compliance:

- Application No. 1999-0082.001 - Robert Boehm
Single family dwelling
Jackson Township

B. Planning Matters

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

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

A. Public Development Projects

- None

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Barnegat Township Ordinance 2021-12
- Buena Vista Township Ordinance 101-2021
- Egg Harbor Township Ordinances 28-2021 and 31-2021
- Lakehurst Borough Ordinances 2021-04, 2021-06 and 2021-08
- Monroe Township Ordinance O:08-2021
- Monroe Township Planning Board Resolution 25-2021 and Ordinance O:12-2021
- Mullica Township Ordinance 9-2021
- Southampton Township Ordinance 2021-09
- Woodbine Borough Ordinance 596-2021

7. Other Resolutions

- To Adopt the Pinelands Commission's Fiscal Year 2022 Budgets for the Operating Fund, Katie Trust Fund and the Pinelands Conservation Fund

8. Presentation: Annual Update on Permanent Land Protection in the Pinelands Area

9. General Public Comment

10. 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.*)

11. Adjournment

Upcoming Meetings

Wed., Sept. 15, 2021	Climate Committee Meeting (9:30 a.m.)
Fri., Sept 24, 2021	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., Oct. 8, 2021	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:PublicProgramsOffice@pinelands.nj.gov) at Info@pinelands.nj.gov.

PINELANDS COMMISSION MEETING

MINUTES
August 13, 2021

The August 13, 2021 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=-dkmg2nbNnc>

Commissioners Participating in the Meeting

Alan W. Avery Jr., Daniel Christy, Shannon Higginbotham, Jordan P. Howell, Jerome H. Irick, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn, D'Arcy Rohan Green and Chairman Richard Prickett. Also participating were Acting Executive Director Susan R. Grogan and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Rudy Rodas.

Commissioners Absent

Jane Jannarone

Call to Order

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

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

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

The Commission pledged allegiance to the Flag.

Remembering the Former Executive Director

Chairman Prickett requested a moment of silence in memory of Nancy Wittenberg, who passed away on June 24, 2021. He then read a resolution recognizing her accomplishments during her tenure as Executive Director of the Pinelands Commission.

Commissioner Avery moved the resolution Honoring and Recognizing Nancy Wittenberg for Her Achievements as the Executive Director of the New Jersey Pinelands Commission (See Resolution # PC4-21-18). Commissioner Lohbauer seconded the motion.

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

A number of Commissioners expressed their admiration of Ms. Wittenberg's dedication at the Commission over the last decade, which included expansion of the public education programs and construction of the interpretive center. Ms. Wittenberg spent much of her career in the public sector. Commissioners also expressed deep condolences to Ms. Wittenberg's family.

Chairman Prickett said Ms. Wittenberg will be remembered for her tenacity, her ability to assist applicants and for her intelligence.

Minutes

Chairman Prickett presented the minutes from the Commission's June 11, 2021 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Higginbotham seconded the motion.

The minutes from the June 11, 2021 Commission meeting were adopted by a vote of 11 to 0.

Election of Vice Chairman

Chairman Prickett said Commissioner Alan Avery has been nominated for Vice Chairman. There were no other nominations for Vice Chairman.

Commissioner Lohbauer moved the nomination of Alan Avery as Vice Chairman. Commissioner Pikolycky seconded the motion. All were in favor.

Vice Chairman Avery thanked Commissioners for their continued support.

Committee Reports

Chairman Prickett provided an update of the July 30, 2021 Policy & Implementation Committee meeting:

The Committee adopted the minutes of its May 28, 2021 meeting.

The Committee reviewed a final draft of the comments to be submitted to the Legislature on several forest stewardship bills.

The Committee discussed the goals drafted by staff for the Greenwood Forest Stewardship Plan.

The Committee received an update on the Commission's Electric Transmission Right-of-Way Maintenance Pilot Program.

The Committee received a presentation from the New Jersey Department of Environmental Protection (NJDEP) on the Department's draft rules related to Horizontal Directional Drilling (HDD). The Committee then continued its discussion of the CMP's utility distribution line application exemptions.

Commissioner Lohbauer provided an update of the July 14, 2021 Climate Committee meeting.

The Committee adopted the minutes of its May 19, 2021 meeting.

The Committee was joined by the New Jersey Forest Service, which delivered a presentation on Forest Carbon & Climate Information.

He noted the Committee will not meet in August. He said staff is working on an analysis of the energy consumption at the Commission's office in an effort to reduce its carbon footprint.

Chairman Prickett read an excerpt from the 1979 Pinelands Protection Act (13:18A-5. (g)) regarding the Commission's responsibility to appoint an Executive Director. He said he would like the Personnel & Budget Committee to make a recommendation on how to search for an Executive Director using a fair and transparent process to identify a qualified individual to lead the Commission. He added that today he is asking all Commissioners for feedback about the process.

Commissioner Lohbauer said he would be recusing from the discussion because he is interested in applying for the Executive Director position. (Commissioner Lohbauer was moved to a waiting room in Zoom.)

Commissioner Avery said to date there have been four Executive Directors, and all have been appointed by the Commission. He said two extensive searches have occurred in the past for the replacement of Executive Directors. He noted that he chaired one of the search committees. He said that in his August 9, 2021 memo to Commissioners, he outlined the various processes used in the past, including the previous job description and recruitment schedule. He suggested that Commissioner Lloyd be a member of the Committee rather than an alternate based on Commissioner Lohbauer's recusal. He said the Commission has a responsibility by statute to hire and appoint an Executive Director. He said the process will be fair, open and transparent.

Commissioner Lloyd said he thinks the Commission should move forward with forming a search committee. He noted that with the help of Commissioner Irick, he suggested some

changes to the job description to ensure that the best candidate is reached. He said he would like to see the job advertised and distributed extensively.

Commissioner Lloyd made an oral motion that the Commission form and appoint a search committee as outlined in Commissioner Avery's August 9, 2021 memo and to move forward with advertising the job posting for Executive Director, including any other duties the Committee needs to perform to ensure a transparent and far-reaching search. Commissioner Higginbotham seconded the motion.

Stacey Roth, the Commission's Chief of Legal and Legislative Affairs, confirmed for the Chairman that the Commission has the authority to make oral motions.

Rudy Rodas from the Governor Authorities Unit said his office would like to have some input in the search process for an Executive Director and he added that his office had not seen the memo from Commissioner Avery.

Chairman Prickett apologized for not sharing the memo and said the Governor's office will be kept apprised of the search committee's work.

Commissioner Lloyd said he amends his oral motion to include providing information related to the search committee to the Governor's Authorities Unit. Commissioner Higginbotham agreed with the amendment to the motion.

Commissioner Pikolycky suggested that someone from the Governor's office be part of the search committee or someone from the NJDEP.

Commissioner Rohan Green said the Commission needs to maintain its independence during this process.

Commissioner Pikolycky agreed.

Commissioner Lloyd said no one from the Governor's office should serve on the search committee. He said it's the Commission's responsibility to appoint an Executive Director. He said per Commissioner Avery's memo, Terry Moore should be invited to serve on the search committee as a public member.

Mr. Rodas said he would like to see the discussion put on hold until the next Commission meeting. He noted the item is not listed on the agenda.

Chairman Prickett said the Governor's Authorities Unit was made aware that the Personnel & Budget Committee Chair was going to take the lead on the search committee efforts.

Commissioner Avery said the memo that was shared with Commissioners was a summation of how the Commission conducted the past searches for an Executive Director. The memo also recommended inviting former Executive Director Terry Moore to join as a public member of the committee. He added that he agrees with Commissioner Lloyd in moving forward with making a decision on the formation of the search committee today.

Commissioner Howell, Commissioner Quinn, Commissioner Rohan Green, Commissioner Higginbotham, Commissioner Christy and Commissioner Irick all agreed that it was imperative to move forward with the search for a new Executive Director.

The oral motion passed by a vote of nine affirmative votes, one recusal (Commissioner Lohbauer) and one abstention (Commissioner Pikolycky).

Commissioner Avery said the Personnel & Budget Committee meeting originally scheduled for July was rescheduled to August 24th. He said the Fiscal Year 2019 and Fiscal Year 2020 Audits continue to progress.

Acting Executive Director's Report

Acting ED Grogan provided information on the following:

- The Governor's office notified the Commission that it has approved the Commission's request to hire new staff to fill vacant positions. The Governor's office also approved two pending promotions and salary adjustments dating back to July of 2020.
- A revised Request for Proposal (RFP) has been posted to the Commission's website for painting Fenwick Manor. Bids are due by September 8th. The Commission will award the contract by resolution.
- Staff will return to the office full time on September 7th. Public meetings and hearings must remain virtual until further guidance is issued by the Governor's office.
- Around the time Nancy Wittenberg began at the Commission, she was involved in moving the administrative functions of the Pinelands Development Credit Bank from the Department of Banking & Insurance to the Commission. It was not an easy task, but she was successful in making it happen. The Bank remains active and busy, and the price of Pinelands Development Credits (PDCs) continues to increase. A representative from the City of Nashville requested a meeting to discuss the PDC Bank program in the City's effort to explore Transfer of Development Rights (TDR) to better direct development to save a historic portion of Nashville.

Chairman Prickett noted that the Bank board has not held a meeting for quite a while.

Acting ED Grogan said it would be a challenge for the Bank board to hold a meeting because there are several vacancies and no Chairman has been designated.

Commissioner Howell said in his role as university researcher he is working on a peer-reviewed paper on the PDC program that should be completed later this year. He said he met with Acting ED Grogan and Brad Lanute and they provided important data. He added that the paper will be available publicly once it is completed.

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

- Staff are reviewing two landfill capping applications located in Pemberton Township and Woodbine Borough. Both applications propose to install solar facilities once the landfills are appropriately capped.
- A pre-application meeting was held on August 3, 2021 to discuss a proposal for approximately 11 miles of underground electric transmission cable located in Egg Harbor Township for off-shore wind turbines.
- A Certificate of Filing was issued for a 215,000 square foot cannabis cultivation warehouse in Winslow Township.

Chairman Prickett said he would like to have a discussion about electric transmission lines as they relate to off-shore wind at an upcoming P&I Committee.

Ms. Roth said the Governor recently signed a statute regarding off-shore wind and connection to the grid, which removes permitting authority from municipalities and gives it to the Board of Public Utilities (BPU). She suggested inviting someone from the BPU to participate in the discussion.

Commissioner Lohbauer asked if the underground electric transmission line application is proposing Horizontal Directional Drilling (HDD).

