



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-22- 38**

**TITLE:** Designating the James J. Florio Pinelands Library at the New Jersey Pinelands Commission's Headquarters

**Commissioner Lohbauer moves and Commissioner Lloyd seconds the motion that:**

**WHEREAS**, Governor James J. Florio passed away on September 25, 2022, and his life of public service and extraordinary vision, wisdom and determination to protect the environment has benefited and will continue to benefit future generations of New Jerseyans; and

**WHEREAS**, Governor Florio served in the U.S. Navy, as a State Assemblyman from 1969 to 1974, as a member of the U.S. Congress from 1975 to 1990, as the Governor of the State of New Jersey from 1990 to 1994, and as the Chairman of New Jersey Pinelands Commission from November 8, 2002 to June 28, 2005; and

**WHEREAS**, Governor Florio was a strong proponent of Pinelands protection, helping to craft and steer passage of the National Parks and Recreation Act of 1978, which established the 1.1-million-acre Pinelands National Reserve. The federal act created a planning process to preserve the resources in the Pinelands and set the stage for the adoption of the New Jersey Pinelands Protection Act; and

**WHEREAS**, as a Congressman, Governor Florio authored the landmark Comprehensive Environmental Response, Compensation and Liability Act, also known as the "Superfund" law, that cleaned up hundreds of the most polluted sites in the country, including sites in the Pinelands and in other areas of New Jersey; and

**WHEREAS**, as the Governor of New Jersey, he signed the Clean Water Enforcement Act, which was one of the country's strongest environmental laws of its type; and

**WHEREAS**, during his tenure as Chairman of the Pinelands Commission, the Commission launched a \$5.5 million study of the Kirkwood-Cohansey aquifer system, amended the Comprehensive Management Plan (CMP) to expand the list of protected plant species, successfully halted the construction of a proposed waste-transfer station in the Pinelands, launched an in-depth review of forestry policies in the Pinelands, created a task force to assess housing opportunities in Regional Growth Areas, completed smart growth planning projects in several Pinelands municipalities, instituted innovative conservation measures that protected thousands of acres in the Toms River, Oyster Creek and Waretown Creek watersheds, and established the Pinelands Conservation Fund, which has since helped to fund numerous scientific studies, planning initiatives, the construction of the Candace McKee Ashmun Pinelands Education Exhibits, and the permanent preservation of nearly 9,000 acres of land in the state Pinelands Area; and

**WHEREAS**, the members of the Commission want to formally recognize Governor Florio's significant contributions and express their appreciation for his efforts to preserve, protect and enhance the Pinelands; and

**WHEREAS**, the Pinelands Commission has sought to raise awareness and foster stewardship of the Pinelands through educational exhibits located in the Richard J. Sullivan (RJS) Center for Environmental Policy and Education; and

**WHEREAS**, the exhibit area in the RJS Center is adjacent to a library filled with Pinelands-related books, Pinelands-themed artwork, and professional, framed photos showcasing the beauty of the Pinelands, and it serves as an important meeting space for Commission staff and the public; and

**WHEREAS**, naming the library in honor of Governor Florio will serve to memorialize the Commission's gratitude for his immeasurable contributions to preserve, protect and enhance the Pinelands.

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission hereby expresses their appreciation and gratitude to Governor Florio for his significant contributions to the protection of the Pinelands by designating the existing library at the Richard J. Sullivan Center for Environmental Policy and Education as the James J. Florio Pinelands Library.

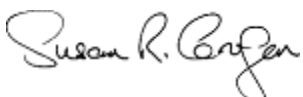
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Lettman	X				Pikolycky	X			
Christy			X		Lloyd	X				Quinn	X			
Holroyd	X				Lohbauer	X				Wallner	X			
Irick	X				McCurry	X				Matos	X			
Jannarone			X		Meade			X						


\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 14, 2022



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



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



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-22- 39**

**TITLE:** **Approving** With Conditions an Amended Application for **Public Development** (Application Number 2007-0318.001)

Commissioner Avery moves and Commissioner Pikolycky seconds the motion that:

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

**2007-0318.001**

<b>Applicant:</b>	<b>NJDEP, NJ Forest Service</b>
Municipality:	Bass River Township Little Egg Harbor Township
Management Area:	Pinelands Preservation Area District
Date of Report:	September 23, 2022
Proposed Development:	Amended application for approximately 1,304 acres of forestry and approximately 13 miles of forest firebreak.

**WHEREAS**, on November 18, 2021, the Commission staff issued a Public Development Application Report recommending approval of certain proposed forestry activities and a proposed forest firebreak; and

**WHEREAS**, that Public Development Application Report was voted on at the December 10, 2021 Pinelands Commission monthly meeting; and

**WHEREAS**, a public development application requires a majority vote of eight of the fifteen Pinelands Commissioners to be either approved or denied; and

**WHEREAS**, that public development application received neither eight Commissioner votes to approve or eight Commissioner votes to deny; and

**WHEREAS**, the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.56) provides that if the Pinelands Commission fails to take any action on the application at its meeting, the recommendation of the Acting Executive Director shall be referred to the New Jersey Office of Administrative Law unless an extension of time for the Commission to act is extended by agreement of the applicant and the Acting Executive Director; and

**WHEREAS**, the applicant requested, and the Acting Executive Director agreed, that the application subject of the November 18, 2021 Public Development Application Report not be referred to the New Jersey Office of Administrative Law for a hearing until December 15, 2022; and

**WHEREAS**, the applicant has completed an amended application for public development resulting in the issuance of an Amended Public Development Application Report; and

**WHEREAS** no request for a hearing before the Office of Administrative Law regarding the Acting Executive Director's recommendation has been received for this amended application for public development; and

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director contained in the Amended Public Development Application Report; and

**WHEREAS**, the Pinelands Commission hereby determines that the proposed amended public development application 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 2007-0318.001 for amended public development is hereby **APPROVED** subject to the conditions recommended by the Acting Executive Director.

