



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

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

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, October 14, 2022 - 9:30 a.m.

This meeting will be held in-person and virtually

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel:

www.youtube.com/c/PinelandsCommission

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 810 1321 5029

1. Call to Order

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

2. Adoption of Minutes

- September 9, 2022

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 and Waivers of Strict Compliance:

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

- Application No. 2007-0318.001 - NJDEP, NJ Forest Service
Amended application for approximately 1,304 acres of forestry and approximately 13

miles of forest firebreak
Bass River Township & Little Egg Harbor Township

Resolution Approving With Conditions (4) Applications for Public Development:

- Application No. 1981-2437.018 - Atlantic County Vocational Technical School District
Construction of a 140,130 square foot three story building and a 97-space parking lot
Hamilton Township
- Application No. 1984-1157.008 - Buena Regional School District
Construction of a synthetic turf athletic field at the Buena Regional High School
Buena Vista Township
- Application No. 1988-0706.024 - Town of Hammonton
Construction of an 11-acre overland drip irrigation system for treated wastewater
Town of Hammonton
- Application No. 2021-0112.003 - Pasadena Pemberton Solar Farm, LLC on Behalf of Pemberton Township
Vegetation clearing and soil disturbance to establish the limits of a former Township landfill
Pemberton Township

B. Planning Matters

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

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

A. Public Development Projects

- Application No. 1986-1336.005 – Monroe Township
Two lot resubdivision and no further development
Monroe Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Chesilhurst Borough Ordinance 2017-3
- Egg Harbor City Ordinance 15-2021
- Jackson Township’s 2021 Amended Housing Element and Fair Share Plan
- Lakehurst Borough Ordinance 07-08
- Ocean Township Ordinances 2013-8, 2015-19, 2017-2, 2018-19, 2019-7, 2020-17, 2021-18 & 2022-12
- Pemberton Township Ordinances 9-2022 & 14-2022

7. Other Resolutions:

- 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

8. Presentation: Annual Update on Permanent Land Protection and the Pinelands Development Credit Program

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	
Fri., October 28, 2022	Policy & Implementation Committee Meeting (9:30 a.m.)
Thurs., November 10, 2022	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 at Info@pinelands.nj.gov.

PINELANDS COMMISSION MEETING

MINUTES
September 9, 2022

All participants were either in-person or present via Zoom conference, and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=bM2ZsQlf3ng>

Commissioners Participating in the Meeting

Alan W. Avery Jr., Dan Christy, John Holroyd, Jerome H. Irick, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn, Douglas Wallner and Chair Laura E. Matos. Also participating were Acting Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Nicolas Seminoff and Governor's Authorities Unit representative Janice Venables.

Commissioners Absent

Theresa Lettman, Jonathan Meade & Davon McCurry.

Call to Order

Chair Matos called the meeting to order at 9:32 a.m.

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

DAG Seminoff administered the Oath of Office to Douglas Wallner, who was appointed by Burlington County to serve on the Commission.

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

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's August 12, 2022 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the August 12, 2022 Commission meeting were adopted by a vote of 9 to 0. Commissioners Quinn and Christy both abstained from the vote.

Committee Reports

Chair Matos provided a summary of the August 26, 2022 Policy & Implementation Committee meeting:

The Committee adopted the minutes of the July 29, 2022, meeting.

Staff provided an update on the most recent round of Pinelands Conservation Fund (PCF) land acquisition. Only one project was submitted and the staff is not recommending it for funding. The staff hopes to hold a rally in late winter or early spring 2023 to coordinate with preservation partners and draw more attention to the PCF program.

The Committee received a briefing on Atlantic County's extension request related to Garden State Parkway Exit 44 in Galloway Township. The exit was upgraded from a partial interchange to a full interchange in 2017. The Commission negotiated an agreement whereby Atlantic County must preserve lands near the interchange to offset any increased development pressures in the area. The County has acquired all but 14 of the 356 required acres. The Committee voted to move the extension request to the full Commission.

The Committee continued its discussion of forestry policy proposals to be submitted to Senator Smith's Forestry Stewardship Task Force. Staff drafted eleven policy proposals concerning invasive species management, herbicide use, clear cutting, forest fire fuel breaks, and other forestry related issues. Based on the Committee's discussion, minor revisions and clarifications will be made and presented to the full Commission for discussion in September.

Acting ED Grogan provided the Committee with additional information on Pemberton Township's Lakehurst Road Redevelopment Plan and the history of the Township's Regional Growth Area zoning plan. She described the zoning capacity and PDC opportunities provided by the 1992 zoning plan and noted the additional redevelopment plans and PDC requirements adopted by the Township since that time. She explained how the Lakehurst Road Plan mandates the use of PDCs at a rate than can reasonably be expected to be achieved. She also explained the environmental considerations of the redevelopment plan, including the conservation of more than 300 acres in the Forest Area.

Commissioner Avery provided a summary of the August 23, 2022 Personnel and Budget Committee meeting:

The Committee approved the minutes from its June 14, 2022 meeting.

Staff provided a financial update to the Committee. It was noted that that application fees have exceeded the anticipated amount thus far.

Staff presented the Fiscal Year 2023 draft budgets and a list of initiatives. The Committee discussed the following matters: the possibility of purchasing electric vehicles for field use, the Commission's record retention policy, personnel and staffing matters and the status of contract negotiations. The Committee briefly discussed licensing the Jersey Devil located in the exhibit center to create merchandise to sell.

Acting Executive Director's Report

Acting ED Grogan provided information on the following matters:

- The Pinelands Development Credit (PDC) Bank Board held a virtual meeting on August 24th. The Board had not met in five years but needed to convene a meeting to re-adopt the PDC Bank's regulations, which expire every seven years. The adoption notice was then filed with the Office of Administrative Law (OAL). The Bank also issued its Fiscal Year 2022 Annual Report. Highlights from the report will be shared during a presentation at the October Commission meeting. The presentation will include new data on PDC supply and demand.
- The Kirkwood-Cohansey rule proposal was published in the New Jersey Register on September 6, 2022. The register notice was posted on the Commission's website, and distributed to the Pinelands Municipal Council, Pinelands municipalities and counties and interested parties. The 60-day public comment period has begun and will close on November 5, 2022. A public hearing has been scheduled for October 13, 2022.
- The State Auditor has contacted staff about beginning the Fiscal Year 2021 Audit.
- The New Jersey Department of Environmental Protection (NJDEP) has announced a virtual public stakeholder process that will begin on September 27th to develop an access and use plan for Wharton State Forest. Commission staff will attend the meeting in September.
- NJDEP's Office of Community Investment and Economic Revitalization (CIER) created an Outdoor Recreation Advisory Committee. Staff's request to participate on the Committee was accepted and Gina Berg will be representing the Commission as the Committee develops New Jersey's outdoor recreation plan. Staff will be conducting an "economy of open space" study as part of new project for the Long-Term Economic Monitoring program.
- The New Jersey Historic Trust will announce its grant funding recipients on September 28th. The Commission prepared a grant application for funding to prepare a preservation plan for Fenwick Manor.
- Kelly Smalling from the U.S. Geological Survey will present the findings of the endocrine disruption study at the November Commission meeting. The study has been published and will be shared with Commissioners.

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

- Staff recently met with a cranberry farmer in Southampton Township to discuss subdividing off two existing dwellings from the 230-acre parcel. The purpose of the subdivision is to facilitate acquisition of the balance of the property by the New Jersey Conservation Foundation, with participation by the Pinelands Preservation Alliance.
- A large residential development project in Jackson Township was approved by consent order, granting final approval to the entire project. Typically, large residential developments are approved in phases. The project requires the purchase and redemption of 27.5 PDCs. Staff is trying to find an approach for the redemption of the PDCs that will be consistent with the regulations and not financially burden the developer all at once.
- The Forestry Stewardship Task force has two sub-Committee meetings scheduled this month. Today is the extended deadline to submit policy proposals.
- Staff participated in two different municipal court matters in Hamilton Township, both of which involved clearing violations.

Stacey Roth, Chief of Legal & Legislative Affairs, provided an update on the following matters:

- Staff is scheduled to meet with representatives of Stockton University later this month to continue discussions regarding the deed of conservation restriction (DCR) and changes to the map.
- Atlantic County recently contacted the Commission about amending its 1998 Memorandum of Agreement (MOA) to allow for a new floating dock system to be installed. The project lost momentum during the pandemic. The DCR filed for the original MOA inadvertently deed restricted the entire lake, making it not possible to move or install new docks.

Paul Leakan, Communications Officer, provided an update on the following:

- The Commission will host a moth night on October 5, 2022, starting at 7 p.m.
- Plant identification markers have been installed in the Commission's rain garden, which is thriving.

Public Development Projects and Other Permit Matters

Chair Matos presented a resolution related to three applications for the Buena Regional Board of Education. She said the first application is for an addition to the Buena Regional High School, the second application is for a parking lot and an access drive at Collings Lakes Elementary School and the third application is for a building addition and parking area expansion at the Milanesi Elementary School.

Commissioner Irick made a motion Approving With Conditions Applications for Public Development (Application Numbers 1984-1157.007, 1990-1104.003 & 1991-1291.002) (See Resolution # PC4-22-31). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 11 to 0.

Chair Matos presented a resolution for improvements to an entrance ramp of a service area on the Garden State Parkway.

Commissioner Pikolycky made a motion Approving With Conditions an Application for Public Development (Application Number 1997-0257.020) (See Resolution # PC4-22-32). Commissioner Avery seconded the motion.

Director Horner said a minor widening is proposed for traffic safety improvements to the service area.

The resolution was adopted by a vote of 11 to 0.

Chair Matos presented a resolution recommending approval of three Pemberton Township Applications. They included the construction of a playground and three docks at a park, installation of potable water main in the Pemberton-Browns Mills Road right-of-way and the construction of a cell tower at the Presidential Lakes Fire and Rescue Building.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 1984-0509.003, 1989-0349.022 & 2006-0440.001) (See Resolution # PC4-22-33). Commissioner Holroyd seconded the motion.

Director Horner noted that a violation will be resolved as part of the park application, He said the town placed riprap along the shoreline in an attempt to discourage swimming and it is not permitted by the Pinelands Comprehensive Management Plan (CMP).

Director Horner said that the cell tower application is being sited at an approved location for a wireless communication facility. The cell tower will serve as a principal use and provide cellular coverage throughout the area.

The resolution was adopted by a vote of 11 to 0.

Chair Matos presented a resolution recommending approval of a Waiver of Strict Compliance for a single-family dwelling.

Commissioner Pikolycky made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2020-0195.001) (See Resolution # PC4-22-34). Commissioner Christy seconded the motion.

Director Horner noted that the proposed single-family dwelling will be located in the Ocean Acres section of Stafford Township. He said the development cannot meet the wetlands buffer standards of the CMP and requires a waiver. The proposed single-family dwelling will maintain a 55-foot buffer to wetlands. One public comment was received, and it included four photographs of wildlife species, one of which was a frog. He said in the Pinelands Area, the Southern gray treefrog is considered endangered. Based on the submitted photograph staff could not determine if the frog was a Southern grey treefrog or a Northern grey treefrog. He said the only way to distinguish between the two frog species is by their call and certain chromosomal factors. He said staff feels comfortable that the proposed development will not result in irreversible, adverse impacts critical to the survival of the species, based on the surrounding development.

The resolution was adopted by a vote of 11 to 0.

Planning Matters

Chair Matos presented a resolution recommending approval of the Lakehurst Road Redevelopment Plan in Pemberton Township.

Commissioner Avery made a motion to Adopt an Order to Certify Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan (See Resolution # PC4-22-35). Commissioner Pikolycky seconded the motion.

Acting ED Grogan provided a brief overview of the redevelopment plan. She noted that the plan was discussed at length during two P&I Committee meetings and at the August Commission meeting. She said the redevelopment plan covers just over 700 acres, half of which is in the Regional Growth Area (RGA) and the other half is in the Forest Area (FA). The plan will facilitate the development of 575 age-restricted homes that will all be located in the RGA. Incorporated into the plan is an affordable housing obligation and a mandatory PDC requirement for 25% of the market rate units. She said PDCs were optional under the old zoning and included a higher permitted density (1,200 units). She said the FA will remain open space. She said staff is recommending approval of the redevelopment plan.

Commissioner Lohbauer said he raised a number of questions, all of which were answered by staff. He said he supports the reduced density. He said because of the Commission's rules, a secondary access road will need to be constructed and trees will need to be cut. He said the Pinelands Climate Committee is working towards no net tree loss rules to be incorporated into the CMP and requested that the Township take that into consideration.

Acting ED Grogan clarified that the CMP does not require a secondary access road and should the Township include it as part of a future development application, the staff would review it for compliance with the environmental standards.

Commissioner Lloyd said he is pleased that passive solar heat gain is being required and hopes there is way that the CMP can be amended to incorporate it.

The resolution was adopted by a vote of 11 to 0

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

Chair Matos read the list of Public Development applications.

Director Horner said that the NJDEP has submitted an amended application for a forest fire fuel break and forestry activities. He said approximately six months ago the Commission voted on the resolution and it did not receive eight votes in favor or against the application. At NJDEP's request, transmittal of the matter to the New Jersey Office of Administrative Law (OAL) has been put on hold. He briefly noted the changes that have been made to the application: the firebreak has been reduced by five feet on each side to 25 feet, and the use of herbicide is no longer proposed. He said concerns related to threatened and endangered species will be addressed in the report. (Please see the attached slide that was displayed at the meeting.)

Bill Cutts said he is a cranberry farmer and farms three bogs in the area of the proposed firebreak. He said frost, insects, hail, hot weather, drought and wildfire present a risk in growing cranberries. He said the risk of wildfire can be limited with fuel breaks and prescribed burning. He said the area in question is a large span of forest and has limited access. He said firebreaks work and asked the Commission to approve NJDEP's application for a forest firebreak (Application No. 2007-0318.001).

Carleton Montgomery of the Pinelands Preservation Alliance said he hopes that staff will address the impacts to the rare snake study sites in the vicinity of the proposal. He said that the clear cutting may inadvertently create off-road vehicle access to two ponds in the area.

Michelle Forman asked how many acres will be involved in the solar facility in Pemberton Township (Application No. 2021-0112.003).

Director Horner said there is no application for a solar facility at this time, however there may be one in the future. The application up for comment is only to permit testing that will define the limits of the landfill. He said the site is approximately 20 acres.

Fred Akers of the Great Egg Harbor Watershed Association said he supports Hammonton's application for additional drip irrigation to treat wastewater (Application No.1988-0706.024). He said Hammonton has not discharged any wastewater to the surface waters of Hammonton Creek since 2015. He said the older sections of Hammonton's wastewater treatment plant need to be upgraded. He suggested that the Commission consider amending the Pinelands Infrastructure Trust Master Plan to include the Town of Hammonton, not just Regional Growth Areas. He noted that he will be submitting written comments.

Jason Howell of the Pinelands Preservation Alliance said research herpetologists who are familiar with the critical habitat in the area of the proposed firebreak application offered to consult with the NJDEP. He said the researchers were told they would be contacted to provide their expertise but to date that has not happened.

Ordinances Not Requiring Commission Action

Chair Matos read the list of ordinances listed on today's agenda that do not require action.

- Franklin Township Ordinance O-18-22
- Monroe Township Ordinance O:14-2022
- South Toms River Borough Ordinance 22-2
- Waterford Township Ordinance 2022-14
- Winslow Township Ordinance O-2022-017
- Winslow Township Ordinance O-2022-018

Acting ED Grogan said the Franklin Township ordinance permits solar energy as an accessory use in certain zoning districts in the Pinelands Area portion of the town. She said the South Toms River ordinance permits a variety of cannabis facilities in the Regional Growth Area.

Other Resolutions

Chair Matos presented a resolution granting an extension of time to Atlantic County to purchase properties in the vicinity of Exit 44 on the Garden State Parkway.