Director Horner said the applicant noted that they would be doing open trenching to install the electric lines. He cautioned that this was only a pre-application meeting and more details would be available later.

Ms. Roth said in April the Governor signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, which established the Cannabis Regulatory Commission (CRC). The CRC is requiring municipalities to opt in or out of permitting/siting recreational cannabis facilities within their communities by August 21, 2021. If a municipality misses the deadline, there is a default provision that automatically permits the siting of the facilities for five years. It is tough for municipalities to make these decisions when the CRC has yet to promulgate regulations. She said the Act establishes six classes of licenses: Cultivation License, Manufacturer License, Wholesaler License, Distributor License, Retailer License and Carrier License.

She said it is still unclear if growing cannabis is considered an agricultural use. She said there are many questions that remain unanswered due to the potential regulations, land use questions and the deadline for towns to adopt ordinances. She added that the Commission is limited to what is permitted in the Comprehensive Management Plan (CMP) but amendments to the CMP may be necessary to address the environmental impacts of cannabis-growing operations.

Acting ED Grogan suggested the Commission wait on discussing the matter until the CRC issues its proposed regulations. She said she hopes those rules will define what constitutes agriculture. She said many Pinelands municipalities are adopting ordinances due to the deadline, but the Commission's approval of the ordinances should wait until the CRC issues its regulations.

Commissioner Lloyd asked if Pinelands towns are aware of the deadline to adopt ordinances related to cannabis.

ED Grogan said yes, and the towns are actively adopting ordinances. She said about 35 of the 53 municipalities in the Pinelands have adopted a blanket prohibition against all classes of cannabis. Some towns are permitting certain facilities in specific zoning areas. There is a wide variety of approaches and, as of right now, there are only two municipalities that staff haven't heard from.

Paul Leakan, the Commission's Communications Officer, said the Commission recently organized and carried out two important education and outreach events. He said the fifth annual Pinelands Summer Short Course was held on July 15th, and it featured guided ecology walks, tours of historic buildings, a guided canoe trip and demonstrations of the Commission's ground penetrating radar equipment. He said the two locations, Whitesbog and Wells Mills County Park, were perfect venues and thanked the Commission's partners, Stockton University, the Whitesbog Preservation Trust and the Ocean County Department of Parks and Recreation.

He also noted that the Commission held its first-ever virtual Pinelands Orientation for Newly Elected Officials on July 27th. The event featured four presentations, which were recorded and are available for viewing on the Commission's YouTube Channel at any time. He sent the links to the presentations to nearly 1,500 recipients, and the combined video of the presentations has been viewed 165 times thus far.

Lastly, Mr. Leakan noted that the Commission is currently organizing the annual Pinelands-themed World Water Monitoring Challenge, which will be held at Batsto Lake on October 22nd.

Commissioner Howell signed off of the meeting at 11:00 a.m.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval of a public development application for a potable water treatment infiltration system at a Motor Vehicle Center in Winslow Township.

Ms. Roth said staff created separate resolutions for each public development application.

Commissioner Lloyd made a motion Approving With Conditions Application for Public Development (Application Number 1985-0434.004)(See Resolution # PC4-21-19). Commissioner Lohbauer seconded the motion.

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

Chairman introduced the next resolution. He said the applicant is proposing to use herbicide to control invasive species in a particular portion of Bass River State Forest.

Commissioner Avery made a motion Approving With Conditions Application for Public Development (Application Number 1990-0868.033). Commissioner Pikolycky seconded the motion.

Director Horner took a moment to explain the CMP regulations regarding herbicides. He said the CMP clearly states that the use of herbicides is not permitted in public or utility Rights-of-Ways (ROW). He said if an applicant is proposing to use herbicide, staff would review the application to ensure that is consistent with the wetlands, water quality and endangered species standards of the CMP. He noted there are very few applications for herbicide use in the Pinelands. He noted there is one exception in the rules related to the use of herbicides. He said the forestry rules permit the use of herbicides if certain conditions can be met.

Director Horner said 16 acres of forest were cleared to improve the visibility of the Bass River Forest fire tower several years ago. He said today the New Jersey Forest Service is interested in applying herbicide to spot treat an invasive plant species that has colonized in the vicinity (see attached slide).

Director Horner reviewed the conditions that must be met in order to use herbicides in the Pinelands (see attached slide).

Commissioner Lohbauer said he didn't recall ever approving an application to use herbicides to control invasive species. He was interested in what type of herbicide the forest service is planning to use. He said Roundup and Milestone are very potent and he is concerned about the long-lasting effects of these herbicides. He added that ten years is a long time to be applying the herbicide.

Director Horner said Branwen Ellis, Environmental Specialist, will review the several herbicides that the Forest Service could use. He noted that the Forest Service has reserved the right to use any herbicide that is authorized for forestry use.

Ms. Ellis said the Forest Service plans to use glyphosate-based herbicides to control the invasive species so the native and plantation species can grow. They plan to use the herbicide on as-needed and limited basis once the trees are successfully growing.

Commissioner Lohbauer said he doesn't agree with the use of glyphosate-based products on public lands because of its toxicity. He asked if the Forest Service considered manually removing the Japanese stiltgrass.

Ms. Ellis said the Forest Service did consider manual removal but the risk of spreading the seeds of the stiltgrass was too high and not effective.

Commissioner Lloyd said he shares Commissioner Lohbauer's concerns. He said he would like to see the Commission determine which herbicides the Forest Service use. He said he has reservations about approving a 10-year herbicide plan, because science is evolving

every day and there may be a better way to control the invasive species. He said the Forest Service created this problem by cutting the trees and he asked if the application can be put on hold. Lastly, he said he would like to see the Forest Service demonstrate that it can meet the water quality standards of the plan.

Commissioner Higginbotham said from her experience with invasive species the need to act quickly is very important.

Commissioner Irick raised concerns about the effects of the herbicide on the honey bee population and also raised concerns about the 10-year application of herbicides at the site. He asked if staff examined the site after the tree clearing occurred.

Director Horner said staff have not been to the site since the clearing but have viewed photographs. He added that the 10-year provision was added to the report for two reasons: it's typical of a forestry application and public development application approvals do not expire. He said staff can ask the Forest Service if it is amenable to a one- or two-year approach. He noted that the goal of the Forest Service is to get the invasive species under control so the saplings have a chance to grow.

Chairman Prickett asked Director Horner if he thought the Forest Service would accept waiting one month to act of the application.

Director Horner said Ms. Ellis has been in touch with the Forest Service and they have given consent to waiting to act on the application if necessary.

Commissioner Rohan Green suggested a site visit to Bass River State Forest.

Director Horner said if there is an interest to visit the site, it can be arranged. He added that the forest is public land.

DAG Miles cautioned the Commissioners not to conduct their own research on the application as there is already a record.

Ms. Roth suggested that the original motion for the application be withdrawn.

Commissioner Pikolycky made a motion to withdraw his motion for Application Number 1990-0868.033.

Commissioner Lloyd made a motion to table Application Number 1990-0868.033 to the September Commission meeting. Commissioner Lohbauer seconded the motion. The motion carried by a vote of 10 to 0.

Chairman Prickett suggested that the P&I Committee look further into the use of herbicides in the Pinelands.

Commissioner Avery said he would not make it the highest priority.

Commissioner Quinn left the meeting at 11:45 a.m.

Other Resolutions

Chairman Prickett presented a resolution to permit certain Commissioners and staff members the ability to sign Commission issued checks.

Commissioner Avery made a motion Authorizing Certain Members of the Pinelands Commission and Staff to Sign Checks (See Resolution # PC4-21-19). Commissioner Lohbauer seconded the motion.

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

Commissioner Christy left the meeting at 11:47 a.m.

Ordinances Not Requiring Commission Action

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

- Egg Harbor Township Ordinance 25-2021
- Manchester Township Ordinance 21-19
- Monroe Township Ordinances O:09-2021, O:10-2021 & O:11-2021
- Mullica Township Ordinance 7-2021
- Ocean Township Ordinances 2021-3 & 2021-4
- Weymouth Township Ordinance 579-2021

No questions were raised.

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

Chairman Prickett read the list of Public Development Applications.

Bill Zipse of the New Jersey Forest Service said he is both a forester and a licensed pesticide applicator. He said Branwen Ellis of the Commission's staff did a good job of representing the application. He said the Forest Service does not plan to spray for 10 years. He said the plan is to deploy limited amounts of herbicide and wait to see the reaction. He said there was a similar application in Greenbank in Wharton State Forest in 2014. He offered condolences on the passing of Nancy Wittenberg.

Ms. Ellis provided the application number for the Greenbank plantation application (1992-0102.006). (Note: The public development report was subsequently provided to all Commissioners.)

Jason Howell of the Pinelands Preservation Alliance provided comment on Application No. 2007-0318.001 (Oswego Road Firebreak). He said by widening this road, which is a substantial change from the current size, it will enable vehicles to drive faster, including off-road vehicles (ORVs).

General Public Comment

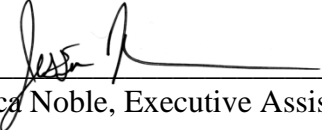
Rhyan Grech of the Pinelands Preservation Alliance (PPA) expressed condolences on the passing of Nancy Wittenberg. She commended the Public Programs staff on the Summer Short Course and the Pinelands Orientation. She said the recent IPCC climate report directly linked human activity to climate change. She encouraged the Commission to enact protections to address climate change. She also expressed support for the search committee. She raised concerns about the recent legislation that allows wind infrastructure projects to bypass municipal approval.