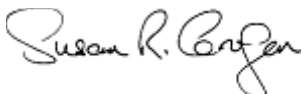
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Lettman		X			Pikolycky	X			
Christy			X		Lloyd	X				Quinn	X			
Holroyd	X				Lohbauer		X			Wallner				A
Irick	X				McCurry	X				Matos	X			
Jannarone			X		Meade			X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 14, 2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY  
Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

September 23, 2022

John Sacco, State Forester (via email)  
NJDEP, NJ Forest Service  
Mail Code 501-04  
PO Box 3420  
Trenton NJ 08625

Re: Application # 2007-0318.001  
Allen Road right-of-way  
Oswego Road right-of-way  
Blocks/Lots: See Attachment A  
Bass River Township  
Little Egg Harbor Township

Dear Mr. Sacco:

The Commission staff has completed its review of this amended application for approximately 1,304 acres of forestry and approximately 13 miles of forest firebreak. 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 amended application with conditions at its October 14, 2022 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  
Attachment A

- c: Secretary, Bass River Township Planning Board (via email)
- Bass River Township Construction Code Official (via email)
- Secretary, Little Egg Harbor Township Planning Board (via email)
- Little Egg Harbor Township Construction Code Official (via email)
- Little Egg Harbor Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Secretary, Ocean County Planning Board (via email)
- Todd Wyckoff (via email)
- Jason Howell (via email)
- Carleton Montgomery, Executive Director, Pinelands Preservation Alliance (via email)
- William J. Cutts (via email)



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

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

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

**AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT**

September 23, 2022

John Sacco, State Forester (via email)  
 NJDEP, NJ Forest Service  
 Mail Code 501-04  
 PO Box 3420  
 Trenton NJ 08625

Application No.: 2007-0318.001  
 Allen Road right-of-way  
 Oswego Road right-of-way  
 Blocks/Lots: See Attachment A  
 Bass River Township  
 Little Egg Harbor Township

This amended application proposes approximately 1,304 acres of forestry on the above referenced 1,383 acre parcel in Bass River Township. This amended application also proposes approximately 13 miles of forest firebreak on either side of Oswego Road and Allen Road in Bass River and Little Egg Harbor Townships.

On November 18, 2021, the Commission staff issued a Public Development Application Report recommending approval of certain forestry and a forest firebreak on the above referenced parcel and road rights-of-way. The application was voted on at the December 10, 2021 Pinelands Commission monthly meeting. An application requires a majority vote of eight of the fifteen Pinelands Commissioners to be either approved or denied. That application received neither eight Commissioner votes to approve or eight Commissioner votes to deny. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.56) provides that if the Pinelands Commission fails to take any action on the application at its meeting, the recommendation of the Acting Executive Director shall be referred to the New Jersey Office of Administrative Law unless an extension of time for the Commission to act is extended by agreement of the applicant and the Acting Executive Director. The applicant has requested, and the Acting Executive Director has agreed, that the application subject of the November 18, 2021 Public Development Application Report not be transmitted to the New Jersey Office of Administrative Law for a hearing until December 15, 2022.

**Summary of the Amended Application**

This amended application has eliminated the use of herbicides from the approximately 78 acres of forest proposed to be cleared for the 13 mile forest firebreak. The amended application also proposes to reduce the total width of clearing for the forest firebreak from 60 feet to 50 feet. The amended application eliminates herbiciding from the 255 acres of pine-shrub forest type that are proposed to be thinned. The

amended application further clarifies that the spot treatment of herbicide in the 1,041 acres of pine-dominated forest type subject of forestry will only occur where control by non-chemical means, including prescribed burning, is not practical.

### Proposed Forestry

A total of approximately 1,304 acres of forest thinning is proposed to occur in a pine-dominated forest type and a pine-shrub oak forest type. The applicant represents that the acreage subject of the proposed forestry contains an abnormally high density of tree and shrub layer and is classified as overstocked. The applicant further represents that this overstocking creates a very high forest fire fuel load and encourages the persistence of ladder fuels, which in turn lead to a very high risk of wildfire.

Approximately 1,041 acres of pine-dominated forest type will be thinned twice. The applicant proposes that this acreage will be “thinned low and from below.” This type of thinning cuts and removes those trees that are the shortest in height and smallest in diameter. The applicant indicates that these trees generally act as forest fire “ladder fuels” by connecting the plants and shrubs on the ground with the upper canopy of taller trees. The proposed “low and from below” thinning will reduce the forest from 2,075 trees per acre to 204 trees per acre. Canopy cover will be reduced from 68% to 43%.

Approximately 255 acres of pine-shrub oak forest type will be subject to a variable density thinning treatment. This thinning will reduce the forest from 1,940 trees per acre to 74 trees per acre. Canopy cover will be reduced from 74% to 30%.

Approximately 8 acres of pine-shrub oak forest type along the western outside edge of the Allen Road firebreak will be subject to a “feathered” variable density thinning treatment. The applicant indicates that this type of thinning creates a gradual transition in tree density from zero trees per acre created by the proposed forest firebreak to 33 trees per acre for a distance back from the proposed forest firebreak of 75 feet. Canopy cover will be reduced from 74% to 19% by the “feathered” variable density thinning treatment. The applicant indicates that this “feathered” treatment is intended to reduce the harsh forest edges and create a more visually appealing aesthetic between the proposed forest firebreak and the variable density thinning treatment.

To control competitive plant species, including invasives, in the approximately 1,041 acre pine dominated forest type, the application proposes a combination of mechanical site preparation methods, prescribed burning and the spot application of herbicides.

To control competitive plant species, including invasives, in the approximately 255 acre pine-shrub oak forest type, the application proposes only mechanical site preparation methods and prescribed burning. No herbiciding is proposed in the approximately 255 acre pine-shrub oak forest type.

Prescribed burning does not require application to the Pinelands Commission.

### Proposed Forest Firebreak

The application also proposes the creation of a forest firebreak along both sides of Allen Road. The forest firebreak will be created by clearing all trees within a 25 foot wide strip for approximately five miles on both sides of Allen Road between the southern boundary of the Warren Grove Gunnery Range and Stage Road. The application also proposes the creation of a 25 foot wide forest firebreak along both



sides of Oswego Road for approximately eight miles between Cutts Road and County Route 539. In total, the proposed forest firebreak will result in the clearing of approximately 78 acres of forest.

Mowing, drum chopping, disking and prescribed burning are proposed to maintain the forest firebreak. No herbiciding is proposed to maintain the forest firebreak. Mowing of the forest firebreak on an ongoing basis constitutes a routine and customary maintenance activity and does not require application to the Commission.

Drum chopping and disking do not constitute routine and customary maintenance activities. The CMP (N.J.A.C. 7:50-6.45) provides that permits and approvals authorizing forestry activities shall be valid for a period of 10 years. After October 14, 2032, any proposed drum chopping or disking for the proposed forest firebreak require application to the Commission.

#### Proposed Allen Road and Oswego Road Maintenance Activities

The applicant also proposes road maintenance activities in the Allen and Oswego Roads rights-of-way. Proposed road maintenance activities include grading and the addition of gravel to the existing sand/gravel roadways. Routine and customary road maintenance activities do not require application to the Commission.