Commissioner Irick made a motion To Authorize an Additional Extension of the Time Period for Atlantic County to Complete its Obligations Under the Secondary Impacts Agreement for Interchange 44 of the Garden State Parkway (Resolution # PC4-22-36). Commissioner Lloyd seconded the motion.

Acting ED Grogan said Atlantic County has almost completed its obligation to preserve 356 acres. She said the County needs additional time to purchase the remaining 14 acres. She said that by approving the resolution, Atlantic County will have an additional year to complete the land acquisition.

The resolution was approved by a resolution of 11 to 0.

Chair Matos said the last resolution on today's agenda is for the adoption of the Fiscal Year 2023 Budgets.

Commissioner Avery made a motion To Adopt the Pinelands Commission's Fiscal Year 2023 Budgets for the Operating Fund, Katie Trust Fund, Fenwick Manor Preservation Fund, and the Pinelands Conservation Fund. Commissioner Irick seconded the motion.

Jessica Lynch, Business Manager, said the FY 2023 budget consists of four separate budgets. She said the Commission's state appropriation has increased by \$150,000 this fiscal year and although it has been steadily increasing since 2017, it does not cover the annual salary and fringe costs.

Acting Director Grogan said \$500,000 has been designated for a new Energy Conservation Reserve to fund a variety of projects: the installation of electric vehicle charging station, pursue installation of solar energy at the Commission's offices, the purchase of two new electric or hybrid vehicles, the purchase of a new energy efficient lawn mower and future HVAC system upgrades. She then reviewed the list of FY 2023 Pinelands Conservation Fund (PCF) initiatives. Some highlights from the list include enhancements to the Box Turtle Study, legislative changes to the Pinelands Protection Act to move the PDC Bank to the Commission from the Department of Banking & Insurance and the possibility of selling Pinelands-themed merchandise, with proceeds supporting the Katie Fund for the Reforestation of the New Jersey Pinelands.

Commissioner Lohbauer urged the Commission to purchase fully electric vehicles if possible. Commissioner Irick cautioned that the Commission should only do so if an electric vehicle charging station has been installed at the office.

Ms. Lynch said the Commission received \$500,000 from the state to be used for the rehabilitation of Fenwick Manor, including exterior painting of the building.

Ms. Lynch said the Katie Fund budget includes supplies to support the recently installed rain garden at the Commission's headquarters.

Acting ED Grogan reviewed the projects supported by the operating fund budget, including ongoing projects and future and unanticipated projects. (See attached budget presentation slides for details.)

Commissioner Lloyd asked how much money is being used from the reserve funds to support the budget. He had concerns about drawing the money down.

Acting ED Grogan said it depends on the year and how much money was received through application review fees and grants. She said as part of future budget planning, the Commission may need to seek assistance for an increase in the state supplemental fund because reliance on the reserve fund and application fees may not always be feasible.

Commissioner Avery said it wasn't long ago when the projected application fees fell short.

Commissioner Lohbauer said he is proud of the measures in the FY 2023 budget that will help to reduce the Commission's carbon footprint.

The resolution was adopted by a vote of 11 to 0.

Forestry Policy Recommendation Discussion

Commissioner Lohbauer recused himself from the discussion of forestry policies, noting that he was participating on the Forest Task Force. He left the meeting.

Director Horner said staff has been working with the P&I Committee on recommended forest policies on state-owned land in the Pinelands Area to submit to the Forest Stewardship Task Force. He said Senator Bob Smith formed the Forest Stewardship Task Force in February 2022 after a few of his proposed forestry bills generated a lot of public interest. He said included in the meeting packet materials was a memo that provided a definition of forestry from the CMP, the goals of the Protection Act and a list of 11 suggested forestry policy recommendations. (Please see the attached slide of the forestry policies that are being recommended for consideration. The slide was displayed during the meeting.). He noted that the policies are not regulations and do not supersede the current rules.

Commissioner Wallner said he was supportive of the policies and appreciated the revisions made to the policy related to use of herbicides.

Commissioner Irick said it is important for the Commission to have contact with Senator Smith's office to be sure that the Commission's concerns are heard. He said staff may want to share the letter that was written by Ms. Roth regarding the previous forestry bills.

Ms. Roth said that should the task force move forward with legislation, the Commission would have the opportunity to comment on any proposed bills.

Director Grogan clarified that the recommendations being submitted to the task force are on state-owned lands only and the forestry bills that stalled when the legislation did not move were something different. Several of those bills were focused on procedures, not forestry policies. She agreed that communication with the Governor's office will be essential should any forestry legislation move forward.

Chair Matos thanked Director Horner and other staff for generating the recommendations and said they can be submitted to the task force.

Commissioner Lohbauer returned to the meeting.

General Public Comment

Michelle Forman asked several questions but did not provide comment.

Heidi Yeh of the Pinelands Preservation Alliance (PPA) introduced herself to the Commission as PPA's new Director of Policy.

Other

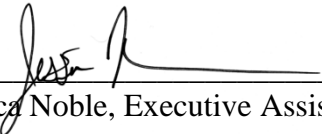
Commissioner Irick said he is prepared to vote yes on the NJDEP forest fuelbreak application after hearing Bill Cutts' testimony.

Commissioner Lohbauer said he still has two questions regarding the NJDEP application; one is related to the impacts of the snake studies in the area of the forest fire fuelbreak and the other is related to herbicide use.

Adjournment

Commissioner Irick moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:28 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: September 19, 2022



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 31

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1984-1157.007, 1990-1104.003 & 1991-1291.002)

Commissioner Irick moves and Commissioner Lohbauer 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:

1984-1157.007

Applicant:	Buena Regional Board of Education
Municipality:	Buena Vista Township
Management Area:	Pinelands Rural Development Area
Date of Report:	August 18, 2022
Proposed Development:	Construction of a 6,500 square foot building addition at the Buena Regional High School;

1990-1104.003

Applicant:	Buena Regional Board of Education
Municipality:	Buena Vista Township
Management Area:	Pinelands Rural Development Area
Date of Report:	August 17, 2022
Proposed Development:	Construction of a 48 space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary School; and

1991-1291.002

Applicant:	Buena Regional Board of Education
Municipality:	Buena Vista Township
Management Area:	Pinelands Town Pinelands Rural Development Area
Date of Report:	August 18, 2022
Proposed Development:	Construction of a 10,780 square foot addition to the Milanese Elementary School and the expansion of an existing parking area.

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 1984-1157.007, 1990-1104.003 & 1991-1291.002 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

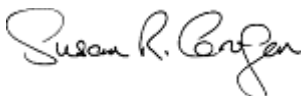
Record of Commission Votes

	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			X		Matos	X			
Jannarone	X				Meade			X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2022



Susan R. Grogan
Acting Executive Director



Laura E. Matos
Chair



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

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

August 17, 2022

Pasquale Yacovelli (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Re: Application # 1990-1104.003
Block 502, Lot 5
Buena Vista Township

Dear Mr. Yacovelli:

The Commission staff has completed its review of this application for a 48 space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary 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 September 9, 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)
David Scheidegg, PE (via email)



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

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PUBLIC DEVELOPMENT APPLICATION REPORT

August 17, 2022

Pasquale Yacovelli (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Application No.: 1990-1104.003
Block 502, Lot 5
Buena Vista Township

This application proposes a 48 space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary School located on the above referenced 19.88 acre parcel in Buena Vista Township. This application also proposes a 950 linear foot five foot wide paved walking path on the parcel.

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

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

There are wetlands located within 300 feet of the parcel. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands. The Commission staff has determined that a 250 foot buffer to the wetlands would not result in a significant adverse impacts to the wetlands. The proposed development will be located at least 250 feet from wetlands.

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

The proposed parking lot and a majority of the proposed walking path will be located within existing maintained grassed areas. Approximately 220 linear feet of the proposed walking path will be located along the perimeter of an existing forested area. No forest clearing is proposed. The proposed clearing and 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.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing two stormwater infiltration basins.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced lot was completed on January 24, 2022. Newspaper public notice was completed on April 25, 2022. The application was designated as complete on the Commission's website on July 28, 2022. The Commission's public comment period closed on August 12, 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 seven sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC and dated as follows:

 Sheets 1, 3 & 5 - November 10, 2021; revised to July 25, 2022
 Sheets 2 & 6 - August 10, 2021; revised to July 25, 2022
 Sheet 4 - November 10, 2021; revised to August 17, 2022
 Sheet 7 - November 11, 2021; revised to August 17, 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. All development, including clearing and land disturbance, shall be located at least 250 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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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

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 September 6, 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

August 18, 2022

Pasquale Yacovelli (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310


Re: Application # 1991-1291.002
Block 5301, Lots 1 & 35
Block 5402, Lot 11
Buena Vista Township

Dear Mr. Yacovelli:

The Commission staff has completed its review of this application for construction of a 10,780 square foot addition to the Milanese Elementary School and the expansion of an existing parking area. 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 9, 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)
Atlantic County Division of Public Health (via email)
David Scheidegg, PE (via email)



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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

August 18, 2022

Pasquale Yacovelli (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Application No.: 1991-1291.002
Block 5301, Lots 1 & 35
Block 5402, Lot 11
Buena Vista Township

This application proposes construction of a 10,780 square foot addition to the Milanesi Elementary School and the expansion of an existing parking area located on the above referenced 133.49 acre parcel in Buena Vista Township.

The proposed building addition will contain a new gymnasium and performing arts stage. The parking area will be expanded to include an additional 22 parking spaces.

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 partially within the Pinelands Town of Buena (13.75 ac) and partially within a Pinelands Rural Development Area (119.74 ac). The existing school complex and the proposed development is located within the portion of the parcel located in the Pinelands Town. The proposed development is a permitted land use in a Pinelands Town.

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

There is an isolated wetland located on the northwest side of the parcel. The parcel fronts on Route 40. There is a grassed wetland located on the parcel on the easterly side of Route 40 and a wooded wetland located along the westerly side of Route 40. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

The Commission staff has determined that a 110 foot buffer to the isolated wetlands would not result in a significant adverse impact to the isolated wetland. The proposed development will be located at least 110 feet from the isolated wetland and at least 300 feet from all other wetlands.

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

The proposed development will be located within existing paved and maintained grassed 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 utilize a seed mixture which meets that recommendation.

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

The school is serviced by an existing onsite septic system(s). On July 14, 2000, the Commission approved an application for 15,270 square feet of classroom and cafeteria additions to the school on a 133.49 acre parcel (App. No. 1991-1291.001). Based upon a maximum projected enrollment of 495 students, it was determined that the proposed development approved in App. No. 1991-1291.001 met the groundwater quality (septic dilution) standard. The applicant has represented that the current enrollment is 269 students. The proposed gymnasium and performing arts stage will not result in an increase in student enrollment. The proposed development is consistent with the groundwater quality (septic dilution) standard.

To ensure that the existing and proposed development maintains consistency with the groundwater quality (septic dilution) standard, a condition is included in this report requiring that the three existing lots subject of this application be consolidated into one 133.49 acre lot.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be enlarging an existing stormwater infiltration basin.

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 February 3, 2022. Newspaper public notice was completed on February 3, 2022. The application was designated as complete on the Commission's website on July 28, 2022. The Commission's public comment period closed on August 12, 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 seven sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, all sheets dated December 6, 2021 and revised to July 19, 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. The proposed development shall be located at least 110 feet from the isolated wetland located northwest of the parcel and at least 300 feet from all other wetlands.
6. Prior to receipt of a certificate of occupancy for the proposed 10,780 square foot addition to the Milanesi Elementary School, a recorded copy of a deed consolidating the three existing lots into one lot shall be submitted to the Pinelands Commission.

CONCLUSION

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



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General Information: Info@pinelands.nj.gov
Application Specific Information: 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 September 6, 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.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1997-0257.020)

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:

1997-0257.020

Applicant:	NJ Turnpike Authority
Municipality:	Lacey Township
Management Area:	Parkway Overlay District
Date of Report:	August 17, 2022
Proposed Development:	Improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway.

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 1997-0257.020 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					Lettman					Pikolycky				
Christy					Lloyd					Quinn				
Holroyd					Lohbauer					Wallner				
Irick					McCurry					Matos				
Jannarone					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 32

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1997-0257.020)

Commissioner Pikolycky moves and Commissioner Avery 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:

1997-0257.020

Applicant: NJ Turnpike Authority
Municipality: Lacey Township
Management Area: Parkway Overlay District
Date of Report: August 17, 2022
Proposed Development: Improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway.

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 1997-0257.020 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	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: September 9, 2022

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



State of New Jersey

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

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

August 17, 2022

Robert Fischer, PE (via email)
NJ Turnpike Authority
P.O. Box 5042
Woodbridge NJ 07095

Re: Application # 1997-0257.020
Garden State Parkway right-of-way
Lacey Township

Dear Mr. Fischer:

The Commission staff has completed its review of this application for improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway. 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 9, 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, Lacey Township Planning Board (via email)
Lacey Township Construction Code Official (via email)
Lacey Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Michael Folli (via email)



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

PUBLIC DEVELOPMENT APPLICATION REPORT

August 17, 2022

Robert Fischer, PE (via email)
NJ Turnpike Authority
P.O. Box 5042
Woodbridge NJ 07095

Application No.: 1997-0257.020
Garden State Parkway right-of-way
Lacey Township

This application proposes improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway located in Lacey Township.

The southbound entrance ramp will be widened a maximum of 10 feet for approximately 500 linear feet. The applicant has indicated that the proposed widening is required to meet current roadway design standards.

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. 7:50-5.35)

The proposed development is located within the existing Garden State Parkway right-of-way. The Garden State Parkway right-of-way is located with the CMP designated Parkway Overlay District. The proposed improvement to the existing roadway is a permitted land use in the Parkway Overlay District.

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

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in the required buffer to wetlands.

The CMP permits roads (linear improvements) in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the

resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the proposed widening of the entrance ramp is necessary to improve traffic safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located within a maintained grassed shoulder. 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 disturbed areas, the applicant proposes to utilize grass species which meet 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 contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

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

The New Jersey State Historic Preservation Office previously determined that the Garden State Parkway was eligible for the National Register of Historic Places. The entrance ramp is not a contributing resource to the register eligible Garden State Parkway Historic District. A noncontributing resource means any structure which is not an integral component of an historic district because they neither date from a time period for which the historic district is significant, nor represent an architectural style, period or construction method for which the historic district is significant. Because the entrance ramp is not a contributing resource to the register eligible Garden State Parkway Historic District, no Certificate of Appropriateness is required for this application.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on April 14, 2022. The application was designated as complete on the Commission's website on July 27, 2022. The Commission's public comment period closed on August 12, 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 12 sheets, prepared by AECOM Technical Services, Inc. and dated as follows:
 - Sheet 1 - July 18, 2022
 - Sheets 2-12 - April 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. 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.

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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LAURA E. MATOS
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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 September 6, 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.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 33

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1984-0509.003, 1989-0349.022 & 2006-0440.001)

Commissioner Lohbauer moves and Commissioner Holroyd 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:

1984-0509.003

Applicant: **Pemberton Township**
Municipality: Pemberton Township
Management Area: Pinelands Regional Growth Area
Date of Report: August 19, 2022
Proposed Development: Construction of a playground and three docks at the Spring Lake Beach Park;

1989-0349.022

Applicant: **Pemberton Township**
Municipality: Pemberton Township
Management Area: Pinelands Agricultural Production Area
Pinelands Regional Growth Area
Date of Report: August 19, 2022
Proposed Development: Installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of water main on 327.3 acre Block 812, Lot 9.01

2006-0440.001

Applicant: **Pemberton Township Volunteer Fire Company**
Municipality: Pemberton Township
Management Area: Pinelands Forest Area
Date of Report: August 17, 2022
Proposed Development: Construction of a 150 foot tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building.