Jason Howell of the Pinelands Preservation Alliance (PPA) said the spreading of asphalt milling in the Pinelands is becoming a problem. The NJDEP Commissioner is undertaking a new stakeholder process for a map at Wharton State Forest. He said it is important to define what recreational uses are permitted, as opposed to focusing only on what is prohibited.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 12:15 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: August 23, 2021



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 18

TITLE: Honoring and Recognizing Nancy Wittenberg for Her Achievements as the Executive Director of the New Jersey Pinelands Commission

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, Nancy Wittenberg served as the Executive Director of the New Jersey Pinelands Commission from January 3, 2011 until her passing on June 24, 2021; and

WHEREAS, the New Jersey Pinelands Commission is a state agency that has preserved, protected and enhanced the resources of the 938,000-acre state Pinelands Area for more than 40 years; and

WHEREAS, as the Commission's Executive Director, Ms. Wittenberg oversaw the daily operations of the Commission and its staff of approximately 40 planners, environmental reviewers, scientists, educators and other professionals; and

WHEREAS, during her tenure, the Commission completed an in-depth review of the Pinelands Comprehensive Management Plan (CMP), which contains the rules that govern land-use, development and the protection of resources in the Pinelands. This included the formation of a Plan Review Committee that gathered dozens of comments from the public and provided a forum for discussing measures aimed at strengthening the CMP. It also included the issuance of a 183-page report that includes recommendations for future changes to the Plan; and

WHEREAS, during her tenure, the Commission adopted five sets of amendments to the Pinelands Comprehensive Management Plan; and

WHEREAS, during her tenure, the Commission permanently preserved approximately 8,300 acres of land in the Pinelands Area by providing grants through the Commission's Pinelands Conservation Fund; and

WHEREAS, during her tenure, the Commission formed several Committees to address important topics, such as climate change, agriculture and the process to consider Memorandums of Agreement. This also included the formation of several internal working groups that identified and enacted changes that have improved the agency's processes, communication, public reports, letters and other documents; and

WHEREAS, during her tenure, the Commission undertook several initiatives aimed at curbing the damages wrought by illegal, off-road vehicle use. This includes adopting a resolution pertaining to roads for motor vehicle use in Wharton State Forest and helping to identify ponds that are vulnerable to damages and have been protected through the installation of wooden barriers; and

WHEREAS, during her tenure, the Commission successfully completed a highly complex, 128-page report that enabled the Pinelands National Reserve to maintain its status as an International Biosphere Region, as designated by United Nations Educational, Scientific and Cultural Organization (UNESCO); and

WHEREAS, during her tenure, the Commission's staff assumed the administration of the Pinelands Development Credit Bank, which is the processing agency for one of the oldest and most successful transfer of development rights programs in the world; and

WHEREAS, during her tenure, the Commission completed and/or launched numerous scientific studies, including several ongoing research projects on rare snakes; and

WHEREAS, during her tenure, the Commission installed, dedicated and opened the Candace McKee Ashmun Pinelands Education Exhibit, which features more than 400 square feet of displays that will be

used to raise awareness and appreciation of the Pinelands for decades to come; and

WHEREAS, during her tenure, the Commission overhauled the agency’s website so that is easier to navigate and to provide the public with far greater access to Commission documents, such as resolutions, meeting minutes, development application information, and links to livestreamed Commission meetings; and

WHEREAS, during her tenure, the Commission completed an application that resulted in the successful designation of the Pine Barrens Byway as a National Scenic Byway; and

WHEREAS, during her tenure, the Commission persevered during the COVID-19 pandemic by immediately taking steps to ensure that the agency can undertake all facets of its work remotely; and

WHEREAS, the members of the Commission want to recognize Ms. Wittenberg for her significant achievements as the Executive Director and express their appreciation for her efforts in carrying out the agency’s mission to preserve, protect and enhance the resources of the Pinelands; and

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

NOW, THEREFORE BE IT RESOLVED that the members of the Pinelands Commission hereby honor and recognize Ms. Wittenberg for her achievements as the agency’s Executive Director and extend their condolences to her family, friends and colleagues.

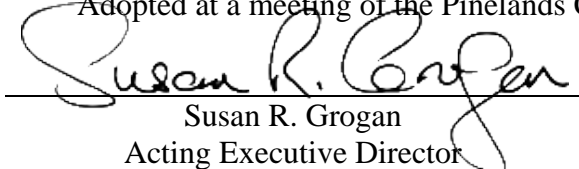
Record of Commission Votes

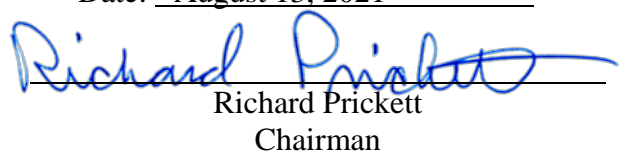
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Irick	X				Pikolycky	X			
Christy	X				Jannarone			X		Quinn	X			
Higginbotham	X				Lloyd	X				Rohan Green	X			
Howell	X				Lohbauer	X				Prickett	X			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 13, 2021


 Susan R. Grogan
 Acting Executive Director


 Richard Prickett
 Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 19

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1985-0434.004)

Commissioner Lloyd moves and Commissioner Lohbauer seconds the motion that:

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

1985-0434.004

Applicant:	New Jersey Motor Vehicle Inspection Station – Winslow
	Attn: Stephen Moorhatch
Municipality:	Winslow Township
Management Area:	Pinelands Rural Development Area
Date of Report:	June 16, 2021
Proposed Development:	Installation of a potable water treatment infiltration system at an existing New Jersey Motor Vehicle Commission inspection station

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1985-0434.004 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 13, 2021

Susan R. Grogan
Acting Executive Director

Richard Prickett
Chairman



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
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(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

June 16, 2021

Stephen Moorhatch (via email)
New Jersey Motor Vehicle Inspection Station - Winslow
550 Spring Garden Road
Hammonton, NJ 08037

Re: Application # 1985-0434.004
Block 6207, Lot 1
Winslow Township

Dear Mr. Moorhatch:

The Commission staff has completed its review of this application for installation of a potable water treatment infiltration system at an existing New Jersey Motor Vehicle Commission inspection station. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 9, 2021 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Winslow Township Planning Board (via email)
Winslow Township Construction Code Official (via email)
Winslow Township Environmental Commission (via email)
Secretary, Camden County Planning Board (via email)
Robert May (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

PUBLIC DEVELOPMENT APPLICATION REPORT

June 16, 2021

Stephen Moorhatch (via email)
New Jersey Motor Vehicle Inspection Station - Winslow
550 Spring Garden Road
Hammonton, NJ 08037

Application No.: 1985-0434.004
Block 6207, Lot 1
Winslow Township

This application proposes installation of a potable water treatment infiltration system at an existing New Jersey Motor Vehicle Commission inspection station located on the above referenced 37 acre parcel in Winslow Township.

The existing inspection station is serviced by potable water well. The applicant will be installing a new potable water treatment system within an existing building to manage pH, iron levels and odor. The water treatment system will be periodically backwashed. The applicant will be installing an underground infiltration system to contain and infiltrate the water generated during the backwash process. The underground infiltration system consists of a concrete cylinder shaped tank that is 6.5 feet wide and 3.5 feet deep.

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)

The proposed development is located in a Pinelands Rural Development Area. The proposed infiltration system will be accessory to the existing motor vehicle inspection station. The existing motor vehicle inspection station is a permitted land use in a Rural Development Area. Accessory uses to a permitted land use are also permitted in a Pinelands Rural Development Area.

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

There are wetlands located on the parcel. The proposed development will be located greater than 300 feet from wetlands.

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

The proposed development will be located within an existing maintained lawn area comprised of non-native grasses. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Re-vegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions.

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

The depth to seasonal high water table at the location of the proposed infiltration system is at least five feet.

PUBLIC COMMENT

The CMP defines the proposed development as ‘minor’ development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on May 17, 2021. The Commission’s public comment period closed on June 11, 2021. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Advanced GeoServices and dated May 20, 2019.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

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, 2021 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 20

TITLE: Authorizing Certain Members of the Pinelands Commission and Staff to Sign Checks

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission maintains a checking account at The Bank of Princeton to pay operating expenses and clear debts; and

WHEREAS, the Pinelands Commission wishes to provide authorization to sign checks to those individuals in the following positions to sign the Pinelands Commission’s checks:

- 1) Richard Prickett, Chairman;
- 2) Alan Avery, Vice Chair and Chair of the Personnel and Budget Committee;
- 3) Susan Grogan, Acting Executive Director and Director of Planning;
- 4) Charles Horner, Director of Regulatory Programs; and
- 5) Jessica Lynch, Business Manager

WHEREAS, two signatures are required for all checks written, including the signature of one of the two authorized Commission members and the signature of one of the three authorized Commission staff members; and

WHEREAS, this resolution supersedes any previous resolution of the Commission that authorized check signers by name or position title; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby authorizes the following individuals to sign checks:

- 1) Richard Prickett, Chairman;
- 2) Alan Avery, Vice Chair and Chair of the Personnel and Budget Committee;
- 3) Susan Grogan, Acting Executive Director and Director of Planning;
- 4) Charles Horner, Director of Regulatory Programs; and
- 5) Jessica Lynch, Business Manager

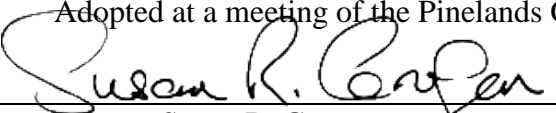
Record of Commission Votes

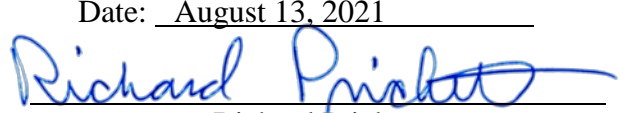
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery	X			Irick	X			Pikolycky	X		
Christy	X			Jannarone		X		Quinn	X		
Higginbotham	X			Lloyd	X			Rohan Green	X		
Howell			X	Lohbauer	X			Prickett	X		

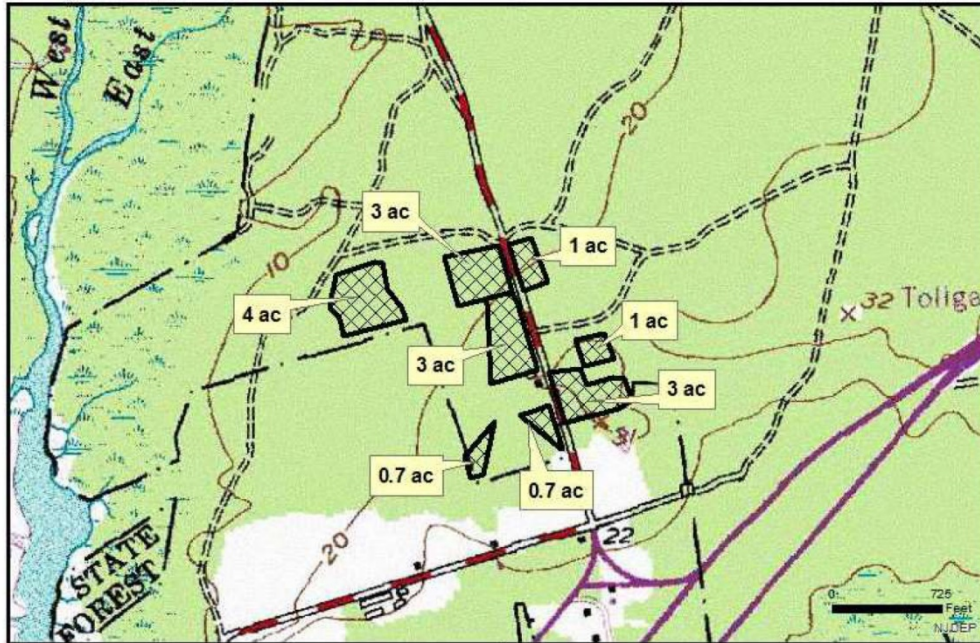
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 13, 2021