For Allen Road and the portion of Oswego Road located in Bass River Township, the Township tax map indicates that both roads are 66 foot wide municipal road rights-of-way. In Little Egg Harbor Township, the Township tax map indicates that Oswego Road is a 30 foot wide municipal road right-of-way. A portion of Allen Road is comprised of broken deteriorated pavement and a portion is sand. Oswego Road is entirely a sand road. Both roads range in width from 13 feet to 24 feet. A condition is included in this Amended Public Development Application Report requiring that the applicant obtain any necessary municipal authorization to undertake vegetation removal or maintenance activities within either of the two road rights-of-way.

### **STANDARDS**

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

#### Land Use (N.J.A.C. 7:50-5.22(a)3 & (b)4)

The proposed forestry and forest firebreak are located in the Pinelands Preservation Area District. Forestry is permitted in the Pinelands Preservation Area District.

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

The application proposes herbiciding in association with the approximately 1,041 acres of proposed forestry in the pine-dominated forest type. The CMP permits herbicide treatment as a forestry 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.

For the proposed forestry in the approximately 1,041 acre pine dominated forest type, the applicant represents that herbiciding may be necessary to control competitive plant species, including invasives. The applicant further represents that herbicides will be used to the minimum amount necessary to achieve the silvicultural objectives of the proposed forestry activities. Additional details on the use of herbicides are provided in condition three below.

3. Condition Three: Control of competitive plant species by other non-chemical means is not practical.

For the proposed 1,041 acres of forestry within the pine-dominated forest type, the applicant represents that targeted spot spraying of herbicides may be used to control competitive plant species, including invasives, where control by other non-chemical means and prescribed burning is not practical. The applicant further represents that no more than one application will occur in any given growing season.

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.

For the proposed forestry, the applicant has indicated that the chemicals proposed for use are labeled for forestry use and will be applied by a licensed pesticide applicator.

5. Condition Five: In pine-shrub oak native forest type, 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.

No use of herbicides is proposed within the 255 acre pine-shrub oak native forest type subject of proposed forestry in this application.

The applicant has demonstrated that the five conditions to permit the use of herbicide for forestry 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 wetland associated plant species in the vicinity of the proposed forestry and the forest firebreak. The applicant represents that the New Jersey Department of Environmental Protection (NJDEP), Division of Fish and Wildlife, Endangered and Nongame Species Program, Office of Natural Lands Management and the Natural Heritage Review Group reviewed the proposed activities and concluded that the proposed activities will pose no irreversible adverse impacts to any threatened or endangered species.

The Commission staff reviewed the proposed forestry and forest firebreak 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.

To avoid potential irreversible adverse impacts on any T&E avian species that may be present, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests. Any identified and marked trees will not be harvested.

To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes that the proposed forestry and the creation of the forest firebreak shall only occur between April 15 to November 15, the period when the concerned snake species are active.

The applicant represents that they are aware of an ongoing snake research study in the vicinity of the project area. The applicant further represents that based upon discussion with leaders of the study as well as the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program, there will be no impacts to the study and that the study area and project area do not overlap. There are three known T&E snake species denning and nesting sites associated with the snake research study located along Oswego Road. This application proposes to clear 25 feet of forest for a forest fire break on both sides of Oswego Road. To ensure that the three concerned denning and nesting sites are protected, this Amended Public Development Application Report includes a condition requiring the applicant to provide protective barriers to all three sites or modify the proposed forest firebreak to prevent the inadvertent creation of improved recreational vehicle access to the three concerned sites.

To avoid potential irreversible adverse impacts on the survival of any local populations of Pine Barrens treefrog, the applicant proposes that a 100 foot buffer shall be maintained between the proposed forestry and proposed forest firebreak to potential Pine Barrens treefrog breeding habitat.

There are known sightings of wetland associated T&E plant species in the project area. To avoid potential irreversible adverse impacts on the survival of any local populations of wetland associated T&E plant species, the applicant proposes to maintain a 100 foot buffer to any identified T&E plant species. A condition is included in this Amended Public Development Application Report requiring that, prior to undertaking the proposed forestry and creating the forest firebreak, the applicant shall conduct visual surveys to identify any wetlands associated T&E plant species within 100 feet of the proposed forestry and forest firebreak.

With the conditions included in this Amended Public Development Application Report, the proposed forestry is 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.

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

There are wetlands located within the area proposed for forestry and the forest firebreak. The CMP permits forestry in both wetlands and the required buffer to wetlands. To maintain consistency with the T&E species protection standards, the application proposes to maintain a 100 foot buffer to any wetlands containing potential Pine Barrens treefrog breeding habitat and a 100 foot buffer to any wetlands associated T&E plant species. The application proposes an 80 foot buffer to wetlands for all other proposed forestry and the forest firebreak.

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

No new or temporary access roads are proposed as part of this application. The proposed forestry and forest firebreak will result in minimal soil disturbance. As a result, a cultural resource survey was not required for the proposed forestry or forest fire fuel break.

**PUBLIC COMMENT**

The applicant has provided the required public notices. Newspaper public notice was completed on August 22, 2022. Notice to required landowners within 200 feet of the above referenced parcel was completed on August 24, 2022. The application was designated as complete on the Commission's website on August 30, 2022. The Commission's public comment period closed on September 9, 2022.

The Commission received three oral comments at its September 9, 2022 meeting regarding this application. The Commission appreciates the commenters interest in the Pinelands Area. Each commenter will receive a copy of this Amended Report on an Application for Public Development.

Public Comment:

- Oral Commenter One (Jason Howell): The commenter raised concerns regarding critical T&E species habitat within the project area.

Staff Response: The application was reviewed by the Pinelands Commission staff for consistency with the CMP threatened and endangered species standards. The Commission staff concluded that with the conditions recommended in this Amended Public Development Application Report, no irreversible adverse impacts will occur on habitats critical to the survival of any local populations of T&E animal species or on any local populations of T&E plant species known to be in the project area. The application was also reviewed by the New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program, the NJDEP Office of Natural Lands Management and the NJDEP Natural Heritage Review Group. The NJDEP concluded that the proposed activities would pose no irreversible adverse impacts to any threatened or endangered species.

- Oral Commenter Two (Bill Cutts): The commenter stated that he farms three sets of bogs in the vicinity of the proposed firebreak. He noted the risks in growing cranberries, including frost, drought, hail, insects and wildfire. He stated that this project will be of great help in addressing wildfire concerns and expressed support for the forest firebreak proposed in the application.

Staff Response: The Commission appreciates the commenter's support for the proposed forest firebreak.