WHEREAS, Application No. 1984-0509.003 proposes the removal of approximately 350 linear feet of rip-rap that was placed along the edge of Spring Lake without application to, and approval by, the Pinelands Commission in violation of the application requirements of the Pinelands Comprehensive Management Plan; and

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 1984-0509.003, 1989-0349.022 & 2006-0440.001 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

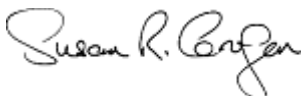
Record of Commission Votes

	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			X		Matos	X			
Jannarone	X				Meade			X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2022



Susan R. Grogan
Acting Executive Director



Laura E. Matos
Chair



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

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

August 19, 2022

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

Re: Application # 1984-0509.003
Block 621, Lot 9
Block 952, Lot 1.01
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for construction of a playground and three docks at the Spring Lake Beach Park. 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 9, 2022 meeting.

The applicant previously placed 350 linear feet of rip-rap along the water line associated with Spring Lake on the above referenced parcel. The rip-rap is approximately 6 feet wide. By letter dated May 20, 2022, the Township's consultant represented that the purpose of the rip-rap was to prevent swimming at the site due to a lack of lifeguards. The placement of the stone rip-rap within wetlands and prior to the completion of an application with the Pinelands Commission constitutes a violation of the wetland protection standards and the application requirements of the Pemberton Township land use ordinance and the Pinelands Comprehensive Management Plan. The applicant proposes to remove the rip-rap to resolve the violation.

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
Public Comments (2)

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



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PHILIP D. MURPHY
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 SHEILA Y. OLIVER
 Lt. Governor

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

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

PUBLIC DEVELOPMENT APPLICATION REPORT

August 19, 2022

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

Application No.: 1984-0509.003
 Block 621, Lot 9
 Block 952, Lot 1.01
 Pemberton Township

This application proposes construction of a playground and three docks at the Spring Lake Beach Park located on the above referenced 102.47 acre parcel in Pemberton Township.

This application proposes the construction of an approximately 3,700 square foot playground on a proposed pervious surface, 855 linear feet of a five foot wide pervious walking path, an approximately 54 foot by 36 foot T-dock and two 22.5 foot long docks. The three proposed docks will be 8.5 feet wide.

The applicant previously placed 350 linear feet of rip-rap along the water line associated with Spring Lake on the above referenced parcel. The rip-rap is approximately 6 feet wide. By letter dated May 20, 2022, the Township’s consultant represented that the purpose of the rip-rap was to prevent swimming at the site due to a lack of lifeguards. The placement of the stone rip-rap within wetlands and prior to the completion of an application with the Pinelands Commission constitutes a violation of the wetland protection standards and the application requirements of the Pemberton Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). The applicant proposes to remove the rip-rap to resolve 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. 7:50-5.28)

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

Wetlands Standards (N.J.A.C. 7:50-6.7, 6.12 & 6.14)

There are wetlands located on the above referenced parcel associated with Spring Lake. The CMP prohibits most development in wetlands.

The CMP (N.J.A.C. 7:50-6.14) also prohibits most development within 300 feet of wetlands unless it is demonstrated that such development will not result in a significant adverse impact on the wetlands as set for in the CMP (N.J.A.C. 7:50-6.7).

The proposed playground and walking path will be located approximately 30 feet from wetlands on an existing sand beach.

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 existing site conditions and the design of the proposed development, including the proposed stormwater management plan, the applicant has demonstrated that the proposed playground and walking path will not result in a significant adverse impact on the wetlands.

The CMP (N.J.A.C. 7:50-6.12) permits water dependent recreational facilities, such as public docks, in wetlands and the required buffer to wetlands provided certain CMP specified conditions are met. One of those conditions requires that the proposed development not result in a significant adverse impact to wetlands. The three proposed docks have a combined surface area of 1,075 square feet. The proposed docks will extend a maximum of 54 feet from an existing sand beach into Spring Lake. Based upon the size of the proposed docks and their maximum extension of 54 feet into Spring Lake from the existing sand beach, the proposed docks will not result in a significant adverse impact to wetlands.

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

The proposed development will be located within an existing sand beach. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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 CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing three stormwater infiltration basins (rain gardens).

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 landowners within 200 feet of the above referenced parcel was completed on May 19, 2022. Newspaper public notice was completed on May 22, 2022. The application was designated as complete on the Commission's website on July 28, 2022. The Commission's public comment period closed on August 12, 2022. The Commission received two public comments from one individual regarding this application.

Public Comments: By email dated October 18, 2021, the commenter advised the Commission that development had occurred on the parcel.

By email dated December 1, 2021, the same commenter indicated to the Commission that the concerned area is incumbered as a New Jersey Department of Environmental Protection (NJDEP), Green Acres recreational area and that the Township could not destroy the use of the parcel as a beach without compensation.

Response: In response to the October 18, 2021 email, the Commission staff completed a site inspection of the parcel and determined that the Township had placed rip-rap on the parcel within Spring Lake (wetlands). The Commission staff discussed the rip-rap issue with the Township. Subsequently, the Township provided a conceptual plan to the Commission on October 20, 2021 and indicated that an application for the development of a playground and the placement of the rip-rap would be submitted to the Commission.

The Township now proposes to remove the rip-rap in Spring Lake from the parcel.

This approval is conditioned upon the applicant obtaining any other necessary permits and approvals. In consultation with the NJDEP, Green Acres Program, the applicant is responsible for determining whether there are any NJDEP Green Acres restrictions related to the recreational use of the parcel. A copy of this report is being sent to the NJDEP, Green Acres Program.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:

Sheet 1 - July 18, 2022

Sheets 2, 5 & 6 - January 2022; revised to July 18, 2022

Sheet 3 - January 2022; revised to July 28, 2022

Sheet 4 - January 2022; revised to July 27, 2022

Sheets 7 & 8 - January 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. 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 any development of the proposed playground, walking path or docks, but no later than January 1, 2023, the applicant shall remove the concerned rip-rap from the 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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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

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, 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.

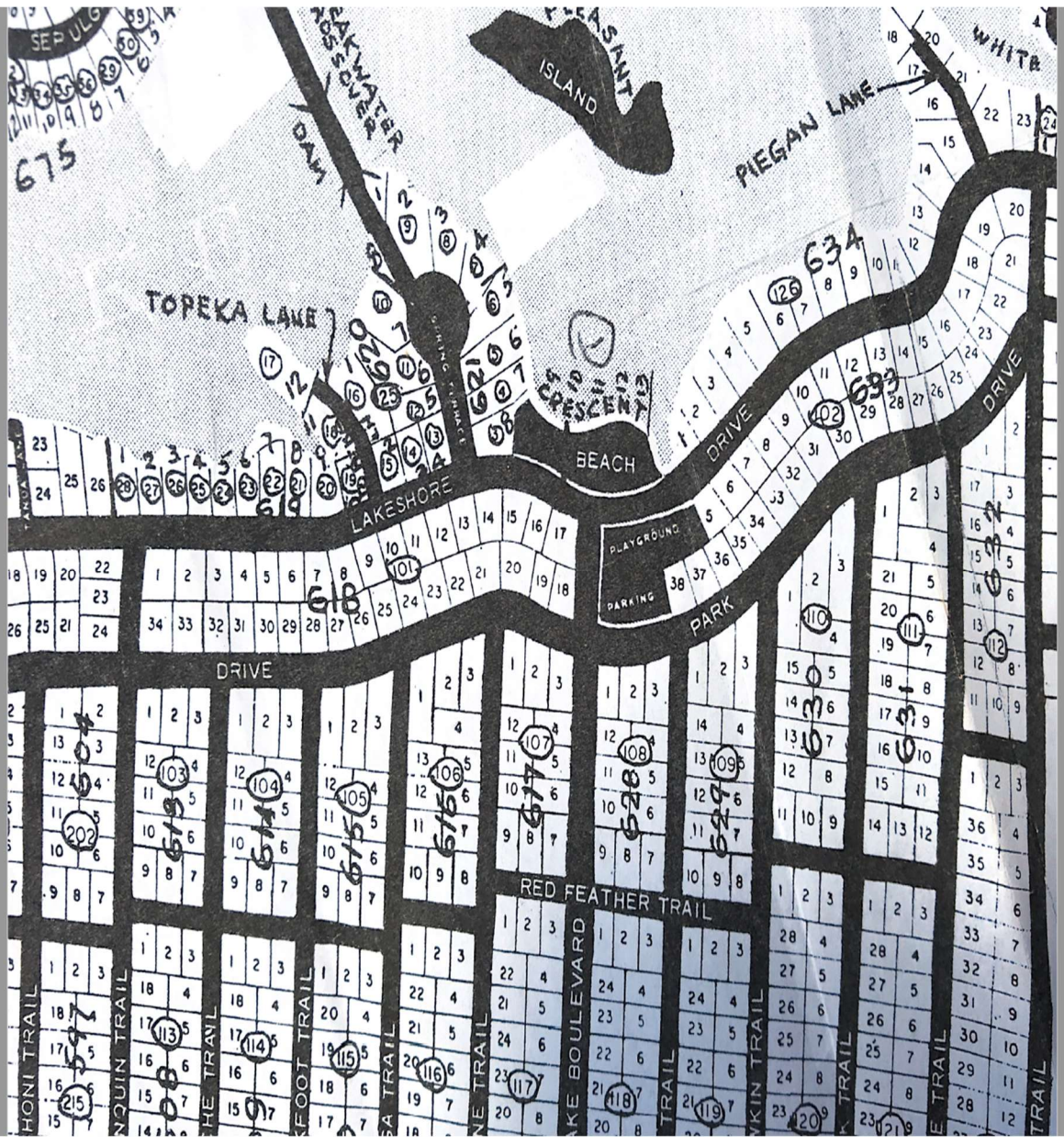
From: Rick Brown <pineyrick@hotmail.com>
Sent: Monday, October 18, 2021 10:59 AM
To: AppInfo, PC [PINELANDS]
Subject: [EXTERNAL] Development in pinelands waters, buffers, by a public entity; clearing and grading over 5000 square feet
Attachments: attachment 1.pdf

Please investigate the development the township has illegally engaged in at the location on the map labeled as Crescent Beach.

Thanks for your time and efforts

Rick Brown

Sent from me to you



From: Rick Brown (pineyrick@hotmail.com)
Received: 12/1/2021 5:18:19 PM
To: AppInfo, PC [PINELANDS] (AppInfo@pinelands.nj.gov)
CC:
Subject: [EXTERNAL] Re: Pinelands Application #1984-0509.003
Attachments: Email-01-ConnectWithUs.png, Email-02-Facebook.png, Email-03-YouTube.png

Thanks for your reply

Be aware that the area is a Green Acres encumbered recreation area which is a designated beach and the township may not destroy the recreational use as a beach without compensation

I have an official
Map which depicts the ROSI parcels in the township from 2004 and it clearly identifies the site as a beach
and an encumbered property

Please coordinate any Review with Green Acres

Rick

Sent from my iPhone



State of New Jersey

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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

August 19, 2022

Dan Hornickel (via email)
Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton NJ 08068

Re: Application # 1989-0349.022
Pemberton-Browns Mills Road right-of-way
Block 812, Lot 9.01
Pemberton Township

Dear Mr. Hornickel:

This application proposes the installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of water main on 327.3 acre Block 812, Lot 9.01.

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 9, 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)
Marianne G. Risley (via email)



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PHILIP D. MURPHY
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 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

August 19, 2022

Dan Hornickel (via email)
 Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton NJ 08068

Application No.: 1989-0349.022
 Pemberton-Browns Mills Road right-of-way
 Block 812, Lot 9.01
 Pemberton Township

This application proposes the installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of potable water main on 327.3 acre Block 812, Lot 9.01.

This application also proposes the demolition of a 168 and 186 square foot well house, both 50 years old or older, and both located on Block 812, Lot 9.01. The application further proposes the construction of two replacement well houses. The two proposed replacement well houses will contain a total of 640 square feet and be located on Block 812, Lot 9.01.

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 2,464 linear feet of potable water main proposed to be installed in the Pemberton-Browns Mills Road right-of-way is located in a Pinelands Regional Growth Area.

Block 812, Lot 9.01 is located partially in a Pinelands Regional Growth Area (75.89 acres) and partially in a Pinelands Agricultural Production Area (251.5 acres). The proposed 2,407 linear feet of potable water main, two well house buildings to be demolished and the two replacement well houses are located in the Pinelands Regional Growth Area portion of Block 812, Lot 9.01.

All of the proposed development is a permitted land use in a Pinelands Regional Growth Management Area.

Wetlands Standards (N.J.A.C. 7:50-6.6 & 6.13)

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

Of the total proposed 4,871 linear feet of potable water main, 4,454 linear feet will be located under existing pavement or gravel surfaces.

Approximately 417 linear feet of proposed potable water main and a proposed access driveway will be located within the required 300 foot buffer to wetlands. The 417 linear feet of proposed potable water main and access driveway will be located approximately 80 feet from wetlands in an existing maintained grass area. This proposed development will provide access to one of the proposed replacement well houses that will contain an existing potable water well.

The CMP permits the installation of linear improvements (potable water main and access drive) in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development in an existing maintained grass area that does not involve development in the required buffer to wetlands that will result in a less significant adverse impact to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The development proposed within the required buffer to wetlands is necessary to provide water service from one of the proposed replacement well houses to existing development in the Township. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the required buffer to wetlands.

One of the existing well houses is located within the required 300 foot buffer to wetlands. To demonstrate consistency with the wetlands protection standards, the proposed replacement well house will be located no closer to wetlands than the previously existing well house.

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

The proposed potable water main will be located under existing pavement, gravel and maintained grass areas. The replacement well houses will be located within existing disturbed and maintained areas on Block 812, Lot 9.01. 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.

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

This application proposes the removal of 839 square feet of existing impervious surfaces associated with the two existing well houses and 4,351 square feet of impervious surface associated with an existing access driveway on the parcel. The total amount of impervious surfaces to be removed is 5,190 square feet. The proposed development will result in 5,157 square feet of new impervious surfaces associated with the two proposed replacement well houses and an access drive. The proposed development will result in a decrease of impervious surfaces by 33 square feet. There will be no increase in the volume

and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with CMP stormwater management standards.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced project was completed on April 21, 2022. Newspaper public notice was completed on April 24, 2022. The application was designated as complete on the Commission's website on July 25, 2022. The Commission's public comment period closed on August 12, 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 22 sheets, prepared by Adams, Rehmann & Heggan and dated as follows:

Sheet 1 - March 3, 2022; revised to June 27, 2022
Sheets 2-16 & 18-22 - August 17, 2021
Sheet 17 - March 3, 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.



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

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 September 6, 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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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

August 17, 2022

Craig Augustoni (via email)
Pemberton Township Volunteer Fire Company
15 Trenton Rd.
Browns Mills NJ 08015

Re: Application # 2006-0440.001
Block 732, Lots 1 - 4 & 10 - 13
Pemberton Township

Dear Mr. Augustoni:

The Commission staff has completed its review of this application for construction of a 150 foot tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building. 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 9, 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)
Frank DeGenova (via email)



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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

August 17, 2022

Craig Augustoni (via email)
 Pemberton Township Volunteer Fire Company
 15 Trenton Rd.
 Browns Mills NJ 08015

Application No.: 2006-0440.001
 Block 732, Lots 1 - 4 & 10 - 13
 Pemberton Township

This application proposes construction of a 150 foot tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building located on the above referenced 3.5 acre parcel in Pemberton Township. This application also proposes a 1,600 square foot equipment compound and a 125 linear foot access drive accessory to the tower.

A portion of the 3.5 acre parcel is subject to a deed restriction that was required pursuant to a Waiver of Strict Compliance approved by the Commission in 1988 for the development of 103 single family dwellings on certain other blocks and lots in the Presidential Lakes section of Pemberton Township (App. No. 1982-2969.002). The proposed cell tower, equipment compound and access drive will be located outside the deed restricted area.