 Susan R. Grogan
 Acting Executive Director


 Richard Prickett
 Chairman



AGENCY: NJ State Forest Service
 DATE: 12/01/2020
 PARK/FOREST: Bass River SF
 STAND ID: Fire Tower Pine Plantations (Herbicide)
 COUNTY: Burlington
 TOWNSHIP: Bass River
 BLOCK/LOT: B48/L1&2, B49/L12
 ACREAGE: 16.4
 SOILS: Downer Loamy Sand,
 Woodstown Loamy Sand

RF SCALE: 1:9,600
 SCALE: 1 Inch = 800 Feet
 COUNTY: Burlington
 USGS QUAD: New Gretna



ACTIVITY DESCRIPTION:
 This herbicide treatment activity is being proposed for facilitation in the reestablishment of native tree species on the plantation footprints through the eradication/suppression of invasive species while minimizing native tree seedling suppression. Invasive species present include Japanese stiltgrass (*Microstegium vimineum*) and Japanese barberry (*Berberis thunbergii*). If herbicide application does not take place, invasive species will continue to set seed and proliferate, greatly exacerbating their spread and difficulty of control. Ultimately without treatment, the invasive species present on site will inhibit reestablishment of the stands by native tree species.



The following standards shall apply to silvicultural practices for site preparation, either before or after harvesting:

ii. Herbicide treatments shall be permitted, provided that:

(1) The proposed treatment is identified in the forestry application submitted to the Commission pursuant to N.J.A.C. 7:50-6.44(b)10;

(2) Control of competitive plant species is clearly necessary;

(3) Control of competitive plant species by other, non-chemical means is not practical;

(4) All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements



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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
SUSAN R. GROGAN
Acting Executive Director

August 18, 2021

Edwin Mulvan, Administrator (via email)
New Jersey Department of Environmental Protection
501 E. State Street, Mail Code 501-04A
PO Box 420
Trenton, NJ 08625

Re: Application # 1985-0160.013
(DPMC Project No. P1214-00)
Block 8, Lot 1
Washington Township

Dear Mr. Mulvan:

The Commission staff has completed its review of this application for installation of a 10,800 square foot geothermal well field for the heating and cooling of the Batsto Visitors Center. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting 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)

Edwin Hedger (via email)
Sarah Maurer (via email)
John Ryder (via email)



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Lt. Governor

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

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 18, 2021

Edwin Mulvan (via email)
New Jersey Department of Environmental Protection
501 E. State Street, Mail Code 501-04A
PO Box 420
Trenton, NJ 08625

Application No.: 1985-0160.013
(DPMC Project No. P1214-00)
Block 8, Lot 1
Washington Township

This application proposes the installation of a 10,800 square foot geothermal well field at the Batsto Visitors Center located on the above referenced 1,962.4 acre parcel in Washington Township. The Batsto Visitors Center is located in Wharton State Forest. The proposed “closed loop” geothermal system will replace an existing “open loop” geothermal well system to heat and cool the Batsto Visitors Center using geothermal energy.

The application proposes a “closed loop” geothermal system. The system consists of 27 wells installed to a depth of 300 feet and associated supply and return lines connected to the Batsto Visitors Center. The system will be filled with 7,000 gallons of 20% propylene glycol and 80% water. That water mixture circulates through the closed loop system to a depth of 300 feet where the average liquid temperature is 55 degrees Fahrenheit. There will be no discharge from the proposed “closed loop” system.

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. 7:50-5.22(b)8)

The proposed development is located in the Preservation Area District. Wharton State Forest pre-existed the 1981 effective date of the Comprehensive Management Plan. As an accessory use to the Batsto Visitors Center, the proposed geothermal well field is permitted in the Preservation Area District.

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

There are wetlands located on the parcel. The proposed development will be located greater than 300 feet from wetlands.

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

The proposed development will be located within an existing maintained lawn area comprised of non-native grasses. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

Based upon the existing site conditions, the location of proposed development relative to existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants and wildlife was not required.

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

A cultural resource survey was prepared for the project. It was determined that no significant cultural resources are located within the area proposed for development.

The proposed development will be located in the Batsto Historic District. The Batsto Historic District is listed on both the New Jersey Register and the National Registers of Historic Places. Based upon its listing, the Batsto Historic District is a Pinelands designated resource according to the provisions of the CMP (N.J.A.C. 7:50-6.154(a)).

The CMP (N.J.A.C. 7:50-6.156(a)2) provides that no application for development which involves a resource listed on the New Jersey Register or the National Registers of Historic Places shall be approved without first obtaining a certificate of appropriateness unless a cultural resource survey prepared for the application accomplishes the recording of the resource. For this application, the cultural resource survey accomplishes the recording of the absence of significant resources within the area proposed for development. No Certificate of Appropriateness is required for the proposed development.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced project area was completed on June 25, 2021. Newspaper public notice was completed on June 29, 2021. The application was designated as complete on the Commission's website on June 29, 2021. The Commission's public comment period closed on August 13, 2021. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of six sheets, prepared by Van-Note Harvey Associates, Inc., and dated as follows:

Sheet 1- dated March 22, 2021, revised June 2, 2021

Sheets 2-6- dated May 4, 2021, revised June 3, 2021

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

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2021 and include the following information:

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

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



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RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

August 18, 2021

Edward Mulvan (via email)
NJDEP Natural & Historic Resources
275 Freehold-Englishtown Road
Englishtown, NJ 07726

Re: Application # 1990-0868.035
Block 85, Lot 1
Bass River Township

Dear Mr. Mulvan:

The Commission staff has completed its review of this application for demolition and reconstruction of the Lake Absegami beach recreational facility. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting 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, Bass River Township Planning Board (via email)
Bass River Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Burlington County Health Department (via email)
Paul Ercolano (via email)



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RICHARD PRICKETT
 Chairman
 SUSAN R. GROGAN
 Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 18, 2021

Edward Mulvan (via email)
 NJDEP Natural & Historic Resources
 275 Freehold-Englishtown Road
 Englishtown, NJ 07726

Application No.: 1990-0868.035
 Block 85, Lot 1
 Bass River Township

This application proposes demolition and reconstruction of the Lake Absegami beach recreational facility located in Bass River State Forest on the above referenced 800 acre parcel in Bass River Township.

The recreational facility was built in 1957. The demolition of any structure 50 years old or older requires application to the Commission.

The existing recreational facility is located on a beach area adjacent to Lake Absegami. The existing 8,065 square foot recreational facility consists of two sections containing bathroom/changing facilities, storage rooms, security and life guard offices and a concession stand.

This application proposes a 6,568 square foot recreational facility consisting of two sections containing two bathroom/changing facilities, storage rooms, security and lifeguard offices and a concession stand. The application also proposes a new replacement 5,855 square foot patio and a hexagonal lifeguard station/structure. The proposed development will be located in the same area on the parcel as the existing development.

STANDARDS

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

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

The proposed development is located in the Preservation Area District. The Lake Absegami beach recreation facility pre-existed the 1981 effective date of the Comprehensive Management Plan. Its replacement with a smaller recreational facility is a permitted use in the Preservation Area District.

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

Lake Absegami, which constitutes a wetland, is located within 300 feet of the existing and proposed development. The existing development maintains a 199 foot buffer to Lake Absegami. The proposed development will be located no closer to Lake Absegami than the existing facility proposed for demolition.

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

The proposed development will be located in the same area as the existing development on the parcel. 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.

Water Quality Standard (N.J.A.C. 7:50-6.84(a)4ii)

The proposed facility will utilize an existing on-site septic system. The proposed development is replacing an existing recreational facility. The applicant has demonstrated that the proposed development on the 800 acre parcel will be consistent with the groundwater quality (septic dilution) standard of the CMP.

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

The proposed development will result in a decrease of impervious surfaces by 20 square feet. There will be no increase in the volume and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with the CMP stormwater management standard.

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

A cultural resource survey was prepared for the project. The survey determined that there were no significant cultural resources within the project area.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on August 4, 2021. The application was designated as complete on the Commission's website on August 2, 2021. The Commission's public comment period closed on August 13, 2021. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by LAN Associates and all sheets dated April 9, 2021.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. All development, including clearing and land disturbance, shall be located at least 199 feet from wetlands.

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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RICHARD PRICKETT
Chairman

SUSAN R. GROGAN
Acting Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2021 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- _____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 2015-0087.003)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

2015-0087.003

Applicant: Egg Harbor City
Municipality: Egg Harbor City
Management Area: Pinelands Town
Date of Report: August 19, 2021
Proposed Development: Construction of 1,600 linear feet of a ten foot wide pedestrian path, paving of a 16,830 square foot stone parking lot and installation of 1,124 linear feet of sidewalk

WHEREAS, the paving of a 16,830 square foot stone parking lot and installation of 1,124 linear feet of variable width sidewalk located partially on Block 957, Lot 1 and partially within the Atlantic Avenue right-of-way occurred without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, the applicant proposes to address this violation by including the concerned development in this Pinelands development application; and

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

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Acting 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 Acting 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 2015-0087.003 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Acting 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
SUSAN R. GROGAN
Acting Executive Director

August 19, 2021

Lisa Jampetti, Mayor (via email)
Egg Harbor City
500 London Avenue
Egg Harbor, NJ 08215

Re: Application # 2015-0087.003
Atlantic Avenue right-of-way
Block 957, Lot 1
Egg Harbor City

Dear Mayor Jampetti:

The Commission staff has completed its review of this application for the construction of 1,600 linear feet of a ten foot wide pedestrian path within the Atlantic Avenue right-of-way from Saint Louis Avenue to New Orleans Avenue.

This application also proposes the paving of a 16,830 square foot stone parking lot and installation of 1,124 linear feet of variable width sidewalk located partially on Block 957, Lot 1 and partially within the Atlantic Avenue right-of-way between Route 50 and Chicago Avenue. The parking lot paving and sidewalk development occurred in approximately 1995 without the completion of an application with the Commission. Block 957, Lot 1 is owned by New Jersey Transit. There is a NJ Transit train station located on Block 957, Lot 1. The Atlantic Avenue right-of-way is owned by Egg Harbor City. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address the violation.

Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting 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,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal stroke extending to the right.

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)
Ryan A. McGowan, PE, PP, CME (via email)
Anna Kropiewnicki (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
 SUSAN R. GROGAN
 Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 19, 2021

Lisa Jampetti, Mayor (via email)
 Egg Harbor City
 500 London Avenue
 Egg Harbor, NJ 08215

Application No.: 2015-0087.003
 Atlantic Avenue right-of-way
 Block 957, Lot 1
 Egg Harbor City

This application proposes the construction 1,600 linear feet of a ten foot wide pedestrian path within the Atlantic Avenue right-of-way from Saint Louis Avenue to New Orleans Avenue.

This application also proposes the paving of a 16,830 square foot stone parking lot and installation of 1,124 linear feet of variable width sidewalk located partially on Block 957, Lot 1 and partially within the Atlantic Avenue right-of-way between Route 50 and Chicago Avenue. The parking lot paving and sidewalk development occurred in approximately 1995 without the completion of an application with the Commission. Block 957, Lot 1 is owned by New Jersey Transit. There is a NJ Transit train station located on Block 957, Lot 1. The Atlantic Avenue right-of-way is owned by Egg Harbor City. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address the violation.

STANDARDS

The Commission staff has reviewed the proposed development 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 proposed development is located in the Pinelands Town of Egg Harbor City. The proposed development is a permitted land use in a Pinelands Town Management Area.

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

There are wetlands located within 300 feet of the proposed pedestrian path. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

Approximately 124 linear feet of the proposed 1,600 linear feet of pedestrian path will be located in wetlands and approximately 1,351 linear feet will be located in the required buffer to wetlands. The proposed development will result in the disturbance of approximately 1,239 square feet (0.03 acres) of wetlands.

The CMP permits the installation of linear improvements (pedestrian paths) in wetlands and the required buffer to wetlands provided certain conditions are met.

The pedestrian path will allow for safe travel of pedestrians from the surrounding residential neighborhood to the NJ Transit train station located on Block 957, Lot 1, public bus stops and surrounding residences and businesses. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in, 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 recommended below, all practical measures will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The applicant has demonstrated that the need for the proposed pedestrian path overrides the importance of protecting the wetlands.

No portion of the proposed paving of the existing 16,830 square foot stone parking lot or the 1,124 linear feet of variable width sidewalk from Route 50 to Chicago Avenue located partially on Block 957, Lot 1 and partially within the Atlantic Avenue right-of-way is located in wetlands or the required buffer to wetlands.

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

The proposed development will be located within maintained grass and disturbed areas. 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 use grass species that meet this recommendation.

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

The applicant has demonstrated that the proposed 1,600 linear feet of pedestrian path is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the applicant proposes to construct a storm water infiltration system located below the pedestrian path.

The proposed storm water infiltration system located below the pedestrian path will also retain approximately fifty percent of the volume of stormwater runoff generated by the stone parking lot that was paved and the 1,124 linear feet of sidewalk that was installed in the Atlantic Avenue right-of-way in approximately 1995 without application to the Commission. A condition is included in this report that requires any future application on Block 957, Lot 1 in Egg Harbor City or within the Atlantic Avenue right-of-way in Egg Harbor City to address the balance of the required stormwater management in a future application to the Commission.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of Block 957, Lot 1 was completed on July 19, 2021. Newspaper public notice was completed on July 22, 2021. The application was designated as complete on the Commission's website on August 3, 2021. The Commission's public comment period closed on August 13, 2021. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the following plans
 - The site plan, consisting of 12 sheets, prepared by Remington and Vernick Engineers and dated as follows:
 - Sheets 1, 5, 6, 9 & 10 - dated March 3, 2020 and revised to July 5, 2021
 - Sheets 2-4, 7, 8, 11 and 12 - dated March 3, 2020 and revised to October 29, 2020
 - The permit plan prepared by Remington and Vernick Engineers and dated July 5, 2021.
 - The wetlands plan prepared by Remington and Vernick Engineers and dated October 15, 2020.
2. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. Prior to completion of any future development application on Block 957, Lot 1 in Egg Harbor City or within the Atlantic Avenue right-of-way in Egg Harbor City, the application shall address the remaining volume of stormwater runoff generated by the paving of the stone parking lot and the 1,124 linear feet of sidewalk that was installed in the Atlantic Avenue right-of-way.

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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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

SUSAN R. GROGAN
Acting Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2021 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-_____

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1999-0082.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1999-0082.001

Applicant: Robert Boehm
Municipality: Jackson Township
Management Area: Pinelands Rural Development Area
Date of Report: August 17, 2021
Proposed Development: Single family dwelling.

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

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

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Acting 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 1999-0082.001 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Richard Prickett
Chairman



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

SUSAN R. GROGAN
Acting Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

August 17, 2021

Robert Boehm (via email)
10 Cape Court
Howell, NJ 07731

Re: Application # 1999-0082.001
Block 16601, Lot 9
Jackson Township

Dear Mr. Boehm:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling serviced by an individual on-site septic wastewater system on the above referenced 45.4 acre parcel in Jackson Township. The parcel is located in a Pinelands Rural Development Management Area and in Jackson Township's RD zoning district. In this zoning district, Jackson Township's certified land use ordinance establishes a minimum lot size of 3.8 acres to develop a single family dwelling.

A Waiver of Strict Compliance for the development of a single family dwelling on the parcel was previously approved pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.63) on February 10, 2000, September 9, 2005 and on July 11, 2014. The CMP (N.J.A.C. 7:50-4.70(c)) provides that any Waiver approved based upon N.J.A.C. 7:50-4.63 shall expire five years after the Waiver is approved by the Commission unless all necessary construction permits have been issued and other CMP specified requirements are met. Based on the submitted information, all three Waivers previously approved by the Commission have expired.

A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)). The wetland continues onto adjacent lands. Any development of the parcel would be located within 300 feet of wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands requirements contained in N.J.A.C. 7:50-6.14.

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Rural Development Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on or within 50 feet of wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 80 feet of wetlands.

The appropriate resource capability maps and other information available to the Commission staff have been reviewed.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The proposed single family dwelling will not result in a substantial impairment of the resources of the Pinelands Area as required by the CMP (N.J.A.C. 7:50-4.65(b)).

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

PUBLIC COMMENT

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on January 28, 2021. Newspaper public notice was completed on February 28, 2021. The application was designated as complete on the Commission's website on July 22, 2021. The Commission's public comment period closed on August 13, 2021. No public comments regarding this application were submitted to the Pinelands Commission.

CONCLUSION

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

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an application to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. This application is only for a Waiver from the wetlands buffer standard contained in N.J.A.C. 7:50-6. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the residential density and lot area standards of the CMP (N.J.A.C. 7:50-5.26(a) and (c)). The application proposes to develop a single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the residential density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c). The proposed single family dwelling on the 45.4 acre parcel meets the residential density and lot area standards established in this portion of the Pinelands Rural Development Area in Jackson Township's certified land use ordinances. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)lvii.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Jackson Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the RD zoning district, Jackson Township's certified land use ordinance establishes a minimum lot size of 3.8 acres to develop a single family dwelling. This application proposes to develop a single family dwelling on a 45.4 acre parcel. No municipal lot area or density variances are required to develop the proposed single family dwelling. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria listed in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. The CMP (N.J.A.C. 7:50-4.65(b)) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the application is obtaining a Waiver from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included to require the applicant to acquire and redeem the requisite 0.25 PDCs.

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by East Coast Engineering, Inc., dated October 21, 1999 and last revised March 10, 2000.
2. The septic system shall be located in an area where the seasonal high water table is at least 5 feet below the natural ground surface and in the area shown on the above referenced plan.
3. Appropriate measures shall be taken prior to construction to preclude sedimentation from entering wetlands.
4. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
5. The driveway shall be constructed of crushed stone or other permeable material.
6. The septic system shall be located at least 200 feet from all wetlands. All other development, including clearing and land disturbance, shall be located at least 80 feet from all wetlands. No development, including clearing and land disturbance, shall occur except as shown on the above referenced plan.
7. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
8. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
9. This Waiver shall expire September 10, 2026 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after September 10, 2026, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
10. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, a copy of an amended recorded deed for the parcel containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall also specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall further specify that it supersedes the prior recorded deed(s) for the parcel containing the conditions of the previously approved Waivers of Strict Compliance. The deed shall state that the conditions are enforceable by the Pinelands Commission, Jackson Township, the Ocean County Health Department, and any other party of interest.

With the above conditions, the application qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14.

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

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 3, 2021 and include the following information:

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

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

Recommended for Approval by:



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

- c: Secretary, Jackson Township Planning Board (via email)
 Jackson Township Construction Code Official (via email)
 Jackson Township Environmental Commission (via email)
 Secretary, Ocean County Planning Board (via email)
 Ocean County Health Department (via email)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-_____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1990-0868.033)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1990-0868.033

Applicant:	NJDEP
Municipality:	Bass River Township
Management Area:	Pinelands Village Pinelands Preservation Area District Pinelands Rural Development Area
Date of Report:	June 17, 2021
Proposed Development:	Spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower.

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

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Acting 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 Acting 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 1990-0868.033 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting 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

June 17, 2021

John Sacco, State Forester (via email)
New Jersey Department of Environmental Protection, Division of Parks and Forestry
501 East State St.
PO Box 420
Trenton, NJ 08625

Re: Application # 1990-0868.033
Block 48, Lots 1 & 2
Block 49, Lot 12
Bass River Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 9, 2021 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting 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, Bass River Township Planning Board (via email)
Bass River Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Todd Wyckoff (via email)

William Zipse, Supervising Forester (via email)
Samantha Hensen, Assistant Regional Forester (via email)
Courtney Compton, Assistant Regional Forester (via email)



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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 17, 2021

John Sacco (via email)

New Jersey Department of Environmental Protection, Division of Parks and Forestry
501 East State St.
PO Box 420
Trenton, NJ 08625

Application No.: 1990-0868.033
Block 48, Lots 1 & 2
Block 49, Lot 12
Bass River Township

This application proposes spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower on the above referenced 435.3 acre parcel in Bass River Township. The purpose of the proposed herbiciding is to facilitate natural regeneration of historic tree plantations, including native and previous plantation trees.

On April 12, 2019, the Commission approved the clearing of 16.4 acres of trees to restore visibility in all directions from the existing Bass River State Forest fire observation tower (App. No. 1990-0868.031).