- Oral Commenter Three (Carleton Montgomery): The commenter raised concerns regarding a possible, inadvertent increase in ORV access to isolated vernal ponds in the vicinity of the proposed forestry and forest firebreak.

Staff Response: The Commission does not directly regulate offroad vehicle usage in the Pinelands Area. However, both the proposed forestry and forest firebreak will maintain a 100 foot buffer to any wetlands containing potential Pine Barrens treefrog breeding habitat and a 100

foot buffer to any wetlands associated T&E plant species. The three vernal ponds in question contain potential Pine Barrens treefrog breeding habitat. No forestry will occur within 100 feet of the three concerned vernal ponds.

### CONDITIONS

1. The proposed forestry activities shall adhere to the “Proposal for Silvicultural Activity on State Forest and Park Lands New Jersey State Forestry Service,” dated August 22, 2022.
2. Prior to any forestry or creation of the forest firebreak proposed in this application, the applicant shall obtain any other necessary permits and approvals.
3. No forestry or vegetation clearing for the forest firebreak shall occur on any privately owned lands without the written consent of the property owner.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, all forestry and the creation of the forest firebreak shall occur between April 15 and November 15, the time period when the snakes are active.
5. Prior to any proposed forest firebreak vegetation clearing occurring on the north side of Oswego Road, west of its intersection with Allen Road, and on either side of Oswego Road east of its intersection with Coal Road as depicted on the USGS quadrangle map for Oswego Lake, NJDEP shall submit a detailed sketch(es) to the Commission depicting the relationship of the Oswego Road forest firebreak to the three concerned T&E snake research study sites. The detailed sketch(es) shall depict the Oswego Road right-of-way, the limits of the existing cleared roadway, the limits of existing forest vegetation, the proposed limits of forest vegetation clearing associated with the forest firebreak and any existing barriers or gates on the three concerned snake research study sites. The detailed sketch(es) must also depict the location of additional barriers or any necessary modifications to the proposed forest firebreak proposed by NJDEP to prevent the inadvertent creation of improved recreational vehicle access to the three concerned sites. No forest firebreak clearing shall occur in the above described sections of the Oswego Road right-of-way until the Commission’s Acting Executive Director issues written approval for NJDEP’s proposed barriers or modifications to the proposed forest firebreak.
6. To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry and forest firebreak, visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests shall be conducted. Any tree containing potential T&E avian species cavities or nests shall not be harvested.
7. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E Pine Barrens treefrog, a 100 foot buffer to potential treefrog breeding habitat shall be maintained.
8. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of wetlands associated T&E plant species, prior to undertaking the proposed forestry and forest firebreak, the applicant shall conduct visual surveys to

- identify and mark any wetlands associated T&E plant species located within 100 feet of the proposed forestry and forest firebreak. A 100 foot buffer shall be maintained to any identified wetlands associated T&E plant species.
9. No vegetation removal shall occur in the Allen Road right-of-way or the Oswego Road right-of way until any municipal authorization that may be necessary is obtained from Bass River Township and Little Egg Harbor Township.
  10. No forest thinning or creation of a forest firebreak shall occur after October 14, 2032 unless a new application has been completed with and approved by the Pinelands Commission.

### **CONCLUSION**

As the proposed forestry and forest firebreak 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 forestry and forest firebreak subject to the above conditions.



## State of New Jersey

THE PINELANDS COMMISSION

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

LAURA E. MATOS  
Chair  
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 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 October 11, 2022 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.

## ATTACHMENT "A"

### Tax Block and Lot Numbers Of Lands Included in Application

Allen Road, Road Maintenance/Firebreak
Oswego Road, Road Maintenance/Firebreak
Forest Management

#### Bass River Township (B, L)

49, 12	78, 6	83, 2B	83, 26	100, 7	103C, 18
65, 4	78, 6A	83, 2D	83, 27	100, 7	103C, 19
64, 10	78, 6A	83, 2E	83, 28	100, 9	103C, 20
65, 5	78, 6B	83, 2F	83, 28	100, 9	103C, 21
65, 5	78, 6C	83, 5	91, 5A	100, 166	103C, 22
73, 11	78, 6C	83, 6	94, 13	100, 166	103F, 1
73, 14	78, 8	83, 6	94, 5	101, 34	103F, 2
73A, 1	78, 10	83, 8	94, 6	101, 34	103F, 3
73B, 1	78, 10	83, 9	94, 8	101, 36	103F, 4
73C, 1	78, 11	83, 9	94, 9	101, 36	103F, 5
73D, 1	78, 11	83, 9A	94, 9A	101, 37	103F, 6
73E, 1	78, 12	83, 9A	94, 10	101, 37	103F, 7
73G, 2	78, 12	83, 9B	94, 11	101, 37	103F, 8
73H, 1	78, 13	83, 9B	94, 12	101, 39	103F, 9
73K, 3	78, 15	83, 9C	95, 9	101, 39	103G, 1
73K, 4	78, 15	83, 9C	95, 8	101, 39	103H, 1
73K, 5	78, 15	83, 9D	96E, 1	101, 42	103I, 1
73K, 6	78, 16	83, 10	96E, 9	101, 42	103J, 1
73K, 7	78, 16	83, 10	96E, 10	101, 44	105, 2
73K, 8	78, 16	83, 11	96E, 24	101, 44	105, 4
77, 2	78, 17	83, 11	96E, 29	102, 1	
77, 3	78, 17	83, 12	96E, 32	103, 1A	
77, 4	78, 17	83, 12	96E, 33	103, 2	
77, 5	78, 19	83, 14	96E, 35	103, 3	
77, 6	78, 19	83, 14	96E, 38	103, 4	
77, 7	78, 19	83, 15	96E, 44	103, 6	
77, 16	78, 20	83, 15	96E, 45	103, 167	
77, 17	78, 20	83, 16	96E, 46	103, 168	
77, 18	78, 20	83, 16	96E, 47	103, 169	
77, 27	78, 21	83, 17	96E, 48	103, 170	
77, 41	78, 21	83, 18	96E, 49	103, 171	
77, 42	78, 21	83, 18	96E, 50	103, 172	

#### <sup>1</sup>Little Egg Harbor Township (B, L)

49, 1
49, 10
49, 3
49, 4
49, 5
49, 6
49, 7
50, 1
50, 5
50, 6
51, 6
51, 7
51, 8
52, 1
52, 3
52, 4
52, 5
52, 6
53, 1
54, 3
58, 1
59, 1
59, 3
59, 8
62, 2
62, 3
62, 7
64, 1