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. 7:50-5.23(b)17)

The proposed development is located in a Pinelands Forest Area. The proposed development is a permitted land use in a Pinelands Forest Area provided the proposed cell tower meets the CMP height limitation standards (N.J.A.C. 7:50-5.4(c)). The CMP height limitation standards specify that cell towers in the Forest Area may not exceed a height of 35 feet unless a comprehensive plan for siting such facilities in the Pinelands Area has been certified (approved) by the Pinelands Commission.

The 150 foot high cell tower is proposed in the search area associated with Site #90 as identified in the August 1, 2011 Pinelands Commission approved "Amendment to the Comprehensive Plan for PCS Communications Facilities in the Pinelands on Behalf of T-Mobile Northeast LLC doing business as T-

Mobile.” In accordance with the height limitation standards of the CMP, the applicant has demonstrated that the need for cellular service cannot be met by locating an antenna on an existing suitable structure. The applicant has further demonstrated that the proposed cell tower will be sited in a manner that minimizes visual impacts. Development of the proposed cell tower on the parcel of an existing fire station is therefore consistent with the approved cellular facilities plan and the height limitations of the CMP.

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

The proposed development will be primarily located within an existing gravel parking area. A portion of the proposed access road will be located over an existing impervious access drive. No vegetation clearing is proposed. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development. No revegetation or landscaping is proposed.

PUBLIC COMMENT

The CMP defines the proposed development as “minor.” The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on July 26, 2022. The Commission’s public comment period closed on August 12, 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 four sheets, prepared by Vallore, LLC, all sheets dated November 16, 2020 and revised to April 19, 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.



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

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 September 6, 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.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 34

TITLE: **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 2020-0195.001)

Commissioner Pikolycky moves and Commissioner Christy 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:

2020-0195.001

Applicant: **Wrazen Homes, LLC**
Municipality: Stafford Township
Management Area: Pinelands Regional Growth Area
Date of Report: August 17, 2022
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 2020-0195.001 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	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: September 9, 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
 Application Specific Information: AppInfo@pinelands.nj.gov

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

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

August 17, 2022

Wrazen Homes, LLC (via email)
 3062 Wilbur Avenue
 Manchester NJ 08753

Re: Application # 2020-0195.001
 Block 44.119, Lot 12
 Stafford Township

Dear Applicant:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of one single family dwelling on the above referenced parcel. 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 9, 2022 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling, serviced by public sanitary sewer, on the above referenced 15,956 square foot parcel. The parcel is located in a Pinelands Regional Growth Area and in Stafford Township’s R-90 zoning district. In this zoning district, Stafford Township’s certified land use ordinance establishes a minimum lot size of 9,000 square feet to develop a single family dwelling serviced by public sanitary sewer.

The parcel has been site inspected by a member of the Commission’s staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

There are wetlands within 300 feet of the proposed development. The wetlands are associated with a stormwater basin that was constructed in approximately 1972 as part of the Ocean Acres residential development.

The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.14) requires that the development proposed in this application maintain a 300 foot buffer to wetlands unless the applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2). The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development

will not cause a significant adverse impact on the 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 standard contained in the CMP (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 Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The application proposes a variable buffer to wetlands. The proposed buffer to wetlands ranges in width from 55 feet to 85 feet. No development, including clearing and land disturbance, will be located on or within 55 feet of wetlands.

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 parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Stafford Township's certified land use ordinance. A single family dwelling can be developed on the parcel without violating any of the substantial impairment of the resources of the Pinelands Area criteria contained in the CMP (N.J.A.C. 7:50-4.65(b)) if the conditions recommended below are imposed.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on June 23, 2022. Public notice to all property owners within 200 feet of the parcel was completed on June 15, 2022 and July 19, 2022. The application was designated as complete on the Commission's website on August 1, 2022. The Commission's public comment period closed on August 12, 2022. One written public comment (attached) was received by the Pinelands Commission on August 11, 2022 regarding this application.

Written Public Comment: The commenter expressed concern regarding the negative effects of the proposed development on wildlife habitat. The commenter provided photographs of four different animal species.

Commission Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands. Three of the four photographs depict common animal species. One of the four photographs depicts a treefrog species that may be either a Northern grey treefrog or a Southern grey treefrog. Southern grey treefrog is an endangered animal species. Northern grey treefrog and Southern grey treefrog can only be distinguished based upon their vocalizations or chromosomal analysis.

The Township land use ordinance and the CMP provide that no development shall be carried out unless it is designed to avoid irreversible adverse impact on habitats that are critical to the survival of any local population of threatened and endangered animal species as designated by the New Jersey Department of Environmental Protection.

The single family dwelling is proposed on a vacant "infill" lot in a densely developed residential area known as Ocean Acres. The Ocean Acres development contains thousands of existing single family dwellings. The concerned 15,956 square foot parcel backs up to a wetland associated with a stormwater basin that was constructed in approximately 1972. There are existing single family

dwelling on both sides of the proposed dwelling. These two existing single family dwellings are maintaining a 65 foot buffer and a 140 foot buffer to the wetland associated with the stormwater basin. In total, there are approximately 34 existing dwellings that back up to the wetlands associated with the stormwater basin. There are three additional remaining vacant lots that back up to the wetlands associated with the stormwater basin.

The Commission staff reviewed the proposed development for consistency with the T&E species protection standards. The Commission staff concluded that even if the photograph is of an endangered Southern grey treefrog, based upon the existing land development pattern in the area, the proposed development will not result in an irreversible adverse impact on habitat that is critical to the survival of a local population of Southern grey treefrog.

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 an extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) of the CMP have been met.

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

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 development specified in N.J.A.C. 7:50-4.63(a)1. 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 in N.J.A.C. 7:50-4.63(a)1 is a single family dwelling on a parcel within a Pinelands Regional Growth Area which will be serviced by a centralized wastewater treatment system (“public sanitary sewer”) This application proposes a single family dwelling in a Pinelands Regional Growth Area that will be serviced by public sanitary sewer. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1iv.

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 applicant 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 applicant 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 residential density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Stafford Township’s master plan and land use ordinances have been certified by the Pinelands Commission. In the R-90 zoning district, Stafford Township’s certified land use ordinance establishes a minimum lot size of 9,000 square feet for a single family dwelling serviced by public sanitary sewer. This application proposes to develop a single family dwelling serviced by public sanitary sewer on a 15,956 square foot parcel. No municipal lot area or density variance is required to develop the proposed single family dwelling. As a result, the applicant 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 contained 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, Section 502 of the National Parks and Recreation Act of 1978 (PL 95-625) (“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 applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a)1.

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 in this Report on an Application for a Waiver of Strict Compliance to require the applicant to purchase 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 plan prepared by Professional Design Services, LLC, dated September 8, 2021 and last revised July 28, 2022.
2. Appropriate measures shall be taken prior to 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.
3. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
4. The driveway shall be constructed of crushed stone or other permeable material.

5. All development associated with the single family dwelling, including clearing and land disturbance, shall maintain at least a 55 foot buffer to wetlands.
6. 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.
7. 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.
8. This Waiver shall expire September 9, 2027 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 9, 2027, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
9. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. 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 state that the conditions are enforceable by the Pinelands Commission, Stafford Township, the Ocean County Health Department, and any other party of interest.

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

Since the applicant meets the CMP Waiver 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 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver 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 6, 2022 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

Attach (1) Written Public Comment

- c: Secretary, Stafford Township Planning Board (via email)
- Stafford Township Construction Code Official (via email)
- Stafford Township Environmental Commission (via email)
- Secretary, Ocean County Planning Board (via email)
- Mike Suter (via email)
- Rocco Cassarino

Pinesland Commission
15 Springfield Road
Pemberton Township NJ 08068

APP # 20200195.w
Doc Type 100
AUG 11 2022
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Dear commissioners,

I am writing this letter with great concern for the proposed development and wildlife displacement on Block 44.119 Lot 12 on Breakers drive in Stafford township NJ. I recieved a letter on June 13, 2022 about pinelands application # 0202-0195.001 regarding this matter.

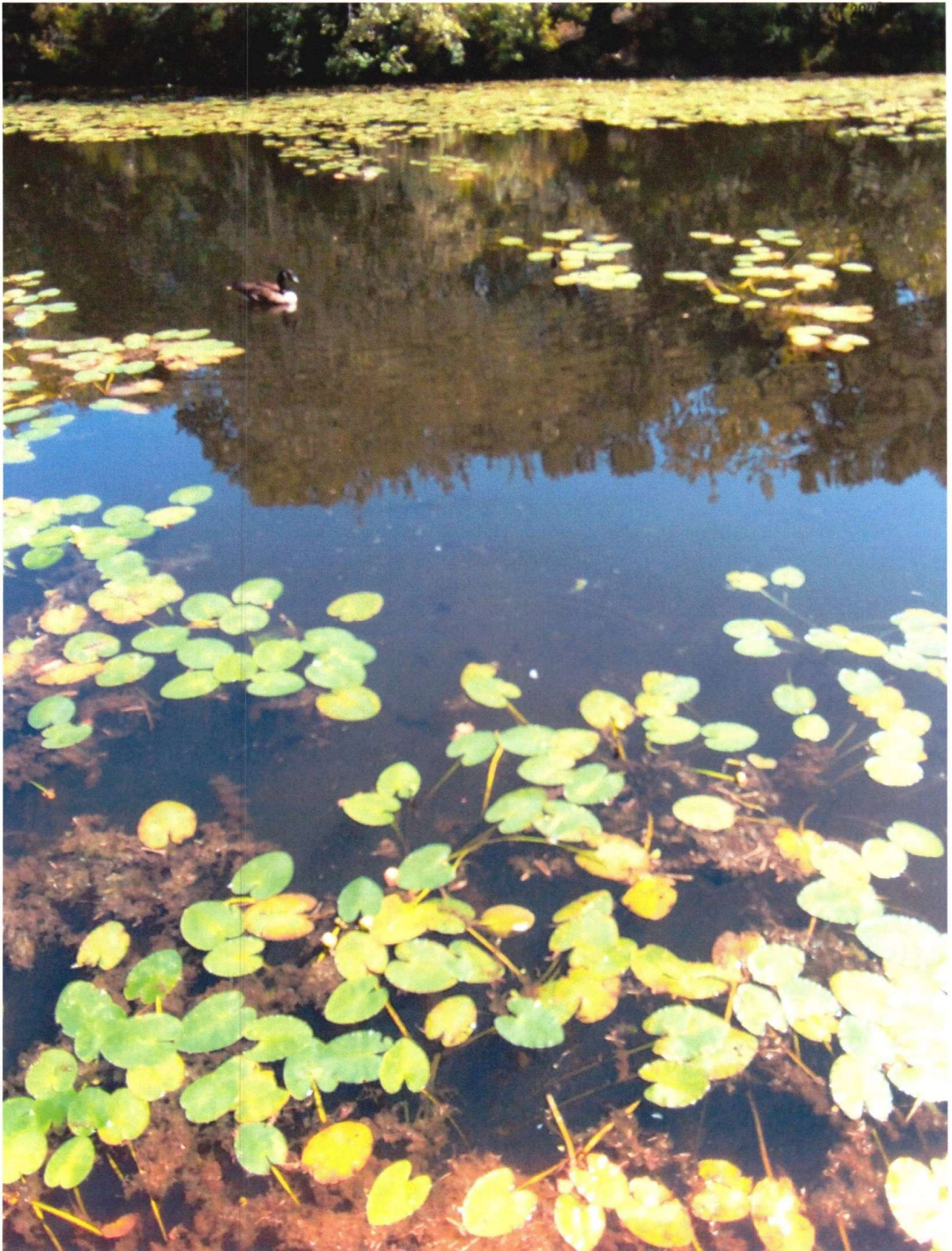
The property mentioned is one of the only lots that has not had any human traffic and has been vacant for decades. Because of this serenity, it has been a habitat and breeding area for many of the wild life in and around Forecastle Canal.

Examples of a few animails that I have discovered and enjoy are the grey tree frog, snakes, several different species of turtle and a variety of birds that migrate and nest in this area. Im sure there are alot more species that need protecting that, I have overlooked.

Please, consider

Thank you, for your continued mission in preserving our pinelands.

Rocco Cassarino
1528 Breakers Drive
Manahawkin, NJ 08050

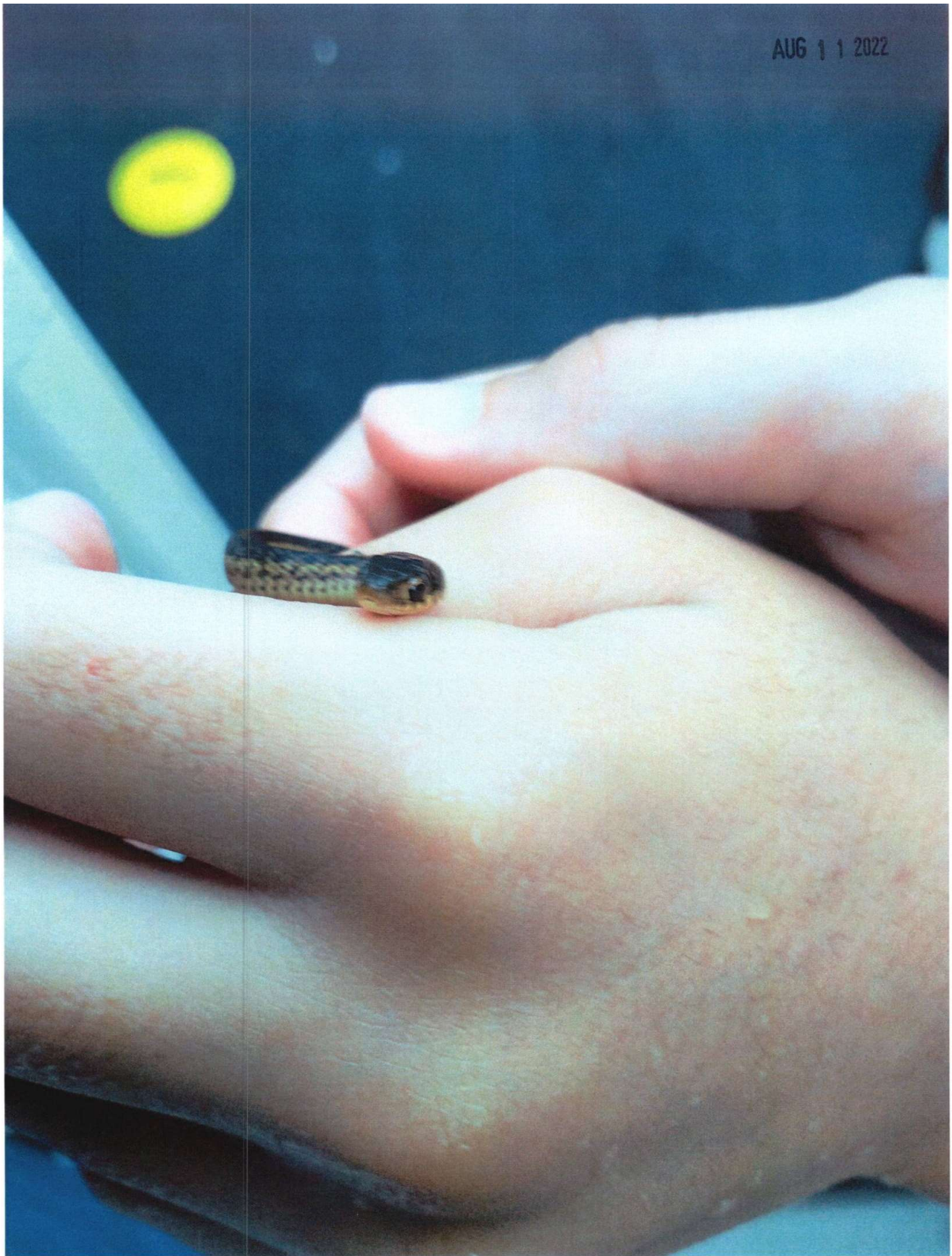


AUG 11 2022











RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 35

TITLE: Issuing an Order to Certify Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan

Commissioner Avery moves and Commissioner Pikolycky seconds the motion that:

WHEREAS, on June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township; and

WHEREAS, Resolution #PC4-83-52 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and review of amendments to the certified municipal master plans and land use ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-52 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on May 19, 2022, Pemberton Township adopted Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan, dated April 11, 2022; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 11-2022 on June 1, 2022; and

WHEREAS, by letter dated June 21, 2022, the Acting Executive Director notified Pemberton Township that Ordinance 11-2022 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 11-2022 was duly advertised, noticed, and remotely held on July 13, 2022 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 11-2022 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Acting Executive Director's report and has recommended that Ordinance 11-2022 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 11-2022 and has reviewed the Acting Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Acting Executive Director; and

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Pemberton Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

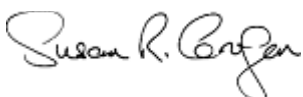
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				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: September 9, 2022



Susan R. Grogan
Acting Executive Director



Laura E. Matos
Chair



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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

Report on Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan

July 29, 2022

Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton, NJ 08068

Findings of Fact

I. Background

The Township of Pemberton is located in eastern Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Pemberton Township include the Townships of New Hanover, Springfield, Southampton and Woodland as well Wrightstown Borough in Burlington County and the Townships of Manchester and Plumsted in Ocean County.