The applicant has identified two invasive plant species, Japanese stiltgrass and Japanese barberry, within portions of the 16.4 acre cleared area. This application proposes spot treatment of herbicide to facilitate regeneration of the historic tree plantations by suppressing these invasive plant species. A pre-emergent and post-emergent herbicide application and foliar/basal bark herbicide application will occur using a utility terrain vehicle, backpack sprayers or handheld sprayers. The same herbicide treatments will be applied each year, for a maximum of 10 years, or until the invasive plant species have been eliminated and tree seedlings become established.

STANDARDS

The Commission staff has reviewed the proposed application of herbicide 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. 7:50-5.22(b))

The 435.3 acre parcel is located partially in the Pinelands Preservation Area District (405.2 acres),

partially in a Pinelands Rural Development Area (18.8 acres) and partially in a Pinelands Village (11.3 acres).

The 16.4 acres proposed for spot treatment of herbicide are located in the Pinelands Preservation Area District portion of the parcel. The existing Bass River State Forest fire observation tower is also located in the Pinelands Preservation Area District. The proposed spot application of herbicide is permitted in the Pinelands Preservation Area District as a silvicultural practice for site preparation.

Forestry (N.J.A.C. 7:50-6.41)

The CMP permits herbicide treatment as a silvicultural practice for site preparation provided the following five conditions are met:

1. Condition One: The proposed treatment is identified in an application submitted to the Pinelands Commission. The submitted Pinelands application identifies the proposed herbicide treatment.
2. Condition Two: Control of competitive plant species is clearly necessary. The applicant represents that Japanese stiltgrass is a fast growing invasive annual grass species and Japanese barberry is an invasive shrub species and that both species inhibit natural plant community structure and germination.
3. Condition Three: Control of competitive plant species by other non-chemical means is not practical. The applicant represents that non-chemical means are not practical considering the amount of Japanese stiltgrass on the 16.4 acres and mowing is not a viable means of controlling Japanese barberry because it will severely damage the natural regeneration of tree seedlings and can lead to re-sprouting and significant spread of the concerned competitive plant species.
4. Condition Four: All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements. The applicant represents that all herbicides will adhere to the label, as pesticide labels constitute legal documents that include rates of application, time of year for deployment, in certain instances, and proper weather and site conditions for application.
5. Condition Five: In Pine-Shrub Oak Native Forest Types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment. The proposed herbicide treatments will not occur in a Pine-Shrub Oak Native Forest Type.

The applicant has demonstrated that the five conditions to permit the use of herbicide for silvicultural site preparation will be met.

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

Available information identifies known sightings of threatened and endangered (T&E) animal and plant

species in the vicinity of the proposed herbiciding. The Commission staff reviewed the proposed herbiciding to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

The T&E animal species of concern are Barred owl, Northern pine snake and Timber rattlesnake. Based upon the existing cleared habitat and available contiguous State owned lands, the proposed spot treatment of herbicide is designed to avoid an irreversible adverse impact on habitat that is critical to the survival of any local populations of T&E animal species.

As part of Commission approval of the application (App. No. 1990-0868.031) for the clearing of 16.4 acres of trees to restore visibility in all directions from the existing Bass River State Forest fire observation tower, the applicant was required to conduct a visual survey in the area proposed for tree clearing to avoid potential irreversible adverse impact to any local population of Broom crowberry, a CMP designated T&E plant species. The applicant conducted the visual survey and concluded that Broom crowberry was not present in the area proposed for tree clearing. Prior to the proposed spot treatment of herbicide, the applicant proposes to conduct another visual survey for Broom crowberry. If Broom crowberry is identified, the applicant proposes to buffer any such area from the spot application of herbicide and to temporarily place a tarp over the plant(s) during spraying. The proposed spot treatment of herbicide is designed to avoid irreversible adverse impacts on the survival of any local populations of T&E plant species.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on April 10, 2021. Newspaper public notice was completed on April 9, 2021. The application was designated as complete on the Commission's website on June 1, 2021. The Commission's public comment period closed on June 11, 2021. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. The proposed activities shall adhere to the "Proposal For Silvicultural Activity On State Forest And Park Lands, New Jersey Forestry Services, dated February 2, 2021.
2. Prior to any herbiciding, the applicant shall obtain any other necessary permits and approvals.
3. In accordance with the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.45), this approval authorizing herbiciding in association with a silvicultural operation shall expire in 10 years on July 9, 2031.
4. To avoid irreversible adverse impacts on any local population of Broom Crowberry that may be present, NJDEP shall conduct a visual survey of the 16.4 acres for Broom crowberry prior to any spot treatment of herbicide. If the visual survey identifies Broom Crowberry, the applicant shall install a temporary protective barrier around any identified plant(s) and a temporary plastic covering during spot application of herbicide to avoid irreversible adverse impacts on the survival of any local population of Broom Crowberry.

CONCLUSION

As the proposed herbiciding 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 herbiciding subject to the above conditions.



State of New Jersey

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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 the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 6, 2021 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-_____

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2022 Budgets for the Operating Fund, Katie Trust Fund and the Pinelands Conservation Fund

Commissioner _____ moves and Commissioner _____
seconds the motion that:

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

WHEREAS, the State of New Jersey has appropriated \$3,249,000 to support the Commission's operations during Fiscal Year 2022; and

WHEREAS, the Department of the Treasury has informed the Commission that \$687,000 (36%) of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY 2022; and

WHEREAS, the Commission anticipates that additional funding sources of \$1,325,070 will be available to further support the Commission's operations; and

WHEREAS, in support of Commission Resolution PC4-20-37, which called for the examination of the Commission's facilities and identification of changes to mitigate greenhouse gas emissions to the greatest extent feasible, the Operating Budget includes a total of \$60,000 in funding for energy efficiency improvements at the Commission's offices and the installation of an electric vehicle charging station; and

WHEREAS, in order to accomplish these and other important initiatives and to continue to carry out the Commission's regulatory responsibilities, the FY 2022 Operating Budget anticipates a \$705,132 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Operating Budget for FY 2022 totals \$5,966,202; and

WHEREAS, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and

WHEREAS, the Katie Trust Fund Budget for FY 2022 anticipates expenditures of \$20,000, which will be drawn from the Fund Balance and used for redesign of the existing Katie Garden and installation of one or more rain gardens on the Commission's property; and

WHEREAS, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005 and last revised in August 2014; and

WHEREAS, the FY 2022 budget for the Land Acquisition program totals \$30,600; and

WHEREAS, the FY 2022 budget for the Conservation Planning and Research program totals \$695,027; and

WHEREAS, the FY 2022 budget for the Community Planning and Design program totals \$175,655; and

WHEREAS, the FY 2022 budget for the Education and Outreach program totals \$142,350; and

WHEREAS, the total FY 2022 budget for the Pinelands Conservation Fund is \$1,043,632; and

WHEREAS, the Commission’s Personnel & Budget Committee has reviewed the FY 2022 budgets for the Operating Fund, Katie Trust Fund and Pinelands Conservation Fund and has recommended their adoption by the Commission; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts the attached Fiscal Year 2022 Budgets for the Operating Fund totaling \$5,966,202, the Katie Trust Fund totaling \$20,000 and the Pinelands Conservation Fund totaling \$1,043,632.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to submit an application to the New Jersey Board of Public Utilities for a Local Government Energy Audit of the Commission’s offices, the results of which shall be used to identify energy efficiency measures that may be implemented and fund in accordance with the Commission’s adopted FY2022 budgets.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Acting Executive Director

 Richard Prickett
 Chairman

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2022 BUDGET**

Revenue	FY 2019 Unaudited	FY 2020 Unaudited	FY 2021 Unaudited	FY 2022 Anticipated	Notes
Katie Trust Fund Balance Anticipated	15,000	15,000	15,000	20,000	1
Total Reserve Anticipated	15,000	15,000	15,000	20,000	

Expenditure Account	FY 2019 Unaudited	FY 2020 Unaudited	FY 2021 Unaudited	FY 2022 Anticipated	Notes
Rain Garden Supplies, Labor & Specimens	-	-	-	20,000	2
	-	-	-	20,000	
Ground Supplies					
Plants & Fencing	4,000	4,000	4,000	-	
Total Supplies	4,000	4,000	4,000	-	
Services					
Professional Services	10,000	10,000	10,000	-	
Total Services	10,000	10,000	10,000	-	
Improvements & Acquisitions					
Acquisitions - Furniture	1,000	1,000	1,000	-	
Total Improvements & Acquisitions	1,000	1,000	1,000	-	
Total Expenditures	15,000	15,000	15,000	20,000	

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2022 BUDGET NOTES
August 23, 2021**

1. This is the anticipated Fund Balance needed to complete redesign and conversion of the Katie Garden into a native plant garden that serves as an extension of the Visitors Center.
2. Staff are currently researching the cost of installation for one or more rain gardens on the Commission's property. The available funding will cover the cost of design, materials, labor and plant specimens to fill the garden.

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2022 BUDGET**

Revenue Source	FY2019 Unaudited	FY2020 Unaudited	FY2021 Unaudited	FY2022 Anticipated	Notes
Interest Income - Land Acquisition	6,000	15,000	1,640	1,050	1
Interest Income - Conservation Planning & Research	25,000	47,255	3,200	1,800	1
Interest Income - Community Planning & Design	10,000	34,000	1,600	900	1
Interest Income - Education & Outreach	8,000	22,000	620	1,100	1
SJTA - MOA	0	500,000	500,000	500,000	2
Total Revenue	49,000	618,255	507,060	504,850	
Cancellation of Prior Year Encumbrances	0	0	0	0	
Reserves for Pinelands Conservation Activities	814,397	0	323,556	538,782	
Total Revenue/Other Sources Anticipated	863,397	618,255	830,616	1,043,632	

Expenditure Account	FY2019 Unaudited	FY2020 Unaudited	FY2021 Unaudited	FY2022 Anticipated	Notes
<u>Land Acquisition</u>					
Salaries & Wages	5,000	5,750	16,800	20,000	
Fringe Benefits	2,550	2,875	7,896	10,600	
Information Processing	0	0	0	0	
Land Acquisition	276,457	0	0	0	
Administrative Assessment	0	0	0	0	3
Total Land Acquisition Expenditures	284,007	8,625	24,696	30,600	4