**Bass River Township (B, L)**

77, 42	78, 23	83, 18	96E, 51	103, 173	
77, 42	78, 33	83, 21	96E, 52	103, 174	
77, 43	78, 33	83, 21	96E, 53	103, 175	
77, 43	82, 2	83, 21	96E, 54	103, 208	
78, 1	82, 2	83, 22	96E, 55	103, 209	
78, 1	82, 4	83, 22	97A, 1	103, 214	
78, 2	82, 4	83, 22	97D, 1	103B, 2	
78, 2	83, 1	83, 23	101, 1	103B, 7	
78, 4	83, 2	83, 23	100, 3	103B, 9	
78, 4	83, 2	83, 25	100, 3	103B, 11	
78, 5	83, 2A	83, 25	100, 3A	103B, 12	
78, 5	83, 2A	83, 25	100, 3A	103B, 13	
78, 6	83, 2B	83, 26	100, 7	103C, 17	



# **RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-22- 40**

**TITLE:** **Approving With Conditions Applications for Public Development** (Application Numbers 1981-2437.018, 1984-1157.008, 1988-0706.024 & 2021-0112.003)

Commissioner Lohbauer moves and Commissioner Irick seconds the motion that:

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

**1981-2437.018**

**Applicant:** Atlantic County Vocational Technical School District  
**Municipality:** Hamilton Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** September 22, 2022  
**Proposed Development:** Construction of a 140,130 square foot three story building and a 97 space parking lot;

**1984-1157.008**

**Applicant:** Buena Regional School District  
**Municipality:** Buena Vista Township  
**Management Area:** Pinelands Rural Development Area  
**Date of Report:** September 16, 2022  
**Proposed Development:** Construction of a synthetic turf athletic field at the Buena Regional High School;

**1988-0706.024**

**Applicant:** Town of Hammonton  
**Municipality:** Town of Hammonton  
**Management Area:** Pinelands Town  
**Date of Report:** September 21, 2022  
**Proposed Development:** Construction of an 11 acre overland drip irrigation system for treated wastewater; and

**2021-0112.003**

**Applicant:** Pasadena Pemberton Solar Farm, LLC  
**Municipality:** Pemberton Township  
**Management Area:** Pinelands Preservation Area District  
**Date of Report:** September 22, 2022  
**Proposed Development:** Vegetation clearing and soil disturbance to establish the limits of a former Township landfill .

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

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

**WHEREAS**, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the 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 Numbers 1981-2437.018, 1984-1157.008, 1988-0706.024 & 2021-0112.003 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

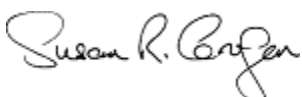
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Lettman	X				Pikolycky	X			
Christy			X		Lloyd	X				Quinn	X			
Holroyd	X				Lohbauer	X				Wallner	X			
Irick	X				McCurry				A	Matos	X			
Jannarone			X		Meade			X						

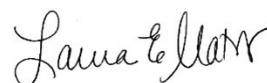
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 14, 2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

September 22, 2022

Nick Brown, Business Administrator (via email)  
Atlantic County Vocational Technical School District  
5080 Atlantic Avenue  
Mays Landing NJ 08330

Re: Application # 1981-2437.018  
Block 994, Lot 47  
Hamilton Township

Dear Mr. Brown:

The Commission staff has completed its review of this application for the construction of a 140,130 square foot three story building and a 97 space parking lot. 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 October 14, 2022 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, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
David J. Fleming, PE (via email)





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

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

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

September 22, 2022

Nick Brown, Business Administrator (via email)  
 Atlantic County Vocational Technical School District  
 5080 Atlantic Avenue  
 Mays Landing NJ 08330

Application No.: 1981-2437.018  
 Block 994, Lot 47  
 Hamilton Township

This application proposes the construction of a 140,130 square foot three story classroom building and a 97 space parking lot at the Atlantic County Institute of Technology High School located on the above referenced 53.39 acre parcel in Hamilton Township.

**STANDARDS**

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

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

The proposed development will be located over existing impervious surfaces, maintained grassed areas and within wooded areas.

As required by the CMP (N.J.A.C. 7:50-6.23(a)), the proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The CMP (N.J.A.C. 7:50-6.23(b)) also provides that, where practical, all clearing, and soil disturbance associated with the proposed development shall avoid wooded areas. The parcel is primarily developed with school buildings, parking areas and recreational fields. Approximately 1.25 acres of woods will be cleared to accommodate two proposed stormwater management facilities. Approximately 1.6 acres of additional woods will be cleared for a construction material and equipment staging area. The

construction staging area will be located adjacent to the proposed building. The applicant has indicated that the construction staging area is needed to provide a safe work area for both the construction of the building and students that will be on the campus during building construction. The applicant has indicated that other potentially available construction staging areas on the parcel, such as existing and proposed parking areas, are not feasible. The applicant has demonstrated that it is not practical to avoid clearing the approximately 1.6 acre wooded area for the construction staging area.

The CMP (N.J.A.C. 7:50-6.23(b)2) requires the revegetation or landscaping of areas temporarily cleared during development. For student security reasons, the applicant proposes to revegetate the construction staging area with grasses rather than trees.

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

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

The applicant has demonstrated that the proposed development is consistent with CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing an underground infiltration facility and a stormwater infiltration basin and expanding an existing stormwater infiltration basin.

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

The proposed development will be serviced by public sanitary sewer.

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

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

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 28, 2022. Newspaper public notice was completed on August 2, 2022. The application was designated as complete on the Commission's website on August 29, 2022. The Commission's public comment period closed on September 9, 2022. 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 28 sheets, prepared by Marathon Engineering and Environmental Services and all sheets dated December 7, 2021 and revised to September 13, 2022.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

### CONCLUSION

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





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PHILIP D. MURPHY  
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SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
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 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 October 11, 2022 and include the following information:

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

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

September 16, 2022

Pasquale Yacovelli (via email)  
Buena Regional School District  
P.O. Box 309  
Buena NJ 08310

Re: Application # 1984-1157.008  
Block 3701, Lots 7 & 8  
Buena Vista Township

Dear Mr. Yacovelli:

The Commission staff has completed its review of this application for the construction of a synthetic turf athletic field at the Buena Regional High School. 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 October 14, 2022 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, Buena Vista Township Planning Board (via email)  
Buena Vista Township Construction Code Official (via email)  
Buena Vista Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Marianne G. Risley (via email)





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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

September 16, 2022

Pasquale Yacovelli (via email)  
Buena Regional School District  
P.O. Box 309  
Buena NJ 08310

Application No.: 1984-1157.008  
Block 3701, Lots 7 & 8  
Buena Vista Township

This application proposes the construction of a synthetic turf athletic field at the Buena Regional High School located on the above referenced 77.82 acre parcel in Buena Vista Township.