On June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township.

On May 19, 2022, Pemberton Township adopted Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan, dated April 11, 2022. The Pinelands Commission received a certified copy of Ordinance 11-2022 on June 1, 2022.

By letter dated June 21, 2022, the Acting Executive Director notified the Township that Ordinance 11-2022 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan of Pemberton Township, introduced on April 20, 2021 and adopted on May 19, 2022.

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan (CMP). The findings from this review are presented below. The numbers used to designate the sections below correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. Natural Resource Inventory

Not applicable.

2. Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards

Ordinance 11-2022 adopts the Lakehurst Road Redevelopment Plan. The redevelopment plan applies to an approximately 718-acre redevelopment area consisting of 66 lots in the vicinity of Lakehurst Road, Junction Road, and the existing Country Lakes Estates senior development (see Exhibit 1). There are some existing structures within the redevelopment area, but most of the area is vacant and wooded. The certified, underlying zoning of the redevelopment area is summarized in Table 1 below. The redevelopment area is located in a Pinelands Regional Growth Area and a Pinelands Forest Area.

The goal of the plan is to facilitate the development of an age-restricted community of single-family homes and townhouses in the Regional Growth Area portion of the redevelopment area. To that end, the plan establishes two new zoning districts: The Planned Community (PC) District and the Community Extension (CE) District (See Exhibit 2). The PC District accounts for approximately 692 acres of the redevelopment area, while the CE District contains approximately 27 acres. Both new zones include portions of RGA and Forest Area.

Table 1. Summary of Zoning Changes in Acres by Pinelands Management Area

Certified Zoning	CE District	PC District	Total
Forest Area			
Very Low Density Single-Family Residential (R-17)	10	329	339
Regional Growth Area			
Infill Residential District with Planned Community Conditional Use (R-A)	11	354	366
Infill Single-Family Residential (R-I)	-	7	7
Neighborhood Commercial Pinelands (NCP)	2	1	3
General Commercial/Light Industrial (GCLI)	3	-	3
Very High Density Single-Family Residential (R-96)	-	1	1
Total	26	692	718

Within the RGA portion of the new PC District, age-restricted, detached single-family dwellings and townhouses are permitted. The redevelopment plan requires that any planned community within the PC District contain a minimum 500-acre tract area and no more than 575 dwelling units. The RGA portion of the PC District also permits a variety of accessory uses complimentary to a planned community, including a community center, recreation areas, off-street parking, fences, storage sheds, decks, patios, porches, model homes, and sales offices. Planned communities within the PC District are also required to provide inclusionary housing affordable to low- and middle-income households. A minimum 20% of all for-sale dwellings must be set aside as affordable, and a minimum of 15% of all rental dwelling must be set aside as affordable. The plan includes a variety of bulk, yard, area and design standards, including a 100 foot minimum perimeter setback and 50 foot minimum perimeter landscaped buffer. In terms of site coverage, the redevelopment plan permits a maximum of 35% building coverage and 45% impervious coverage. The redevelopment plan also requires that requirement that at least 40% of the tract be set aside for open space and recreation. Notably, the redevelopment plan requires that where practical and feasible, all units should be designed to maximize passive solar heat gain through use of architectural treatments. In addition, the redeveloper is required to offer active solar photovoltaic energy system purchase and installation options for rooftop installation on single-family detached and townhouse units with appropriate solar orientation.

The redevelopment plan further specifies that primary vehicle access to the planned community is to be provided via a single egress driveway from Lakehurst Road (County Route 530). A secondary means of access is not required but, if necessary, may be permitted for temporary, permanent or emergency purposes only if fully consistent with all CMP environmental standards.

Within the Forest Area portion of the PC District, the redevelopment plan permits only accessory low intensity recreational facilities and necessary access/egress driveways. The plan expressly provides that all development of principal residences and accessory structures must be located within the RGA portion of the Redevelopment Area.

The new CE District contains various existing structures and uses. The redevelopment plan does not adopt any new standards applicable to this area; the CE District merely retains the permitted uses and requirements of the certified, underlying zoning.

As noted in the summary chart above, much of the RGA portion of the redevelopment area is currently located in the Township's R-A District. Residential development in the R-A District is permitted at a base net density of 0.33 units per acre. Pinelands Development Credits (PDC) may be used to increase this net density to 2.0 units per acre. Once all necessary PDCs have been used, age-restricted "bonus" density is permitted, up to a total maximum net density of 4.25 units per acre. This unique zoning plan was put in place 30 years ago with the hope of encouraging age-restricted housing and ensuring the use of Pinelands Development Credits. It allows for a total of 1,258 units, of which 181 are "base" units, 411 require the use of PDCs and 666 are age-restricted bonus units. The redevelopment plan establishes a maximum number of permitted units (575) that is well below what is permitted in the underlying R-A District. This represents a reduction in theoretical zoning capacity of 683 units. Ordinarily, a reduction of that magnitude might conflict with CMP requirements for RGAs and raise concerns. In this case, however, the R-A zoning plan provided an opportunity for nearly double the number of units required by the CMP. A strict application of CMP standards would require the Township to accommodate only

662 units, which is generally in keeping with the 575 units permitted under the redevelopment plan. It is also noteworthy that the Township has provided increased housing opportunities in other portions of its RGA over the past 30 years, largely through the adoption of redevelopment plans that permit higher density mixed use projects. This more than offsets the reduction in theoretical residential zoning capacity in the Lakehurst Road Redevelopment Area.

Ordinance 11-2022 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application submission requirements applicable to the underlying zoning districts. This includes the requirement that no local permitting agency shall determine an application for development in the Pinelands Area complete unless it is accompanied by a Certificate of Filing from the Pinelands Commission. Therefore, this standard for certification is met.

4. Requirement for Municipal Review and Action on All Development

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the review of all development within the redevelopment area by the Township Planning Board in accordance with the existing review procedures in the Township's certified land development regulations. Therefore, this standard for certification is met.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application review procedures applicable to the underlying zoning districts..This includes the requirement that no local permit or approval shall be effective until it is reviewed by the Pinelands Commission in accordance with the CMP. Therefore, this standard for certification is met.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Within Regional Growth Areas, Pinelands municipalities are required to provide a sufficient level of residentially zoned lands that are eligible for an increase in density through the use of Development Credits (N.J.A.C. 7:50-5.28(a)3).

In order to meet this requirement, Pemberton Township created its R-A District in 1992 and adopted zoning regulations that provided an opportunity for 1,258 total units, of which 411 would require the use of PDCs. These numbers, both in terms of total units and PDC opportunities, were well in excess of what the CMP required. In fact, it was recognized at the time that the Township's RGA was "overzoned"; however, the Township believed the higher permitted densities were necessary in order to facilitate development of a planned retirement community. For its part, the Commission determined that the number of permitted units was acceptable, largely because an extremely low threshold for PDC use had been incorporated into the R-A District regulations. For a planned retirement community, a base density of only 0.33 units per acre was established, effectively guaranteeing that PDC use would be necessary for the development of any sizeable project. If proposed at the maximum permitted density of 4.25 units per acre, a planned retirement community would have been entitled to 181 base units and 666 age-restricted bonus units. An additional 411 units would have been permitted through the use of PDCs, which equates to nearly 33% of the total.

The Lakehurst Road Redevelopment Plan retains the same goals as the underlying R-A District zoning plan: to facilitate development of a planned, age-restricted community while at the same time providing guaranteed PDC use. However, in recognition of the now known environmental limitations of portions of the zone, the redevelopment plan reduces the number of permitted residential units from 1,258 to 575. PDC use is accommodated through incorporation of a requirement for redemption of PDCs for 25% of the market-rate residential units within the redevelopment area, rather than through the retention of the low base density and bonus age-restricted housing density in the prior zoning plan. Furthermore, an exemption from the 25% PDC requirement is provided for residential units developed onsite and made affordable to low- and moderate-income households, up to the required set-aside percentages in the redevelopment plan. Any affordable units provided beyond the required set-aside amount will be required to redeem PDCs at the 25% rate. In addition, any units permitted above the 575 specified in the redevelopment plan will require the use of PDCs, as will any nonresidential development not permitted in the redevelopment plan.

Based on the standards adopted by the redevelopment plan, a maximum of 575 units will be permitted in the Lakehurst Road Redevelopment Area, of which as many as 20% will be affordable housing units. PDCs will be required for 25% of the market rate units, resulting in the need to redeem 115-122 rights (28.75-30.50 PDCs). While this is a significantly smaller number of PDC opportunities than was theoretically provided under the old R-A District requirements, it is also a much more reasonable and realistic obligation. Importantly, the redevelopment plan requires the use of PDCs in all projects, regardless of density, rather than leaving the use of PDCs to the option of a developer who may or may not choose to exceed permitted base density. This greater certainty, coupled with the adoption of more realistic requirements, offsets the loss of theoretical PDC opportunities. The Acting Executive Director therefore finds that the PDC requirements adopted by Ordinance 11-2022 are consistent with CMP standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 11-2022 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 11-2022 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Ordinance 11-2022 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Pemberton Township's application for certification of Ordinance 11-2022 was duly advertised, noticed and held on July 13, 2022, at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinance 11-2022 were accepted through July 15, 2022. However, no written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Acting Executive Director has concluded that Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan of Pemberton Township, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify Pemberton Township Ordinance 11-2022.

SRG/DBL/KLE/CPE

Attachments

Pemberton Township

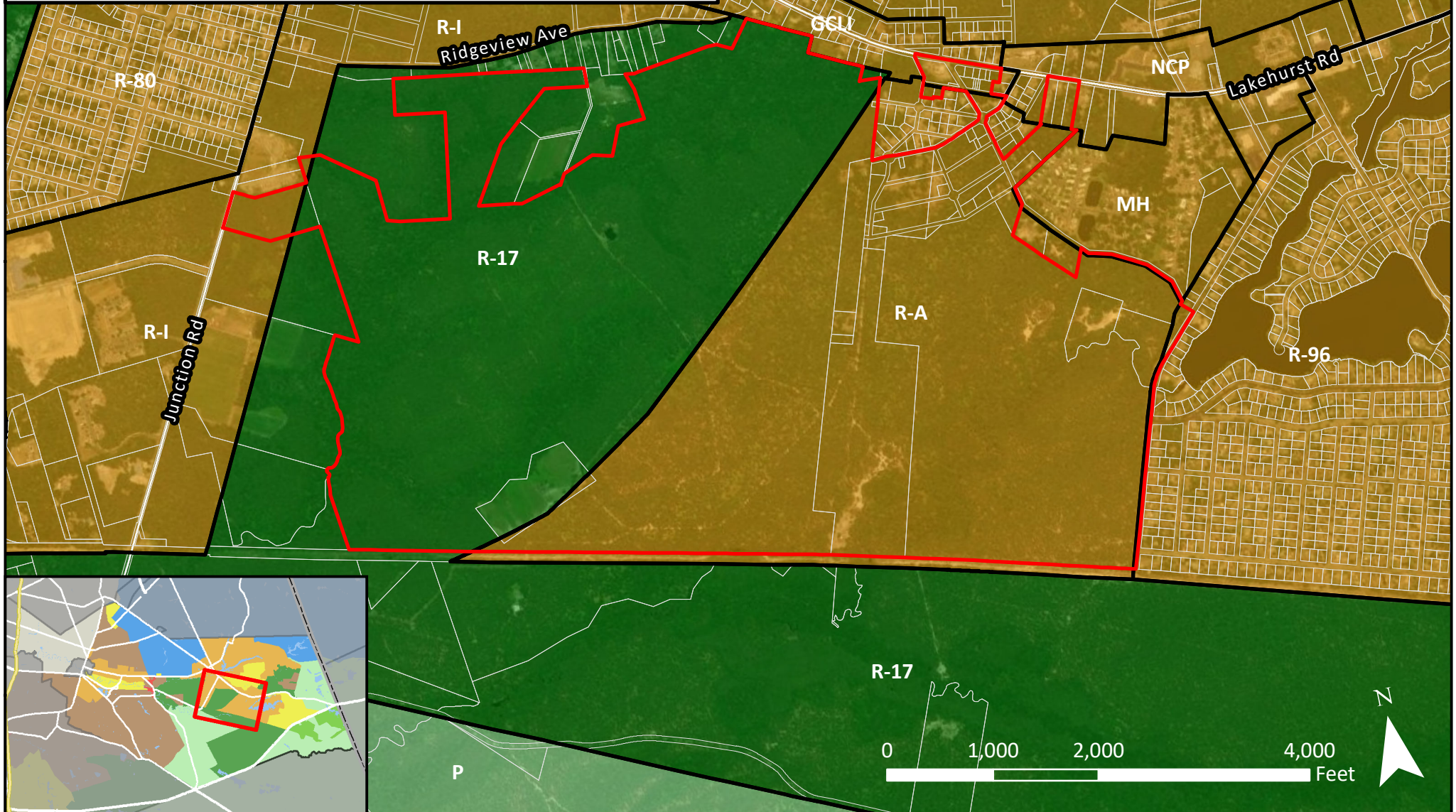
Lakehurst Road Redevelopment Plan - Existing Zoning

Pinelands Management Area

- Preservation Area District
- Forest Area
- Regional Growth Area
- Rural Development Area