Conservation Planning and Research

Salaries & Wages	157,000	207,133	232,346	363,812	
Fringe Benefits	80,070	103,566	109,203	192,820	
Printing & Office Supplies	0	0	0	0	
Other Supplies		17,872	15,125	15,500	
Travel	1,702	2,227	3,100	5,421	
Information Processing	5,538	728	1,410	500	
Technical Services	70,000		5,300	5,300	
Professional Services			90,868	88,199	
Other Services	300	200	100	75	
Acquisitions - Equipment			3,000	3,400	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Conservation Planning/Research Expenditures	334,610	351,726	480,452	695,027	5

Community Planning and Design

Salaries & Wages	62,000	85,000	129,000	101,000	
Fringe Benefits	31,620	42,500	60,630	53,530	
Printing & Office Supplies	385	500	100	100	
Travel	154	54	0	0	
Postage	250	500	500	500	
Information Processing	500	500	618	250	
Other Services	200	550	300	275	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Community Planning/Design Expenditures	115,109	149,604	211,148	175,655	6

Education and Outreach

Salaries & Wages	45,000	55,000	60,000	75,000	
Fringe Benefits	22,950	27,500	28,200	39,750	
Printing & Office Supplies	500	500	0	0	
Travel	0	0	100	100	
Other Supplies	900	500	1,320	1,600	
Other Services	40,321	4,800	4,700	5,000	
Acquisitions - Equipment				900	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Education and Outreach	129,671	108,300	114,320	142,350	7

Total Expenditures	863,397	618,255	830,616	1,043,632	
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PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2022 BUDGET NOTES
August 23, 2021

1. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in four separate cash accounts, one for each program of the Fund. The FY 2022 estimated interest income totals only \$4,850 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects. This amount is a drastic decrease from the last few years due to the Federal Bank Reserve cutting interest rates on March 15, 2020 due to the Covid-19 pandemic. The FED has imposed emergency interest rates.
2. This revenue results from the SJTA MOA amendment executed in April of 2019, under which SJTA is required to contribute a total of \$3,000,000 for land acquisition in the Pinelands Area. The Pinelands Commission will receive six annual payments of \$500,000.00.
3. The financial plan that designated the three original programs within the Fund (Land Acquisition, Conservation Planning & Research and Community Planning & Design) was approved by the Commission in April 2005 and includes a \$20,000 annual assessment from each program to cover administrative expenses as described in Operating Budget note # 10. The Commission amended the PCF policies in 2014 to include a fourth program, Education & Outreach, from which a \$20,000 annual administrative assessment is also drawn. FY 2022 will continue to see the removal of the annual assessment from the Land Acquisition program.
4. The Land Acquisition program budget for FY 2022 totals \$30,600. Personnel costs (salaries/wages and fringe benefits) are estimated at \$30,600 in support of the Commission's permanent land protection initiatives.
5. The Conservation Planning and Research program budget for FY 2022 totals \$695,027. Personnel costs (salaries/wages and fringe benefits) are estimated at \$556,632 to support the following initiatives and special projects: implementation of the rapid landfill assessment; implementation of the alternate septic system pilot program (including introduction of new technologies and municipal adoption of implementing ordinances); adoption and implementation of water supply and water conservation standards for the Kirkwood/Cohansey aquifer; and evaluation and adoption of CMP amendments related to the Electric Transmission Line Right of Way Pilot Program. In addition to Planning projects, the Science Office is continuing to conduct Corn Snake and King Snake (partnered with EPA and Herpetological Associates) research. In FY22, the Science Office's research related to box turtles will also be funded from this account. Miscellaneous expenses (supplies, training, travel and legal advertisements) supporting

the program total \$18,900. Professional Services for both Snake Studies total \$88,199. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

6. The Community Planning and Design program budget for FY 2022 totals \$175,655. Personnel costs (salaries/wages and fringe benefits) are estimated at \$154,530 to support the following initiatives and special projects: review and proposal of amendments to the Forest and Rural Development Area clustering rules; review and proposal of amendments to the Commission's solar energy facility rules; preparation of updated PDC supply and demand estimates, administrative responsibilities supporting the Pinelands Development Credit Bank and administration of the Pinelands Infrastructure Trust Fund. Miscellaneous expenses (software, postage, printing, supplies, meeting expenses and legal advertisements) supporting the program equal \$1,125. Rounding out the budget is the \$20,000 administrative assessment mentioned above.
7. The Education and Outreach program budget for FY 2022 totals \$142,350. Personnel costs (salaries/wages and fringe benefits) are estimated at \$114,750 to support the two annual Pinelands Short Courses, the World Water Monitoring Challenge and other Outreach programs. Also included is \$4,800 for supplies related to the Exhibit Center. Miscellaneous expenses (supplies and mileage) supporting the program equal \$2,800. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2022**

Revenue Source	FY2019 Unaudited	FY2020 Unaudited	FY2021 Unaudited	FY2022 Anticipated	Notes
State Appropriation	2,799,000	2,949,000	3,099,000	3,249,000	1
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	200	40	0	0	
Interest Income	25,000	50,000	4,000	4,000	3
CCMUA Hydrologic Monitoring	10,330	0	0	0	
NPS - Long Term Environmental Monitoring	313,271	192,000	144,000	155,400	4
NPS - Long Term Economic Monitoring	326,058	191,000	156,000	142,600	4
Drexel - DWRP	322,003	0	0	0	
EPA - Micro	140,379	100,000	125,000	95,000	
EPA - Kingsnake	0	0	160,000	225,000	
Stockton College MOA	20,000	0	0	0	
Wetlands Permitting	10,000	4,000	1,000	1,000	5
Pinelands Application Fees	430,000	690,000	380,000	500,000	6
Utility Companies ROW Program	59,200	0	0	0	
TOTAL REVENUE	5,142,441	4,863,040	4,756,000	5,059,000	
Microfilm Reserve Anticipated	3,650	3,650	3,650	3,650	7
Computer Reserve Anticipated	18,420	18,420	18,420	18,420	8
Fenwick Manor Painting Reserve Anticipated	120,000	120,000	120,000	120,000	9
Administrative Assessment (Pnlds. Conserv. Fund)	60,000	60,000	60,000	60,000	10
Undesignated Fund Balance Anticipated	570,563	849,964	957,004	705,132	11
TOTAL OTHER INCREASES	772,633	1,052,034	1,159,074	907,202	
TOTAL REVENUE AND OTHER INCREASES	5,915,074	5,915,074	5,915,074	5,966,202	

**PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2022**

Expenditure Account	FY2019 Unaudited	FY2020 Unaudited	FY2021 Unaudited	FY2022 Anticipated	Notes
PERSONNEL					
Salaries & Wages	3,031,731	3,094,758	3,050,972	3,021,984	12
Fringe Benefits	1,808,212	1,822,822	1,904,593	1,910,905	13, 34
TOTAL PERSONNEL	4,839,943	4,917,580	4,955,565	4,932,889	
SUPPLIES					
Printing & Office Supplies	31,860	28,705	35,275	26,420	14
Vehicular Supplies	5,750	7,525	6,900	10,900	15
Household Supplies	8,900	9,300	10,800	10,400	16
Fuel & Utilities	42,350	43,000	42,500	42,500	17
Other Supplies	16,599	14,503	33,309	41,492	18
TOTAL SUPPLIES	105,459	103,033	128,784	131,712	
SERVICES					
Travel	11,500	6,350	4,445	5,925	19
Telephone	36,325	36,800	40,500	45,120	20
Postage	7,150	6,150	3,650	2,175	21
Insurance	58,200	61,225	55,136	59,225	22, 34
Information Processing	77,410	77,325	85,082	108,861	23
Household Services	2,400	2,600	2,600	2,600	24
Professional Services	630,582	541,333	485,652	462,728	25, 34
Other Services	31,526	30,558	24,901	35,717	26
TOTAL SERVICES	855,093	762,341	701,966	722,351	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	42,500	46,500	47,000	94,000	27
Maintenance - Equipment	27,050	21,250	21,850	21,350	28
Maintenance - Vehicular	5,750	5,720	6,720	6,720	29
Rent - Other	6,750	8,050	8,050	10,550	30
TOTAL MAINTENANCE & RENT	82,050	81,520	83,620	132,620	
IMPROVEMENTS & ACQUISITIONS					
Acquisitions - Equipment	10,528	28,600	20,730	10,130	31
Acquisitions - Information Processing Equipment	22,000	22,000	24,408	36,500	32
TOTAL IMPROVEMENTS & ACQUISITIONS	32,528	50,600	45,138	46,630	
TOTAL EXPENDITURES	5,915,074	5,915,074	5,915,074	5,966,202	33

PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2022 NOTES
August 26, 2021

1. The Governor's budget includes a FY 2022 State Appropriation to the Commission in the amount of \$3,249,000.
2. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury has agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$838,218 in FY 2012, \$837,927 in FY 2013, \$844,809 in FY 2014 and \$840,455 in FY 2015 but was only approved to receive \$687,000. In FY 2016, only \$687,000 was received and this amount was consistent for FY 2017 through FY 2022.
3. Interest Income is earned in the Commission's checking account and the cash management fund designated for general use. Interest income for the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have fluctuated in recent years and have greatly affected interest income over several years. FY 2022 will continue to see a drastic decrease from the last few years due to the Federal Bank Reserve cutting interest rates on March 15, 2020 due to the Covid-19 pandemic.
4. The Commission is entering its 27th year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year and unspent funds from prior years, which are reimbursed in full.
5. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.
6. Application Fees of \$500,000 are anticipated to be received during FY 2022, based on an average of the past five years of application fee revenue. This important component of the Commission's Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.
7. The \$3,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long-term records management project.

8. The FY 2022 anticipated revenue from the Computer Reserve estimated at \$18,420 for Replacement Computers and Replacement Printers.

9. The Fenwick Manor Painting Reserve was established in FY2015 to earmark funds for the future painting of Fenwick Manor. Funds were added annually as follows: \$40,000 in FY 2015; \$40,000 in FY 2016; \$20,000 in FY 2017 and \$20,000 in FY 2018. The Project will be moving forward during FY 2022.

10. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund. Included in the plan is an annual assessment of \$20,000 from each of the three programs (see Pinelands Conservation Fund budget note #3). This \$60,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.

11. The projected amount needed from the Undesignated Fund Balance to balance the FY2022 budget deficit is \$705,132.

12. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 23 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2022 salaries and wages budgets (Operating and Pinelands Conservation Fund) finance only 44 of the 66 authorized full time equivalent positions.