The application proposes to replace an existing grassed athletic field with a synthetic turf athletic field. The replacement athletic field will be in the same location as the existing athletic field.

### **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(a)11)**

The proposed development is located in a Pinelands Rural Development Area. Institutional uses, including accessory athletic fields, are a permitted land use in a Pinelands Rural Development Area.

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

The proposed development will be located within the limits of the existing grassed athletic field. 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. To stabilize the disturbed areas beyond the limits of the proposed synthetic turf athletic field, the application proposes to utilize a seed mixture which meets that recommendation.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct a subsurface stormwater infiltration system beneath the proposed synthetic turf athletic field and adjacent areas.

**PUBLIC COMMENT**

The applicant completed the requisite public notices. Newspaper public notice was completed on December 9, 2021. Notice to required land owners within 200 feet of the above referenced parcel was completed on December 30, 2021. The application was designated as complete on the Commission's website on August 30, 2022. The Commission's public comment period closed on September 9, 2022. 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 20 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:
  - Sheet 1 - August 2022
  - Sheets 2-9, 11, 13-15 & 18-20 - May 2022
  - Sheets 10, 12, 16 & 17 - May 2002; last revised August 2, 2022
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

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



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PHILIP D. MURPHY  
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LAURA E. MATOS  
Chair  
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 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 October 4, 2022 and include the following information:

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

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

September 21, 2022

Robert Vettese (via email)  
Town of Hammonton  
100 Central Avenue-Town Hall  
Hammonton NJ 08037

Re: Application # 1988-0706.024  
Block 4204, Lots 8 - 9 & 13 - 15  
Town of Hammonton

Dear Mr. Vettese:

The Commission staff has completed its review of this application for construction of an 11 acre overland drip irrigation system for treated wastewater. 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 October 14, 2022 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

Attachments(3): 7/8/22 Cody Public Comment Letter w/encls.  
8/19/22 Hammonton letter w/ enc.  
9/9/22 Ackers Public Comment Letter

c: Secretary, Town of Hammonton Planning Board (via email)  
Town of Hammonton Construction Code Official (via email)  
Town of Hammonton Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Fred Akers (via email)  
Douglas Cody, Esq. (via email)



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

September 21, 2022

Robert Vettese (via email)  
Town of Hammonton  
100 Central Avenue-Town Hall  
Hammonton NJ 08037

Application No.: 1988-0706.024  
Block 4204, Lots 8 - 9 & 13 - 15  
Town of Hammonton

This application proposes the construction of an 11 acre overland drip irrigation system for treated wastewater located on the above referenced 142.77 acre parcel in Hammonton Town.

The Town of Hammonton's Boyer Avenue treated wastewater land application facility is located on the parcel. The land application facility includes one wastewater storage lagoon, five infiltration trenches, 26 acres of overland drip irrigation and eight acres of underground recharge. There are also existing municipal recreational fields located on the parcel.

The proposed overland drip irrigation system will be located within 11 acres of wooded uplands. The infiltration piping will be placed on the soil surface. The infiltration piping will have emitting holes for the discharge of treated wastewater. The proposed drip irrigation system will be fed from the existing treated wastewater storage lagoon by an existing pump station. A series of soil probes will control the flow rate to the proposed drip irrigation system depending on soil moisture, permeability and precipitation.

The land application facility accepts treated wastewater from Hammonton's Pleasant Mills Road wastewater treatment plant. The wastewater treatment plant has a design capacity of 1.6 million gallons of wastewater per day. To date in 2022, the average daily flow from the wastewater treatment plant is approximately 0.95 million gallons of wastewater per day. The current land application facility is accommodating those 0.95 million gallons of wastewater per day.

Through a series of New Jersey Department of Environmental Protection Administrative Consent Orders and Pinelands Commission approvals, Hammonton was required to cease all discharge of treated wastewater from the Pleasant Mills Road wastewater treatment plant into Hammonton Creek by December 10, 2013.



On March 14, 2014, the Commission approved a Long Term Comprehensive Plan for Treatment and Disposal of Wastewater from the Town of Hammonton (“Hammonton Plan”). In that approval, the Commission provided that Hammonton could only discharge wastewater from the Pleasant Mills Road wastewater treatment plant directly into Hammonton Creek on an emergency basis. The applicant represents that no wastewater has been discharged from the Pleasant Mills Road wastewater treatment plant into Hammonton Creek since March of 2015.

The proposed 11 acre overland drip irrigation system for treated wastewater will be located in an area designated in the Hammonton Plan for a 5.3 acre underground drip irrigation system for treated wastewater. The proposed 5.3 acre underground drip irrigation system had a capacity to infiltrate 105,560 gallons of treated wastewater per day. The applicant anticipates that the proposed 11 acre overland drip irrigation system proposed in this application will have the capacity to infiltrate 275,000 gallons of treated wastewater per day.

### **STANDARDS**

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

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

The parcel is located in the Pinelands Town of Hammonton. The proposed development is a permitted land use in a Pinelands Town.

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

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

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

The proposed development will be located within an existing forested area. The applicant proposes to mow understory shrubs to facilitate placement of the above ground infiltration piping. The proposed clearing is limited to that which is necessary to accommodate the proposed development.

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

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 27, 2022. Newspaper public notice was completed on June 29, 2022. The application was designated as complete on the Commission’s website on August 30, 2022. The Commission’s public comment period closed on September 9, 2022. The Commission received one oral/written public comment ([attached](#)) and one written public comment ([attached](#)) regarding this application.

Public Comment One:           At the Commission’s September 9, 2022 meeting and by letter dated

September 9, 2022, the commenter express support for the application and suggested that the Commission consider amending the Pinelands Infrastructure Trust Master Plan so that projects located in the Pinelands Town of Hammonton would be eligible for infrastructure funding.

Staff Response:

The Commission appreciates the commenter's support of the application and suggestion regarding the Pinelands Infrastructure Master Plan, which was adopted by the Commission to implement the 1985 Pinelands Infrastructure Bond Act. Following adoption of the Bond Act, New Jersey voters approved a bond issue that provided for \$30 million to be disbursed in grants and loans for infrastructure projects serving the needs of Pinelands Regional Growth Areas. Allocation of these funds to projects in Pinelands Towns requires an act of the State Legislature and/or a vote of the citizens of New Jersey. The Commission is not authorized to award infrastructure funds to projects outside the Regional Growth Area.