- Redevelopment Area
- Existing Zoning
- Pemberton Twp Parcels










Executive Director's Report
Pemberton Twp. Ord. 11-2022
Exhibit 1
7/29/2022

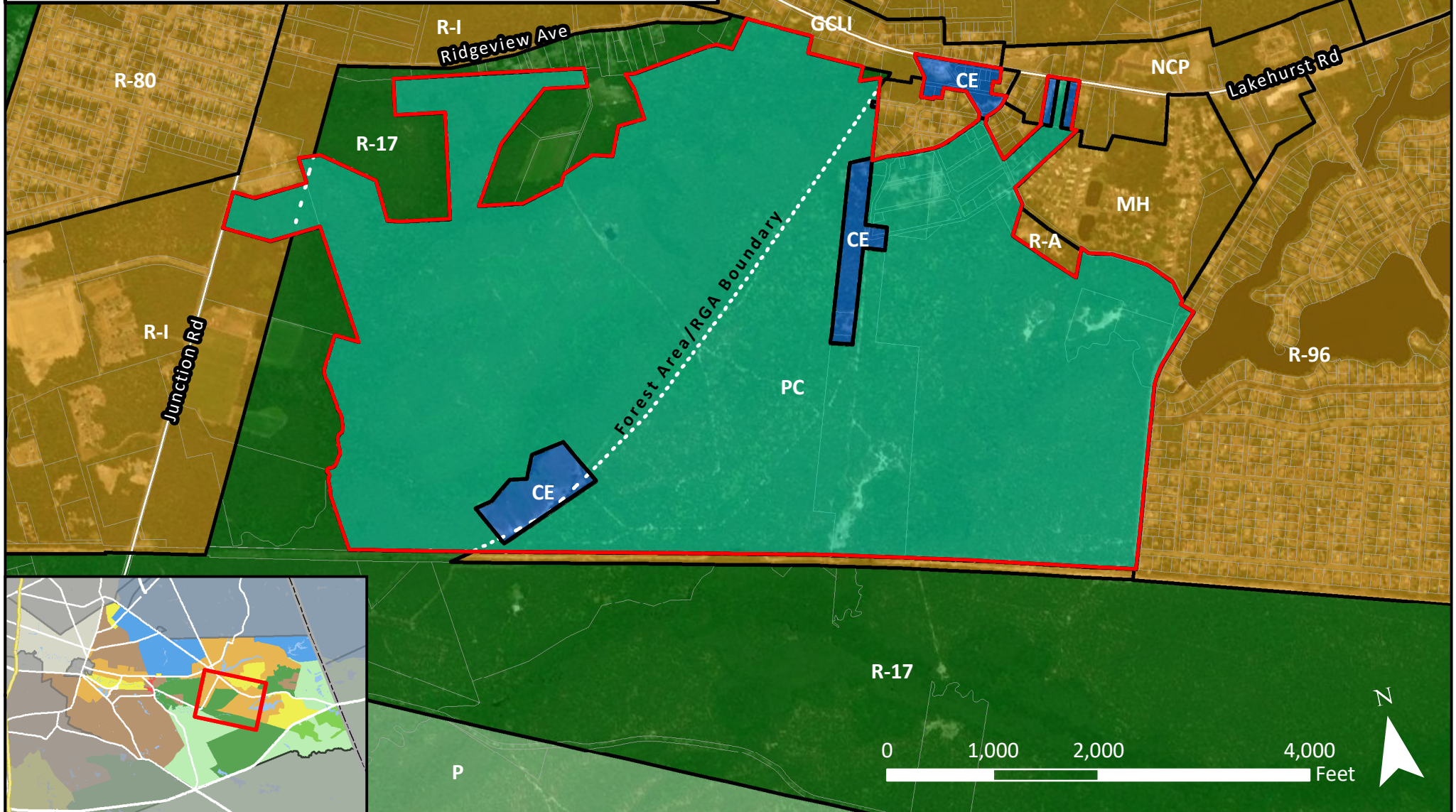


Pemberton Township

Lakehurst Road Redevelopment Plan - Proposed Zoning

Executive Director's Report
Pemberton Twp. Ord. 11-2022
Exhibit 2
7/29/2022

- | | |
|---|--|
| Pinelands Management Area |  Redevelopment Area |
|  Preservation Area District |  Community Extension Zone |
|  Forest Area |  Planned Community Zone |
|  Regional Growth Area |  Existing Zoning |
|  Rural Development Area |  Pemberton Twp Parcels |





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 36

TITLE: To Authorize an Additional Extension of the Time Period for Atlantic County to Complete its Obligations Under the Secondary Impacts Agreement for Interchange 44 of the Garden State Parkway

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

WHEREAS, on January 7, 2014, the Pinelands Commission (Commission) and Atlantic County (the County) entered into a Secondary Impacts Agreement (the Agreement) as a means of obviating the potential secondary impacts associated with the completion of Interchange 44 of the Garden State Parkway; and

WHEREAS, this Agreement obligated the County to limit the development potential of parcels located within 1.5 miles of Interchange 44 (356 acres) within the Pinelands Area; and

WHEREAS, the County had 3 years to obviate the secondary impacts within this 1.5 mile area, referred to in the Agreement as Tier 1; and

WHEREAS, the Agreement afforded the County the opportunity to request that the Executive Director extend the time period for completion of the County's obligations for a period of up to 18 months, upon the submission of documentation demonstrating that completion of the task to obviate secondary impacts in Tier 1 was imminent and would be completed within the extended time period; and

WHEREAS, the County has focused all of its efforts to obviate secondary impacts associated with the Interchange 44 project within Tier 1; and

WHEREAS, by letter dated March 5, 2020, the County advised the Commission that it had completed acquisition of 327 acres of lands within Tier 1 and would be closing on an additional 15 acres within the next thirty days, bringing the total amount of its acquisitions to 342 acres; and

WHEREAS, in that letter, the County also requested an additional extension to complete its acquisition of the remaining 29 acres required by the Agreement; and

WHEREAS, on May 8, 2020, the Pinelands Commission adopted Resolution PC4-20-14, granting the County a twenty-four (24) month extension from January 7, 2020 to January 7, 2022 to complete its obligations under the Agreement; and

WHEREAS, from March 9, 2020 through July 4, 2021, the State of New Jersey was under a public health emergency because of COVID-19; and

WHEREAS, by letter dated August 15, 2022, the County advised the Commission that it has acquired 342 of the 356 acres of lands within Tier 1 and requested an additional 12-month extension to complete acquisition of the 14 remaining acres; and

WHEREAS, the County noted that it had acquired the 15 acres of land within Tier 1 discussed in Resolution PC4-20-14 on December 20, 2020; and

WHEREAS, the County also advised that since the 2020 acquisition, it had continued its efforts to acquire the remaining 14 acres of land within Tier 1 to complete its obligation under the Agreement; and

WHEREAS, the County's efforts included identifying 110 privately held lots totaling approximately 95 acres for potential acquisition; sending letters of interest to the assessed owners of these lots; obtaining an appraisal for the overall parcel; and commencing title research on these lots; and

WHEREAS, based on landowner communications conducted to date, the County has executed agreements of sale with five (5) property owners, including the owner of a ten (10) acre lot; and

WHEREAS, the County anticipates closing on some of these lots prior to the end of the calendar year; and

WHEREAS, there are potential title issues associated with many of the lots that the County has identified for potential acquisition: and

WHEREAS, these title issues have complicated the County’s acquisition process; and

WHEREAS, on July 5, 2022, the Atlantic County Board of Commissioners adopted Ordinance #7 of 2022, which authorizes the acquisition of the 110 lots either through negotiation or the use of eminent domain for those lots where clear title cannot be established; and

WHEREAS, the extension granted by Resolution PC4-20-14 expired on January 7, 2022; and

WHEREAS, the Agreement contains a provision that requires the County to pay an amount equal to fair market value of any acreage that it fails to acquire within Tier 1 within six years from the effective date of the Agreement (January 7, 2020), to a non-profit, government entity or university or college to undertake the acquisition of Pinelands Development Credits from agricultural lands or other projects, including land acquisition, to improve water quality within the boundaries of Tiers 1 through 3 in Atlantic County; and

WHEREAS, the Commission believes it is preferable to allow the County to complete its acquisition of the remaining 14 acres rather than having the County provide funds to a non-profit, governmental entity or university for that purpose, given the County’s diligent effort to date to complete its obligations under the Agreement; 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 Commission grants Atlantic County an additional extension from January 7, 2022 until September 7, 2023 to acquire the remaining 14 acres within Tier 1 to satisfy its obligations under the Secondary Impacts Agreement.

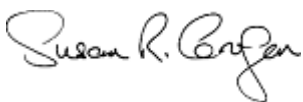
Record of Commission Votes

	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: September 9, 2022



Susan R. Grogan
Acting Executive Director



Laura E. Matos
Chair



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 37

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2023 Budgets for the Operating Fund, Katie Trust Fund, Fenwick Manor Preservation Fund, and the Pinelands Conservation Fund

Commissioner Avery moves and Commissioner Irick 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 \$3,399,000 to support the Commission's operations during Fiscal Year 2023; and

WHEREAS, the Department of the Treasury has informed the Commission that \$687,000 (31%) of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in Fiscal Year 2023; and

WHEREAS, the Commission anticipates that additional funding sources of \$1,725,500 will be available to further support the Commission's operations; and

WHEREAS, as recommended by the Pinelands Climate Committee at its meeting of July 29, 2022, the Fiscal Year 2023 Operating Budget includes the establishment of a \$500,000 Energy Conservation Reserve to be used for projects and capital expenditures that foster the Commission's mission toward improved energy conservation, sustainability and mitigation of greenhouse gas emissions to the greatest extent feasible, consistent with Pinelands Commission Resolutions PC4-20-37 and PC4-22-15; and

WHEREAS, in order to accomplish these and other important initiatives and to continue to carry out the Commission's regulatory responsibilities, the Fiscal Year 2023 Operating Budget anticipates a \$688,078 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Operating Budget for Fiscal Year 2023 totals \$6,499,578; 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 Fiscal Year 2023 anticipates expenditures of \$500, which will be drawn from the Fund Balance and used for maintenance of the new rain garden on the Commission's property; and

WHEREAS, adoption of a new Fenwick Manor Preservation Budget is necessary to recognize the \$500,000 special appropriation to the Pinelands Commission included in the State's Fiscal Year 2023 Budget for the refurbishment, maintenance and preservation of Fenwick Manor. Anticipated expenditures of \$500,000 will be drawn from this State Aid; and

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

WHEREAS, the Fiscal Year 2023 budget for the Land Acquisition program totals \$8,350; and

WHEREAS, the Fiscal Year 2023 budget for the Conservation Planning and Research program totals \$703,011; and

WHEREAS, the Fiscal Year 2023 budget for the Community Planning and Design program totals \$154,070; and

WHEREAS, the Fiscal Year 2023 budget for the Education and Outreach program totals \$95,400; and

WHEREAS, the total Fiscal Year 2023 budget for the Pinelands Conservation Fund is \$960,831; and

WHEREAS, the Commission’s Personnel & Budget Committee has reviewed the FY 2023 budgets for the Operating Fund, Katie Trust Fund, Fenwick Manor Preservation 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 2023 Budgets for the Operating Fund totaling \$6,499,578, the Katie Trust Fund totaling \$500, the Fenwick Manor Preservation Fund totaling \$500,000 and the Pinelands Conservation Fund totaling \$960,831.

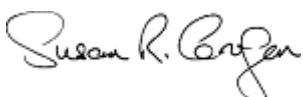
Record of Commission Votes

	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: September 9, 2022



Susan R. Grogan
Acting Executive Director



Laura E. Matos
Chair

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2023**

Revenue Source	FY2020 Audited	FY2021 Unaudited	FY2022 Unaudited	FY2023 Anticipated	Notes
State Appropriation	2,949,000	3,099,000	3,249,000	3,399,000	1
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	40	0	0	0	
Interest Income	50,000	4,000	4,000	6,500	3
NPS - Long Term Environmental Monitoring	192,000	144,000	155,400	145,055	4
NPS - Long Term Economic Monitoring	191,000	156,000	142,600	152,945	4
EPA - Micro	100,000	125,000	95,000	0	
EPA - Kingsnake	0	160,000	225,000	85,000	5
Wetlands Permitting	4,000	1,000	1,000	6,000	6
Pinelands Application Fees	690,000	380,000	500,000	650,000	7
TOTAL REVENUE	4,863,040	4,756,000	5,059,000	5,131,500	
Microfilm Reserve Anticipated	3,650	3,650	3,650	0	
Computer Reserve Anticipated	18,420	18,420	18,420	0	
Fenwick Manor Painting Reserve Anticipated	120,000	120,000	120,000	120,000	8
Energy Conservation Reserve	0	0	0	500,000	9
Administrative Assessment (PCF)	60,000	60,000	60,000	60,000	10
Undesignated Fund Balance Anticipated	849,964	957,004	705,132	688,078	11
TOTAL OTHER INCREASES	1,052,034	1,159,074	907,202	1,368,078	
TOTAL REVENUE AND OTHER INCREASES	5,915,074	5,915,074	5,966,202	6,499,578	

**PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2023**

Expenditure Account	FY2020 Audited	FY2021 Unaudited	FY2022 Unaudited	FY2023 Anticipated	Notes
PERSONNEL					
Salaries & Wages	3,094,758	3,050,972	3,021,984	3,374,398	12
Fringe Benefits	1,822,822	1,904,593	1,910,905	2,188,901	13, 14
TOTAL PERSONNEL	4,917,580	4,955,565	4,932,889	5,563,299	
SUPPLIES					
Printing & Office Supplies	28,705	35,275	26,420	34,040	15
Vehicular Supplies	7,525	6,900	10,900	11,400	16
Household Supplies	9,300	10,800	10,400	18,420	17
Fuel & Utilities	43,000	42,500	42,500	47,500	18
Other Supplies	14,503	33,309	41,492	36,842	19
TOTAL SUPPLIES	103,033	128,784	131,712	148,202	
SERVICES					
Travel	6,350	4,445	5,925	4,190	20
Telephone	36,800	40,500	45,120	46,120	21
Postage	6,150	3,650	2,175	1,725	22
Insurance	61,225	55,136	59,225	64,260	23, 24
Information Processing	77,325	85,082	108,861	126,835	25
Household Services	2,600	2,600	2,600	4,600	26
Professional Services	541,333	485,652	462,728	222,500	27
Other Services	30,558	24,901	35,717	35,147	28
TOTAL SERVICES	762,341	701,966	722,351	505,377	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	46,500	47,000	94,000	75,500	29
Maintenance - Equipment	21,250	21,850	21,350	23,500	30
Maintenance - Vehicular	5,720	6,720	6,720	9,720	31
Rent - Other	8,050	8,050	10,550	10,350	32
TOTAL MAINTENANCE & RENT	81,520	83,620	132,620	119,070	
IMPROVEMENTS & ACQUISITIONS					
Acquisitions - Equipment	28,600	20,730	10,130	106,630	33
Acquisitions - Information Processing Equipment	22,000	24,408	36,500	57,000	34
TOTAL IMPROVEMENTS & ACQUISITIONS	50,600	45,138	46,630	163,630	
TOTAL EXPENDITURES	5,915,074	5,915,074	5,966,202	6,499,578	35, 36, 37

**PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2023 NOTES
August 23, 2022**

1. The Governor's budget includes a FY 2023 State Appropriation to the Commission in the amount of \$3,399,000.
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 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. No increase in funding occurred between FY2016-FY2022. The FY2023 budget once again anticipates receipt of only \$687,000.
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 2023 will see an increase in interest due to the Federal Reserve's recent rate increases during June and July of 2022.
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 EPA Kingsnake Study remains an active grant; staff will continue their work in Fiscal Year 2023.
6. 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.
7. Application Fees of \$650,000 are anticipated to be received during FY 2023, 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.
8. The Fenwick Manor Painting Reserve was established in FY2015 to earmark funds for exterior 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. A total of \$120,000 remains available in the reserve for the painting project.

9. FY 2023 will be the inaugural year of the Commission's Energy Conservation Reserve. This reserve will be for projects and capital expenditures that foster the Commission's mission toward energy conservation and sustainability. Some of the projects earmarked are: installation of an electric vehicle charging station; retention of a solar facility expert to assess the feasibility of installing a solar energy facility on the Commission's property; purchase of two electric/hybrid field vehicles; purchase of energy efficient lawn maintenance and other office equipment; development of a long-term plan for replacement of the Commission's existing HVAC systems; and other initiatives recommended in the Local Government Energy Audit reports or by the Pinelands Climate Committee. Grants available to state agencies will also be pursued.

10. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund, which was amended in 2014. Included in the plan is an annual assessment of \$20,000 from three of the programs in the Fund (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 FY2023 budget deficit is \$688,078.

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 22 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2023 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 (\$225,000), Medicare (\$65,000), disability insurance (\$1,000), flexible savings accounts (\$1,500) and miscellaneous administrative charges (\$500). 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 \$1,550,000 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, \$233,247 of the total fringe benefits budget is projected to be funded by the Pinelands Conservation Fund as shown in those budgets.