13. The fringe benefits budget includes expenditures for the employer's share of Social Security (\$200,000), Medicare (\$55,000), disability insurance (\$2,000), flexible savings accounts (\$1,500) and miscellaneous administrative charges (\$1,000). The employer liability of pension related funds is estimated at \$550,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,328,000 with a \$160,000 reduction for coinsurance payments from staff members. Also included is \$18,000 for dental insurance premiums and \$900 for participation in the Employee Advisory Service. Lastly, \$296,700 of the total fringe benefits budget is projected to be funded by the Pinelands Conservation Fund as shown in those budgets.

Upon Commission approval of the FY 2022 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$255,000.

14. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and service awards. Grant-related expenses account for \$6,820 of this budget.

15. The majority of the vehicular supplies budget covers gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits. In FY

2010, the Commission's fleet was reduced from seven to five vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

16. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$2,000 and other operating supplies.

17. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer.

18. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 98 %) of this account, totaling \$40,542 for FY 2022.

19. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances. The majority of the travel budget is used to reimburse Commissioners for business mileage and tolls.

20. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges.

21. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically including public outreach.

22. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers and the umbrella liability policy. Through the years, the Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commission's buildings under the States property insurance.

Upon Commission approval of the FY 2022 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$59,225 to cover the Commission's insurance premiums.

23. The FY 2022 budget for information processing includes \$89,451 for software maintenance agreements and data purchases, \$6,000 for payroll processing, \$3,000 for database administration services and \$1,000 for online legal services and \$1,000 for hardware maintenance. Over \$8,410 of this budget is reimbursable through grants or special revenue.

24. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.

25. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$75,000 for legal fees associated with DAG services and \$150,000 for labor counsel. Grant related technical services totaling \$182,216

are budgeted. The Commission will be applying to BPU for a “No Cost” State Energy Audit; \$20,000 in funding has been allocated to implement any recommendations made as part of that audit that the Commission determines are feasible and appropriate.

26. Expenditures in the other services budget include annual subscriptions (\$2,300), required memberships and professional licenses (\$5,380), and meeting expenses (\$1,500); advertising (\$7,350), research related fees (\$1,387), training (\$16,600), and banking fees (\$1,200).

27. The maintenance buildings and grounds budget for FY 2022 includes an estimated cost for implementation of Energy Efficiency measures and installation of an Electric Vehicle Charging Station (the cost of which may be partially offset by grant funding). The remaining amount is available for minor maintenance services (plumbing, electrical, HVAC, Tree Trimming, etc.).

28. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment.

29. The maintenance vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work not performed by the Commission’s Maintenance Technician.

30. Since FY 2011, several changes in the rent other budgets have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. The FY 2022 budget includes \$500 for the postage meter, \$7,200 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$250 for the safe deposit box. Leasing of a Large Format Scanner for \$2,500 per year is also included to facilitate scanning and saving of site plans and zoning maps.

31. The acquisitions - equipment budget contains \$8,130 for scientific equipment supporting grant related projects and \$2,000 for unanticipated telephone system expenses.

32. The acquisitions - information processing equipment budget includes the replacement of Servers and funding to begin upgrading of the TDM Room AV equipment in anticipation of the need to accommodate remote participation in public meetings.

33. The total estimated Operating Budget expenditures for FY 2022 equal \$5,966,202. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund and the Pinelands Conservation Fund do not exceed \$3,581,796.

34. Several expenditure account budgets include funding for various services and benefits that are reimbursed to the State of New Jersey and are over the Executive Director’s authorized contracting

limit of \$44,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

Upon Commission approval of the FY 2022 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.



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RICHARD PRICKETT
 Chairman
 SUSAN R. GROGAN
 Acting Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Brad Lanute 
 Planning Specialist

Date: August 31, 2021

Subject: No Substantial Issue Findings

During the past month, the Planning Office reviewed twelve ordinance amendments and one master plan amendment that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP). They included the following:

Barnegat Township Ordinance 2021-12 – amends Chapter 55 (Land Use) of the Township Code to amend various fence standards and to apply the existing definition of “Lot, Corner” to areas east of the Parkway, which is outside of the state-designated Pinelands Area, but within the Pinelands National Reserve (PNR). In 2013, the Pinelands Commission certified the Township’s land development regulations and zoning plan for the PNR portion of the Township.

Buena Vista Township Ordinance 101-2021 - amends Chapter 115 (Development Regulations) of the Township Code to permit on-site electronic message center signs at schools, churches, hospitals, and similar public service institutions in various zones within the Pinelands Area.

Egg Harbor Township Ordinance 28-2021 – amends Chapter 225 (Zoning) of the Township Code to provide fencing standards for public utility facilities.

Egg Harbor Township Ordinance 31-2021- amends Chapter 225 (Zoning) of the Township Code to permit all licensed cannabis business classes as conditional uses within the M-1 Light Industrial District and the GC General Commercial District. The ordinance also permits licensed cannabis business classes 5 and 6 (retail and delivery) in the HB Highway Business District. The ordinance provides applicable conditional use standards related to siting requirements, building design, odor and noise mitigation, security, and off-street parking. The GC, HB, and M-1 districts are non-residential districts located within a Pinelands Regional Growth Area.

Lakehurst Borough Ordinance 2021-04 - amends Chapter XXV (Land Development) of the Borough Code to repeal Section 25-27.41, Storm Drainage, which provides engineering standards for stormwater inlets and pipe conveyances.

Lakehurst Borough Ordinance 2021-06 - amends Chapter XXV (Land Development) of the Borough Code to establish Section 25-32, Marijuana Operations, which permits retail cannabis establishments (Class 5) in the Downtown Business (B-1) and the Highway Commercial (B-2) zones. The ordinance also permits cannabis cultivation, manufacture, wholesale, and distribution (Classes 1-4) within the Light Industrial (LI) Zone. The ordinance limits the number of such uses to one licensee within any given zone, and within the LI Zone, a single entity may combine two or more of the licensed classes permitted in that zone. The ordinance includes additional provisions related to municipal licensing procedures, fees, and taxes. The B-1, B-2, and LI zones are located within a Pinelands Town management area.

Lakehurst Borough Ordinance 2021-08 - amends Chapter XXV (Land Development) of the Borough Code to reestablish a revised Section 25-27.48, Water Quality. The entirety of Section 25-27.48 was inadvertently repealed by Ordinance 2021-04. Ordinance 2021-08 repeals only the stormwater management provisions that predated the CMP's 2006 stormwater rules and were subsequently superseded by Ordinance 09-09 and codified elsewhere in the Borough's code.

Monroe Township Ordinance O:08-2021 - amends Chapter 175 (Land Management) of the Township Code to provide that existing Township-wide standards for the storage of recreational vehicles and boats on single-family properties also apply to the storage of non-commercial utility trailers. It also increases the maximum number of such vehicles and trailers that can be stored outdoors on single-family properties from one to two.

Monroe Township Planning Board Resolution 25-2021 – amends the Township's 2012 Master Plan Reexamination Report and Land Use Element to recommend the creation of two overlay zones that delineate areas of the Township where cannabis cultivators, manufacturers, wholesalers, and distributors are permitted to be located as well as where cannabis retailers and deliverers are permitted to be located. The amendment includes the CCMWD and CR&D Overlay Zone Map, which provides recommended boundaries for these two overlay zones. The amendment also recommends additional standards for these uses related to, among other things, setbacks, buildings, landscaping, signage, and site plan approval.

Monroe Township Ordinance O:12-2021 - amends Chapter 175 (Land Management) of the Township Code to implement the recommendations of the Master Plan amendment (PB Res. 25-2021). The ordinance establishes Section 175-163.4, Cannabis, to permit cannabis cultivators, manufacturers, wholesalers, distributors, retailers and deliverers in specified areas of the Township and to provide applicable development regulations for such uses. The ordinance establishes two overlay zones indicated on the CCMWD and CR&D Overlay Zone Map. The CCMWD Overlay Zone delineates areas of the Township where cannabis cultivators, manufacturers, wholesalers, and distributors are permitted to be located and includes portions of the following Pinelands Area zones: RG-40, RG-C, RG-LI, and RG-TC. The CR&D Overlay Zone delineates areas of the Township where cannabis retailers and deliverers are permitted to be located and includes portions of the following Pinelands Area zones: FD-10, RD-C, RG-40, RG-C, RG-LI, RG-MU, and RG-TC as well as the Williamstown Square Redevelopment Area and the Acme Redevelopment Area. The RG-40, RG-C, RG-LI, RG-MU, RG-TC zones as well as the Acme Redevelopment and Williamstown Square Redevelopment Areas are located within a Regional Growth Area. The RD-C Zone is located within a Rural Development Area and the FD-10 Zone is located within a Forest Area.

Mullica Township Ordinance 9-2021 - establishes Appendix A262 of the Township Code authorizing Cross River Fiber, LLC and its successors a nonexclusive municipal consent to public rights-of-way to install fiber optic communication equipment to existing utility poles. Cross River Fiber, LLC is authorized to construct replacement poles that are of a size and type equal to the poles being replaced. Pole replacements are not permitted to exceed the height of the existing pole, and Cross River Fiber, LLC is required to obtain any applicable permits that may be required by the municipality and the Pinelands Commission.

Southampton Township Ordinance 2021-09 – adopts a Redevelopment Plan for the BEMS Landfill Non-Condensation Redevelopment Area. This redevelopment area consists of five contiguous lots approximating 106 acres at the site of a former industrial and municipal solid waste landfill. The landfill has since been closed and capped in accordance with the CMP. Three lots are located in the Rural Development (RD) Zone and two lots are located in the Forest B (FB) Zone. The RD Zone is located within a Pinelands Rural Development Area, while the FB Zone is located within a Pinelands Forest Area. The purpose of the redevelopment plan is to enable the development of a solar energy facility on the portion of tract located within the RD Zone. To that end, the redevelopment plan permits: solar energy facilities; battery storage power stations and battery storage facilities; site remediation activities; and landfill maintenance activities. The redevelopment plan limits solar energy facilities to the RD portion of lot. The plan states that Chapter 12 (Land Development), Chapter 19 (Pinelands Development), and Chapter 21 (Waste Disposal/Pollution Control/Stormwater Management) of the Township Code will continue to apply except as modified by Redevelopment Plan. It also states that any development that occurs in the redevelopment area must comply with the minimum environmental standards of the Pinelands CMP.

Woodbine Borough Ordinance 596-2021 – amends Chapter 26 (Zoning) of the Borough Code to permit medical cannabis cultivators, medical cannabis manufacturers as well as cannabis cultivators, manufacturers, wholesalers, and distributors in both the Light Industrial/Manufacturing District. The ordinance also provides affiliated building, parking, screening, fencing, and landscaping standards. The Light Industrial/Manufacturing Zone is located within a Pinelands Town management area.