Public Comment Two:

By letter dated July 8, 2022 with attachments, the commenter indicated that there is a pending citizen suit filed by an adjacent property owner against the Town of Hammonton. The commenter further indicated that the Town of Hammonton's Boyer Avenue land application site is unable to infiltrate the treated wastewater that is supplied to the parcel, that treated wastewater has flowed overland onto adjacent properties and that the inability to infiltrate the treated wastewater is polluting surface water and damaging the environment

Staff Response:

The Commission staff provided the July 8, 2022 public comment to the applicant and requested that the applicant provide a written response.

The applicant provided the Commission with a letter from the municipal Public Works Manager dated August 19, 2022 ([attached](#)), responding to the public comment. In that response, the applicant noted that there had been accidental discharges from the Boyer Avenue land application site, primarily involving a disconnected drip irrigation line allowing water to flow into the ground surface at a rate greater than what would normally occur. In response to the accidental discharges, the applicant has instituted several corrective measures including reducing the run time of the drip irrigation system along the boundary of the site and relocating drip irrigation lines further from those areas. The applicant has also instituted greater oversight in those areas to find and repair any faults with the drip irrigation system.

On September 20, 2022, the Commission staff conducted a site inspection of the Boyer Avenue land application facility. During that site inspection, no evidence of overland flow of treated wastewater was observed.

Based upon its review of the written response provided by the applicant and the Commission staff site inspection, the Commission staff believes it has exercised due diligence in its review of this application. The Commission staff believes that the citizen suit filed by the neighboring

property owner is a civil litigation matter to be resolved between the two adjacent property owners.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Adam, Rehmann & Heggan Associates, Inc., all sheets dated August 2022.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. On a monthly basis, the applicant shall submit a report to the Commission documenting the amount of treated wastewater that has been recharged on the above referenced parcel.

### **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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THE PINELANDS COMMISSION  
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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
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 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 October 11, 2022 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.

## **Attachments**

There are over 600 pages of attachments.

Click below (or cut/paste the link into your browser) to view the public comment attachments:

<https://www.dropbox.com/sh/h3wufui4vrah1gk/AACsXexmBmHWcn0Eng24nJ7ma?dl=0>



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-22- 41**

**TITLE:** To Accept a Preserve New Jersey Historic Preservation Fund Grant from the New Jersey Historic Trust and Authorize the Acting Executive Director to Enter into a Contract for Development of a Preservation Plan for Historic Fenwick Manor

**Commissioner Holroyd moves and Commissioner Irick seconds the motion that:**

**WHEREAS**, on March 11, 2022, the Pinelands Commission adopted Resolution PC4-22-13, authorizing the Acting Executive Director to submit an application to the New Jersey Historic Trust for a 2022 Preserve New Jersey Historic Preservation Fund Grant to fund the preparation of a Preservation Plan for historic Fenwick Manor;

**WHEREAS**, Resolution PC4-22-13 also certified the availability of matching funds to be provided by the Commission should the Historic Trust grant be received; and

**WHEREAS**, prior to submitting the grant application to the New Jersey Historic Trust, the Commission issued a Request for Proposals (RFP) to procure the services of a qualified consultant to develop a Preservation Plan for historic Fenwick Manor; and

**WHEREAS**, the RFP expressly stated that any contract award was contingent on the Commission's receipt of grant funding from the New Jersey Historic Trust; and

**WHEREAS**, the RFP was issued on March 14, 2022, posted on the Commission's website and emailed to 13 prospective bidders; and

**WHEREAS**, the Commission received six proposals prior to the deadline of 1 p.m. on April 1, 2022 and shortly thereafter submitted its application to the New Jersey Historic Trust for a Preserve New Jersey Historic Preservation Fund Grant; and

**WHEREAS**, on April 13, 2022, the Commission submitted an application to the New Jersey Historic Trust, requesting a grant of \$31,387 for the preparation of a Preservation Plan for Fenwick Manor and confirming the Commission's obligation and ability to provide the required matching funds; and

**WHEREAS**, on September 28, 2022, the New Jersey Historic Trust announced that grant funding in the amount of \$31,387 had been awarded to the Pinelands Commission for preparation of a Preservation Plan for Fenwick Manor; and

**WHEREAS**, shortly thereafter, a three-member evaluation committee composed of Pinelands Commission staff completed its evaluation process for the six proposals received in response to the RFP, including reference checks; and

**WHEREAS**, based on the firm's overall proposal and the positive responses from references, the evaluation committee recommended to the Acting Executive Director that the contract be awarded to the firm of Connolly & Hickey Historical Architects LLC, P.O. Box 1726, Cranford, New Jersey 07016 in the amount of \$41,850; and

**WHEREAS**, a report containing the evaluation committee's recommendation was approved by the Acting Executive Director and subsequently reviewed and endorsed by the Chairman of the Commission's Personnel & Budget Committee; and

**WHEREAS**, the Commission's adopted budget for Fiscal Year 2023 includes sufficient funds to satisfy the 25% match requirement for the grant received from the New Jersey Historic Trust; and

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

**NOW, THEREFORE BE IT RESOLVED** that:

1. The Pinelands Commission hereby accepts the \$31,387 grant from the New Jersey Historic Trust and expresses its gratitude to the Trust for its support of the Commission’s efforts to preserve and maintain historic Fenwick Manor.
2. The Acting Executive Director is authorized to enter into a contract with the firm of Connolly & Hickey Historical Architects LLC, P.O. Box 1726, Cranford, New Jersey 07016 in the amount of \$41,850.

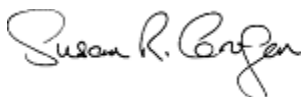
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Lettman	X				Pikolycky	X			
Christy			X		Lloyd	X				Quinn	X			
Holroyd	X				Lohbauer	X				Wallner	X			
Irick	X				McCurry	X				Matos	X			
Jannarone			X		Meade			X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 14, 2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



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

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

September 22, 2022

Gary Cicero (via email)  
Pasadena Pemberton Solar Farm, LLC  
On Behalf of Pemberton Township  
331 Newman Springs Road  
Red Bank NJ 07701

Re: Application # 2021-0112.003  
Block 906, Lot 1.01  
Pemberton Township

Dear Mr. Cicero:

The Commission staff has completed its review of this application for a site investigation to establish the limits of a former Township landfill. 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 October 14, 2022 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, Pemberton Township Planning Board (via email)  
Pemberton Township Construction Code Official (via email)  
Pemberton Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Rodger Ferguson, Jr., LSRP (via email)  
Michelle Forman







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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

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

September 22, 2022

Gary Cicero (via email)  
 Pasadena Pemberton Solar Farm, LLC  
 On Behalf of Pemberton Township  
 331 Newman Springs Road  
 Red Bank NJ 07701

Application No.: 2021-0112.003  
 Block 906, Lot 1.01  
 Pemberton Township

This application proposes a site investigation to delineate the limits of a former Township landfill located on the above referenced 27.21 acre parcel in Pemberton Township.