14. Upon Commission approval of the FY 2023 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 \$290,000.

15. 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 staff and Commissioner service awards. Grant-related expenses account for \$9,740 of this budget.

16. 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.
17. 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.
18. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer.
19. 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 \$36,142 for FY 2023.
20. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances.
21. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service.
22. 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 letters, reports and public outreach materials.
23. 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 State's property insurance.
24. Upon Commission approval of the FY 2023 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$64,260 to cover the Commission's insurance premiums.
25. The FY 2023 budget for information processing includes \$115,835 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 \$8,539 of this budget is reimbursable through grants or special revenue.
26. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.
27. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$100,000 for legal fees associated with DAG services; \$50,000 for labor counsel and \$6,000 for publication of the

Commission's rulemaking documents by the Office of Administrative Law. Grant related technical services totaling \$36,000 are budgeted.

28. Expenditures in the other services budget include annual subscriptions (\$2,800), required memberships and professional licenses (\$5,930); meeting expenses (\$1,500); advertising (\$4,255), research related fees (\$1,362), training (\$17,300), and banking fees (\$1,200).

29. The maintenance buildings and grounds budget for FY 2023 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.). Interior upgrades for enhanced security of the Commission's offices will be installed and monitored for effectiveness.

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

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

32. The FY 2023 budget includes \$200 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.

33. The acquisitions - equipment budget contains \$6,630 for scientific equipment supporting grant related projects and \$2,000 for unanticipated telephone system expenses. Also included are estimated costs associated with purchase of two electric/hybrid field vehicles, one of which will replace an existing 2008 hybrid vehicle that proved to be unsuitable for field work.

34. The acquisitions - information processing equipment budget includes the replacement of outdated computers, servers and additional laptops needed to support the workSmart Telework Pilot program initiated on July 1, 2022, by the State of New Jersey.

35. The total estimated Operating Budget expenditures for FY 2023 equal \$6,499,578. 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 \$3,883,014.

36. 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 \$150,000 (OMB 22-09-DPP). These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

37. Upon Commission approval of the FY 2023 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.

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2023 BUDGET**

Revenue Source	FY2020 Audited	FY2021 Unaudited	FY2022 Unaudited	FY2023 Anticipated	Notes
Interest Income - Land Acquisition	15,000	1,640	1,050	5,100	1
Interest Income - Conservation Planning & Research	47,255	3,200	1,800	5,000	1
Interest Income - Community Planning & Design	34,000	1,600	900	2,800	1
Interest Income - Education & Outreach	22,000	620	1,100	950	1
SJTA - MOA	500,000	500,000	500,000	500,000	2
Total Revenue	618,255	507,060	504,850	513,850	
Cancellation of Prior Year Encumbrances	0	0	0	0	
Reserves for Pinelands Conservation Activities	0	323,556	538,782	446,981	
Total Revenue/Other Sources Anticipated	618,255	830,616	1,043,632	960,831	

Expenditure Account	FY2020 Unaudited	FY2021 Unaudited	FY2022 Unaudited	FY2023 Anticipated	Notes
<u>Land Acquisition</u>					
Salaries & Wages	5,750	16,800	20,000	5,000	
Fringe Benefits	2,875	7,896	10,600	2,650	
Land Acquisition	0	0	0	0	
Printing & Office Supplies	0	0	0	600	
Travel		0	0	100	
Total Land Acquisition Expenditures	8,625	24,696	30,600	8,350	4

Conservation Planning and Research

Salaries & Wages	207,133	232,346	363,812	372,616	
Fringe Benefits	103,566	109,203	192,820	191,937	
Printing & Office Supplies	0	0	0	0	
Other Supplies	17,872	15,125	15,500	35,150	
Travel	2,227	3,100	5,421	7,421	
Information Processing	728	1,410	500	1,110	
Technical Services		5,300	5,300	0	
Professional Services		90,868	88,199	67,647	
Other Services	200	100	75	330	
Acquisitions - Equipment		3,000	3,400	6,800	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Conservation Planning/Research Expenditures	351,726	480,452	695,027	703,011	5

Community Planning and Design

Salaries & Wages	85,000	129,000	101,000	90,000	
Fringe Benefits	42,500	60,630	53,530	42,370	
Printing & Office Supplies	500	100	100	200	
Travel	54	0	0	0	
Postage	500	500	500	500	
Information Processing	500	618	250	750	
Other Services	550	300	275	250	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Community Planning/Design Expenditures	149,604	211,148	175,655	154,070	6

Education and Outreach

Salaries & Wages	55,000	60,000	75,000	40,000	
Fringe Benefits	27,500	28,200	39,750	21,200	
Printing & Office Supplies	500	0	0	2,000	
Travel	0	100	100	100	
Other Supplies	500	1,320	1,600	4,500	
Other Services	4,800	4,700	5,000	7,600	
Acquisitions - Equipment			900	0	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Education and Outreach	108,300	114,320	142,350	95,400	7

Total Expenditures	618,255	830,616	1,043,632	960,831	
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PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2023 BUDGET NOTES
August 23, 2022

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 2023 estimated interest income totals are anticipated to reach \$13,850 and are comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the associated projects. The Federal Reserve recently issued two interest rate increases during June and July of 2022; thus, higher interest revenue is projected for FY2023.
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. Payment #5 will be made in FY2023.
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 included 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. The annual assessment from the Land Acquisition program has been eliminated.
4. The Land Acquisition program budget for FY 2023 totals \$8,350. Personnel costs (salaries/wages and fringe benefits) are estimated at \$7,650 in support of the Commission's permanent land protection initiatives.
5. The Conservation Planning and Research program budget for FY 2023 totals \$703,011. Personnel costs (salaries/wages and fringe benefits) are estimated at \$564,553 to support the following initiatives and special projects: the landfill closure assessment; continued implementation of the alternate septic system pilot program; rulemaking associated with the Kirkwood-Cohansey aquifer water management amendments; rulemaking related to the Electric Transmission Right of Way Maintenance Pilot Program; rulemaking associated with the Black Run Watershed; maintenance of threatened and endangered species data and associated data sharing agreements; and data maintenance and reporting related to permanent land protection. In addition, the Science Office will be continuing to conduct Corn Snake and King Snake research, in partnership with EPA and Herpetological Associates. In FY2023, the Science Office's research related to box turtles will also be funded from this account. Miscellaneous expenses (software, supplies, travel and legal advertisements) supporting the program total \$42,900. Additional expenses for the Corn and King Snake research include \$67,647 in Professional Services and \$6,800 in fixed assets. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

6. The Community Planning and Design program budget for FY 2023 totals \$154,070. Personnel costs (salaries/wages and fringe benefits) are estimated at \$132,370 to support the following initiatives and special projects: review and proposal of CMP amendments related to Forest and Rural Development Area clustering, solar energy facilities and the use of Pinelands Development Credits; preparation of updated PDC supply and demand estimates; administrative responsibilities supporting the Pinelands Development Credit Bank; administration of the Pinelands Infrastructure Trust Fund; and support for the Pinelands Climate Committee and related initiatives. Miscellaneous expenses (software, postage, printing, supplies, meeting expenses and legal advertisements) supporting the program equal \$1,700. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

7. The Education and Outreach program budget for FY 2023 totals \$95,400. Personnel costs (salaries/wages and fringe benefits) are estimated at \$61,200 to support the two annual Pinelands Short Courses, the World Water Monitoring Challenge and other Outreach programs. Also included is a total of \$6,500 for supplies related to the Visitors Center, the World Water Monitoring Challenge and maintenance of the bog garden, as well as \$5,000 for services and supplies to launch the Commission's on-line store. Miscellaneous expenses (honoraria for participants in the Pinelands Speakers Series and mileage) supporting the program equal \$2,700. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

PINELANDS COMMISSION
Fenwick Manor Preservation Budget
FISCAL YEAR 2023 BUDGET

Revenue	FY 2023 Anticipated	Notes
State Aid Anticipated	500,000	1
Total Reserve Anticipated	500,000	

Expenditure Account	FY 2023 Anticipated	Notes
Preservation Plan	50,000	2
Exterior Painting	250,000	3
Structural Engineer	20,000	4
Structural Reinforcement/Maintenance	165,000	5
Interior Modifications	15,000	6
Total Expenditures	500,000	

**PINELANDS COMMISSION
FENICK MANOR PRESERVATION
FISCAL YEAR 2023 BUDGET NOTES
August 23, 2022**

1. This is the anticipated State Aid provided by the State of New Jersey FY 2023 Budget. (Pages 79-80 of P.L. 2022, Chapter 49).
2. The Commission previously solicited quotes (through RFP) for the preparation of a Historic Preservation Plan for Fenwick Manor. The budgeted amount reflects the likely total cost for the plan. Should the Commission receive grant funding through the New Jersey Historic Trust, we would be responsible for only 25% of the cost. The remaining funds would then become available for structural repairs and long-term maintenance.
3. Fenwick Manor remains in dire need of exterior painting. Two rounds of RFPs have been issued in the past, with bids starting at \$245,000. Upon completion of the Preservation Plan noted in #2 above, we will once again apply to the New Jersey Historic Trust for a Capital Level I Grant, which would offset a portion of the cost.
4. The main chimney in Fenwick Manor is structurally compromised, leading to growing cracks in the walls and ceiling running from the basement to the attic. This is the core structure of the foundation affecting all surrounding levels. A Structural Engineer will need to be retained to assess existing conditions and safety concerns and identify appropriate measures to repair the structure.
5. This total represents all remaining funds, which will be used for structural repairs and reinforcements, improvements recommended in the Preservation Plan, and long-term maintenance of the building.
6. Offices surrounding the structurally compromised chimney will need interior modifications and repair once the reinforcements are completed.

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2023 BUDGET**

Revenue	FY 2020 Audited	FY 2021 Unaudited	FY 2022 Unaudited	FY 2023 Anticipated	Notes
Katie Trust Fund Balance Anticipated	15,000	15,000	20,000	500	1
Total Reserve Anticipated	15,000	15,000	20,000	500	

Expenditure Account	FY 2020 Audited	FY 2021 Unaudited	FY 2022 Unaudited	FY 2023 Anticipated	Notes
Rain Garden Supplies	-	-	20,000	500	2
	-	-	20,000	500	
Ground Supplies					
Plants & Fencing	4,000	4,000	-	-	
Total Supplies	4,000	4,000	-	-	
Services					
Professional Services	10,000	10,000	-	-	
Total Services	10,000	10,000	-	-	
Improvements & Acquisitions					
Acquisitions - Furniture	1,000	1,000	-	-	
Total Improvements & Acquisitions	1,000	1,000	-	-	
Total Expenditures	15,000	15,000	20,000	500	

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2023 BUDGET NOTES
August 23, 2022**

1. This is the anticipated Fund Balance after design and installation of the Commission's Rain Garden, which serves as an extension of the Visitors Center.
2. Supplies and replacement plants that may be needed to foster the first year of the Rain Garden's growth until it become self-sustaining.

NJ DEP- NJ Forest Service
 Proposed Amendments to App. No. 2007-0318.001
 Allen/Oswego Roads Firebreak and Forestry
 Bass River/ Little Egg Harbor Townships

App No. 2007-0318.001	Amended App. No. 2007-0318.001
Forestry Acres: 1,304	Forestry Acres: 1,304
Firebreak 30' on either side of roads	Firebreak 25' on either side of roads
Firebreak Total Miles: 13	Firebreak Total Miles: 13
Firebreak Herbiciding : YES	Firebreak Herbiciding: NO
Forestry Herbiciding Pine-Dominated Forest (1,041 acres): YES	Forestry Herbiciding Pine-Dominated Forest (1,041 acres): YES
Forestry Herbiciding Pine-Shrub Oak Forest (263 acres): YES	Forestry Herbiciding Pine-Shrub Oak Forest (263 acres): NO

Pinelands Commission Fiscal Year 2023 Budgets



September 9, 2022

1

FY 2023 BUDGETS

- Operating Fund - \$6,499,578
- Pinelands Conservation Fund - \$960,831
- Fenwick Manor Preservation Fund - \$500,000
- Katie Trust Fund - \$500

2

Operating Fund Revenue

	FY20 Audited	FY21 Unaudited	FY22 Unaudited	FY23 Anticipated
State Appropriation	\$2,949,000	\$3,099,000	\$3,249,000	\$3,399,000
State Supplemental Funding	\$687,000	\$687,000	\$687,000	\$687,000
Application Fees	\$690,000	\$380,000	\$500,000	\$650,000
Grants/Special Purpose	\$483,000	\$585,000	\$478,140	\$383,000
Other	\$54,040	\$5,000	\$5,000	\$12,500
Fund Balance/Reserves	\$1,052,034*	\$1,159,074*	\$907,202*	\$1,368,078*
TOTAL	\$5,915,074	\$5,915,074	\$5,966,202	\$6,499,578

* Includes:

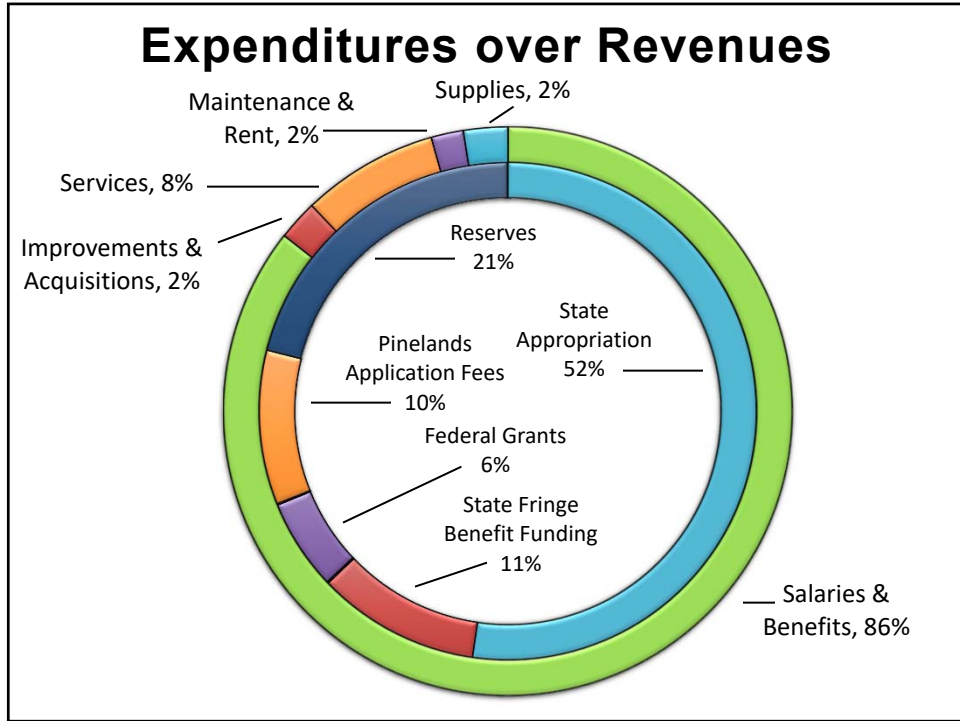
- \$688,078 from the Undesignated Fund Balance
- \$620,000 Reserves –Facilities & Energy Conservation
- \$60,000 PCF Administrative Assessment

3

Operating Fund Expenditures

	FY20 Audited	FY21 Unaudited	FY22 Unaudited	FY23 Anticipated
Salary and Wages	\$3,094,758	\$3,050,972	\$3,021,984	\$3,374,398
Fringe Benefits	\$1,822,822	\$1,904,593	\$1,910,905	\$2,188,901
Supplies	\$103,033	\$128,784	\$131,712	\$148,202
Professional Services	\$541,333	\$485,652	\$462,728	\$222,500
Other Services	\$221,008	\$216,315	\$259,623	\$282,877
Maintenance and Rent	\$81,520	\$83,620	\$132,620	\$119,070
Improvements and Acquisitions	\$50,600	\$45,138	\$46,630	\$163,630
Total Expenditures	\$5,915,074	\$5,915,074	\$5,966,202	\$6,499,578

4



5

FY2023 Initiatives: Energy Conservation Reserve

Projects and Capital Expenditures
Install electric vehicle charging station
Retain solar energy facility consultant <ul style="list-style-type: none"> • Assess feasibility and options for solar installation at Commission's offices
Purchase 2 electric/hybrid field vehicles
Purchase replacement, energy efficient lawn maintenance and office equipment
Develop long-term plan for replacement of existing HVAC systems
Seek grants available to state agencies

6

Pinelands Conservation Fund Expenditures

	FY20 Audited	FY21 Unaudited	FY22 Unaudited	FY23 Anticipated
Land Acquisition				
•Personnel	\$ 8,625	\$ 24,696	\$ 30,600	\$ 7,650
•Other Expenditures	0	0	0	700
Total	<u>\$8,625</u>	<u>\$24,696</u>	<u>\$30,600</u>	<u>\$8,350</u>
Conservation Planning /Research				
•Personnel	\$310,699	\$341,549	\$556,632	\$564,553
•Professional Services	0	90,868	88,199	67,647
•Other Expenditures	<u>41,027</u>	<u>48,035</u>	<u>50,196</u>	<u>70,811</u>
Total	<u>\$351,726</u>	<u>\$480,452</u>	<u>\$695,027</u>	<u>\$703,011</u>
Community Planning /Design				
•Personnel	\$127,500	\$189,630	\$154,530	\$132,370
•Other Expenditures	<u>22,104</u>	<u>21,518</u>	<u>21,125</u>	<u>21,700</u>
Total	<u>\$149,604</u>	<u>\$211,148</u>	<u>\$175,655</u>	<u>\$154,070</u>
Education and Outreach				
•Personnel	\$82,500	\$88,200	\$114,750	\$61,200
•Other Expenditures	<u>25,800</u>	<u>26,120</u>	<u>27,600</u>	<u>34,200</u>
Total	<u>\$108,300</u>	<u>\$114,320</u>	<u>\$142,350</u>	<u>\$95,400</u>
Total PCF Expenditures	\$618,255	\$830,616	\$1,043,632	\$960,831

7

FY2023 Initiatives: Pinelands Conservation Fund

Project/Initiative	Account
Land preservation summit and acquisition round	Land Acquisition
Landfill closure assessments	Conservation Planning & Research/escrow fees
Septic pilot program	Conservation Planning & Research
Kirkwood-Cohansey water management rules	Conservation Planning & Research
ROW Pilot Program rules	Conservation Planning & Research
Black Run watershed rules	Conservation Planning & Research

8

FY2023 Initiatives: Pinelands Conservation Fund

Project/Initiative	Account
Permanent land protection data and reporting	Conservation Planning & Research
T&E data/agreements	Conservation Planning & Research
Rare snake monitoring	Conservation Planning & Research
King Snake study	Conservation Planning & Research
Box turtle study	Conservation Planning & Research

9

FY2023 Initiatives: Pinelands Conservation Fund

Project/Initiative	Account
FA/RDA clustering rules	Community Planning & Design
PDC rules	Community Planning & Design
PDC supply and demand study	Community Planning & Design
PDC Bank administration	Community Planning & Design
Pinelands Infrastructure Trust Fund projects	Community Planning & Design
Climate Committee <ul style="list-style-type: none"> • Solar facility rules • Management area boundaries • Resilience Action Plan 	Community Planning & Design

10

FY2023 Initiatives: Pinelands Conservation Fund

Project/Initiative	Account
Pinelands Short Course(s)	Education & Outreach
World Water Monitoring Challenge	Education & Outreach
Pinelands Speakers Series	Education & Outreach
Bog garden maintenance	Education & Outreach
Visitors Center promotion/supplies	Education & Outreach
On-line store for sale of Pinelands merchandise	Education & Outreach

11

Fenwick Manor Preservation Fund

	FY23 Anticipated
Preservation Plan (consultant)	\$50,000
Exterior Painting	250,000
Structural Engineer	20,000
Structural Reinforcement/Maintenance	165,000
Interior Modifications	\$15,000
Total Expenditures	\$500,000

12

Katie Fund Expenditures

	FY20 Audited	FY21 Unaudited	FY22 Unaudited	FY23 Anticipated
Rain Garden Supplies and Installation	\$4,000	\$4,000	\$20,000	\$500
Professional Services	\$10,000	\$10,000	0.00	0.00
Acquisitions – Furniture	\$1,000	\$1,000	0.00	0.00
Total Expenditures	\$15,000	\$15,000	\$20,000	\$500
Fund Balance	\$15,000	\$15,000	\$20,000	\$500

13

FY2023 Initiatives: Operating Fund

Project/Initiative	Account
Economic Monitoring Statistics: 5- Year Update	NPS – Economic
Economy of Parks and Open Space study	NPS – Economic
Brotherton Reservation excavation and education	NPS – Economic
Scenic Byway app development	NPS – Economic
Historic cemetery GPR mapping	NPS – Economic
Archaeological symposium	NPS – Economic
Annual Pinelands calendar	NPS – Economic

14

FY2023 Initiatives: Operating Fund

Project/Initiative	Account
Water Quality Monitoring	NPS – Environmental
Forest and pond water level monitoring	NPS – Environmental
Annual Anuran surveys	NPS – Environmental
Microorganism study	NPS – Environmental
Endocrine disruption study	NPS – Environmental
Drift fence study	NPS – Environmental

15

FY2023 Initiatives: Operating Fund

Project/Initiative	Account
Drift fence study	NPS – Environmental Monitoring
Rare snake monitoring	NPS – Environmental Monitoring
King Snake study	NPS – Environmental Monitoring
Snake fungal disease monitoring	NPS – Environmental Monitoring
Box turtle study	NPS – Environmental Monitoring

16

FY2023 Initiatives: Operating Fund

Project/Initiative
Procedural CMP amendments <ul style="list-style-type: none"> • “Gap” process • Expiration of old waivers and CFs • Increased fees for applications involving violations
Municipal “model” stormwater ordinances
NJ Forest Stewardship Task Force participation
Local communications facility plan amendment(s)
Grant application for passive ecological restoration in Wharton State Forest (in cooperation with NJDEP)

17

FY2023 Initiatives: Operating Fund

Project/Initiative
Stockton University 2020 Facilities Master Plan <ul style="list-style-type: none"> • DCR amendment and offset
Amendment to Lake Lenape MOA with Atlantic County <ul style="list-style-type: none"> • DCR amendment and offset
Secondary Impacts Agreement for GSP Interchange 44 <ul style="list-style-type: none"> • Extension and monitoring of land preservation obligation
Review (old) MOAs with NJDEP and identify necessary updates and revisions
Review and respond to other agency rulemaking <ul style="list-style-type: none"> • NJDEP PACT rules

18

FY2023 Initiatives: Operating Fund

Project/Initiative
Develop/enhance databases and tracking systems
Implement Pinelands Commission telework program
Launch Pinelands Commission internship program
Reinstitute employee recognition program
Begin contract negotiations with CWA
Implement enhanced security measures for RJS
Develop and launch new cultural resources webpage
Provide enhanced assistance to the Pinelands Municipal Council
Unanticipated Projects

19

FY2023 Ongoing Work: Operating Fund

Key Staff Responsibilities
Review and processing of development applications, Letters of Interpretation and CAFRA permits
Review and processing of municipal master plans, land use ordinances and redevelopment plans
Interpretation database maintenance
Interagency coordination
Committee and Commission meeting support
Website and social media
Reports (annual and monthly)
Audit(s) and Audit Committee
Staff recruitment and training
Records management

20

Recommended Forestry Policy for State-Owned Lands in the Pinelands Area

1. Support forestry that eliminates invasive tree and plant species.
2. Support forestry that restores Atlantic white cedar.
3. Support forestry that improves threatened and endangered plant and animal habitat.
4. Support forestry that addresses insect infestation.
5. Unless proposed to accomplish 1, 2, 3 or 4 above, prohibit clear cutting or comparable forestry techniques.
6. Support tree removal necessary to protect public safety from wildfire.

Continued ...

Recommended Forestry Policy for State-Owned Lands in the Pinelands Area

7. Support prescribed burning conditioned upon environmentally based guidelines.
8. Support forestry that minimizes or eliminates the use of herbicides.
9. Require that all forestry activities result in the maintenance of native Pinelands Forest types.
10. Prohibit all other types of forestry. (Commercial forestry or forest thinning not intended to accomplish one of the above goals would not be permitted.)
11. Require or encourage the preparation of a Conceptual Forestry Master Plan(s) and a Conceptual Forest Fire Fuel Break Master Plan(s) for State-owned lands.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

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

Commissioner _____ moves and Commissioner _____ 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

Applicant:	NJDEP, NJ Forest Service
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					Lettman					Pikolycky				
Christy					Lloyd					Quinn				
Holroyd					Lohbauer					Wallner				
Irick					McCurry					Matos				
Jannarone					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 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
Application Specific Information: 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)



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

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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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

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	

¹Little Egg Harbor Township (B, L)

49, 1
49, 10
49, 3
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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-_____

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

Commissioner _____ moves and Commissioner _____
seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Reports and the recommendation of the 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					Lettman					Pikolycky				
Christy					Lloyd					Quinn				
Holroyd					Lohbauer					Wallner				
Irick					McCurry					Matos				
Jannarone					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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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

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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 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.



State of New Jersey
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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

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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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 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.



State of New Jersey

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PHILIP D. MURPHY
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SHEILA Y. OLIVER
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General Information: Info@pinelands.nj.gov
Application Specific Information: 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 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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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

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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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>



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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

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



State of New Jersey
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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 1st and March 30th 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 1st and March 30th 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

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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.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

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 _____ moves and Commissioner _____ 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					Lettman					Pikolycky				
Christy					Lloyd					Quinn				
Holroyd					Lohbauer					Wallner				
Irick					McCurry					Matos				
Jannarone					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Acting Executive Director

 Laura E. Matos
 Chair



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

MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*
 Planning Specialist

Date: October 3, 2022

Subject: No Substantial Issue Findings

During the past month, the Planning Office reviewed thirteen 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:

Chesilhurst Borough Ordinance 2017-3 – amends the Borough’s Zoning Map by rezoning two vacant, undeveloped lots (Block 501, Lots 7 and 8), approximately two acres, from the Neighborhood Commercial (NC) District to the Borough’s existing Residential (R-1) District. The lands to be rezoned are located within a Pinelands Regional Growth Area.

Egg Harbor City Ordinance 15-2021 – amends Chapter 170 (Land Use and Development) of the Code of Egg Harbor City. The ordinance permits Cannabis Class 1 (cultivation), Class 2 (manufacture), Class 3 (wholesale), Class 4 (distribution), and Class 6 (delivery) businesses in the Industrial (IND) and Industrial Business Park (IBP) zones. The ordinance also permits Cannabis Class 5 (retail) businesses in the Highway Commercial (HC) and Retail Commercial (RC) zones. The ordinance includes regulations for the local licensing of such businesses as well as the assessment and collection of local cannabis taxes. The HC, IBP, IND, and RC zones are located in a Pinelands Town management area.

Jackson Township’s 2021 Amended Housing Element and Fair Share Plan –The 2021 amendments update information related to existing affordable housing units contributing to the Township’s prior round compliance as well as revised descriptions of affordable housing projects located outside the Pinelands Area. All other provisions of the Township’s previously certified 2017 Housing Element and Fair Share Plan remain unchanged.

Lakehurst Borough Ordinance 07-08 – amends Chapter 25 (Land Development) of the Code of Lakehurst Borough by adopting a revised zoning map dated October 18, 2007. The 2007 zoning map is the Borough’s current zoning map. Changes to the Borough’s previously certified zoning boundaries

include: the repeal of the Government Housing (GH) and Military (MI) districts, the establishment of the Planning Retirement Community Development (PRCD) District, and various minor zoning boundary adjustments. All zoning changes were located within a Pinelands Town management area. The PRCD District permits: single family dwellings, attached and detached; recreation, cultural, and medical facilities for the sole use of residents of the community and their guests; and essential services. The PRCD conditionally permits community residences for the developmentally disabled. Residential units are permitted to be developed at a maximum density of three dwelling units per acre and a minimum lot size of 5,000 square feet.

Ocean Township Ordinance 2013-8 – amends the Waretown Town Center Economic Redevelopment Plan. The amended redevelopment plan provides an updated circulation plan, open space plan, and form-based design standards for the existing Town Center (TC) District. The 160-acre TC District is located outside of the State-designated Pinelands Area but within a Regional Growth Area of the Pinelands National Reserve (PNR).

Ocean Township Ordinance 2015-19 – adopts the Development Plan for Waretown Harbor (Block 169, Lots 8.01, 12, and 13, and Block 191, Lot 13). The redevelopment plan permits single family residential units on minimum 12,500 square foot lots as well as recreational marinas. The 5.5-acre redevelopment area is located outside of the State-designated Pinelands Area but within a Regional Growth Area of the PNR.

Ocean Township Ordinance 2017-2 – amends the Ocean Commons Redevelopment Plan (p/o Block 41, Lot 42.01). The amended redevelopment plan permits the development of a 100-percent multifamily residential affordable housing project. The amended plan includes additional standards and design requirements. The 4-acre redevelopment area is located outside of the State-designated Pinelands Area but within a Regional Growth Area of the PNR.

Ocean Township Ordinance 2018-19 – adopts the Waretown Town Center – Multi Family Redevelopment Plan (Block 194, Lots 16, 17.01, and 17.02). The redevelopment plan establishes the Waretown Town Center – Multi Family (TC-MF) Zone, which permits residential apartments at a density of 12 units per acre. The 0.67-acre redevelopment area is located outside of the State-designated Pinelands Area, but within a Regional Growth Area of the PNR.

Ocean Township Ordinance 2019-7 – adopts the Redevelopment Plan for Block 241.11, Lots 12.03 and 12.09. The redevelopment plan establishes an overlay district that permits private contractor warehouse space for multiple tenants. The 3.18-acre redevelopment area is located outside of the State-designated Pinelands Area, but within a Regional Growth Area of the PNR.

Ocean Township Ordinance 2020-17 – amends the Waretown Town Center Economic Redevelopment Plan to establish the Waretown Plaza Sub-District (Block 41, Lots 37, 38.02, and 39.01) and to provide applicable form-based design standards for the subdistrict. The 42-acre subdistrict is located outside of the State-designated Pinelands Area, but within a Regional Growth Area of the PNR.

Ocean Township Ordinance 2021-18 – adopts the Redevelopment Plan for Tradewinds at Waretown (Block 131, Lot 4). The redevelopment plan permits up to 144 multi-family units along with a recreational clubhouse and 26,600 square feet of commercial uses. The plan includes various design and form-based standards. The 17.5-acre parcel is located outside of the State-designated Pinelands Area, but within a Regional Growth Area of the PNR.

Ocean Township Ordinance 2022-12 – amends the Phase 1 – Route 9 Redevelopment Plan, previously certified by the Commission, to permit up to one medical cannabis dispensary within the redevelopment area. The Route 9 Redevelopment Area is located outside of the State-designated Pinelands Area, but within a Regional Growth Area of the PNR.

Pemberton Township Ordinances 9-2022, 14-2022 – Both ordinances amend Chapter 190 (Zoning) of the Code of Pemberton Township. The ordinances permit the storage and parking of heavy-duty vehicles, trailers, travel trailers, campers, boats, and other motorized watercraft as an accessory use in the Township’s Single-Family and Two-Family Residential Districts (R-60, R-80, R-96, R-100, R-200, and R-A). The R-100 District is located in a Pinelands Forest Area, while the remaining zoning districts are located within a Pinelands Regional Growth Area.