The landfill ceased operation prior to September 23, 1980. Based upon the regulations contained in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.75(c)), there is no regulatory obligation to install a soil cap on the landfill.

The application proposes limited vegetation clearing and soil disturbance associated with the site investigation. To establish the limits of the former landfill, the applicant proposes to mow 10 foot wide transect lines on a 200 foot by 200 foot grid across the parcel. No soil grubbing will occur. The transect lines will be field established to avoid woody vegetation to the maximum extent possible. The applicant will utilize the mowed transect lines as paths for investigative equipment. Investigative equipment to be utilized to determine the limits of the existing landfill includes ground penetrating radar, a track mounted compact excavator and a track mounted drill rig. A total of 22 test pits and 10 soil borings will be completed. The test pits will be excavated to the minimum depth necessary to observe the type of waste within the former landfill and to collect samples of that waste. The borings will be advanced through the waste to provide a detailed cross-section of the former landfill. All of the disturbed areas will be regraded with the material (sand and soil) removed during the investigation.

**STANDARDS**

The Commission staff has reviewed the proposed site investigation 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 parcel is located within the Pinelands Preservation Area District. The proposed site investigation is intended to determine the extent and limits of the former landfill on the parcel. It is anticipated that an application will be filed with the Pinelands Commission in the future proposing a two foot soil cap on the landfill and the installation of a solar energy facility. The placement of a two foot soil cap and a proposed solar facility on the former landfill is a permitted land use in the Pinelands Preservation Area District.

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

There are wetlands located within 300 feet of the parcel. The CMP prohibits most development, including vegetation clearing and soil disturbance, within wetlands and the required buffer to wetlands. No vegetation clearing or soil disturbance will occur within wetlands. The closest vegetation clearing and soil disturbance will occur approximately 200 feet from wetlands.

The CMP (N.J.A.C. 7:50-6.7) identifies nine specific criteria that must be addressed to determine whether a proposed buffer to wetlands of less than 300 feet will result in an irreversible adverse impact on the wetlands. Based upon the presence of the former landfill and the location of the proposed vegetation clearing and soil disturbance, it has been demonstrated that the site investigation will not result in a significant adverse impact on the wetlands.

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

The proposed site investigation will occur within grassed and wooded areas. The proposed vegetation clearing and soil disturbance is limited to that which is necessary to accommodate the proposed site investigation.

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

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

The applicant completed a visual survey of the parcel for the potential presence of threatened and endangered (T&E) snake species. During that visual survey, the applicant confirmed the presence of Northern pine snake (threatened) and Timber rattlesnake (endangered) on the parcel.

The CMP requires that development, including vegetation clearing and soil disturbance, be designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of a T&E animal species.

To avoid potential impacts to habitat critical to the survival of any local population of Northern pine snake or Timber rattlesnake, the site investigation has been designed to limit the number of transect lines and required soil test pits and soil borings. A 100 foot undisturbed buffer will be provided to the areas where the concerned T&E snakes were observed.

The site investigation is limited to a timeframe between November 1<sup>st</sup> and March 30<sup>th</sup> of any year. This

timing restriction limits the site investigation to the hibernating season of the T&E snakes and avoids the time of year when snakes may be actively utilizing the parcel.

The applicant proposes that a qualified herpetologist will be present on the parcel during vegetation clearing or soil disturbance associated with the site investigation.

Discovery of any snake species on the parcel between November 1<sup>st</sup> and March 30<sup>th</sup> could be indicative of a nearby den site or that air temperatures are warm enough that snake species are not yet hibernating. If any snake species is discovered on the parcel during vegetation clearing or soil disturbance, those site investigation activities shall immediately cease and the Commission will be notified within 24 hours. The qualified herpetologist shall recommend an appropriate course of action to the Commission for continuing vegetation clearing or soil disturbance associated with site investigation. No further vegetation clearing or soil disturbance associated with site investigation shall occur without the written approval of the Commission's Acting Executive Director.

Based on the proposed plan and the conditions recommended below, the site investigation has been designed to avoid irreversible adverse impacts on habitats critical to the survival of the local populations of Northern pine snake and Timber rattlesnake.

#### 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. Newspaper public notice was completed on June 10, 2022. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 21, 2022. The application was designated as complete on the Commission's website on August 30, 2022. The Commission's public comment period closed on September 9, 2022. The Commission received one oral public comment at its September 9, 2022 meeting regarding this application.

Public Comment: The commenter inquired as to the size of a proposed solar facility on the parcel.

Staff Response: An application for a solar energy facility on the referenced parcel has not been submitted to the Commission. Based on the size of the parcel, any potential solar energy facility would be 27 acres or less.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed site investigation shall adhere to the plan, prepared by PennJersey Environmental Consulting, and dated August 30, 2022.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP.

Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

4. Prior to any vegetation clearing or soil disturbance associated with the site investigation, the applicant shall obtain any other necessary permits and approvals.
5. The vegetation clearing and soil disturbance associated with the proposed site investigation shall only occur between November 1st and March 30th of any year.
6. A qualified herpetologist shall be on the parcel during vegetation clearing and soil disturbance associated with the site investigation.
7. Upon discovery of any snake on the parcel during the vegetation clearing or soil disturbance associated with the site investigation, all vegetation clearing or soil disturbance associated with the site investigation shall immediately cease and the Commission will be notified within 24 hours of the discovery. The qualified herpetologist shall recommend an appropriate course of action to the Commission for continuing vegetation clearing or soil disturbance associated with the site investigation. No further vegetation clearing or soil disturbance associated with the site investigation shall occur without the written approval of the Commission's Acting Executive Director.
8. In addition to condition 7 above, if any T&E snake is discovered during the vegetation clearing and soil disturbance associated with the site investigation, the qualified herpetologist shall immediately take all necessary steps to protect that T&E snake.
9. Any future application for a soil cap or solar energy facility on the parcel must demonstrate consistency with all standards of the Pinelands Comprehensive Management Plan, including the threatened and endangered species protection standards.

### 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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### **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 October 11, 2022 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.