



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-21

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1985-0160.013 & 1990-0868.035)

Commissioner Lohbauer moves and Commissioner Higginbotham 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:

1985-0160.013

Applicant: New Jersey Department of Environmental Protection
Municipality: Washington Township
Management Area: Pinelands Preservation Area District
Date of Report: August 18, 2021
Proposed Development: Installation of a 10,800 square foot geothermal well field for the heating and cooling of the Batsto Visitors Center; and

1990-0868.035

Applicant: NJDEP Natural & Historic Resources
Municipality: Bass River Township
Management Area: Pinelands Preservation Area District
Date of Report: August 18, 2021
Proposed Development: Demolition and reconstruction of the Lake Absegami beach recreational facility .

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 1985-0160.013 & 1990-0868.035 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				Jannarone	X				Quinn			X	
Christy			X		Lloyd	X				Rohan Green			X	
Higginbotham	X				Lohbauer	X				Prickett	X			
Irick	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Susan R. Grogan
Acting Executive Director

Date: September 10, 2021

Richard Prickett
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

August 18, 2021

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

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

Dear Mr. Mulvan:

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

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Washington Township Planning Board (via email)
Washington Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)

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



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Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 18, 2021

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

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

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

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

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.22(b)8)

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

CONDITIONS

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

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

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

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

CONCLUSION

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



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

State of New Jersey
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www.nj.gov/pinelands



RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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

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



State of New Jersey

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Lt. Governor

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RICHARD PRICKETT
Chairman

SUSAN R. GROGAN
Acting Executive Director

August 18, 2021

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

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

Dear Mr. Mulvan:

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

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Bass River Township Planning Board (via email)
Bass River Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Burlington County Health Department (via email)
Paul Ercolano (via email)



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 PO Box 359
 NEW LISBON, NJ 08064
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 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 SUSAN R. GROGAN
 Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 18, 2021

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

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

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

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

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

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

STANDARDS

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

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

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

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

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

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

The proposed development will be located in the same area as the existing development on the parcel. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

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

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

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

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

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

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

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

PUBLIC COMMENT

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

CONDITIONS

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

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

CONCLUSION

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



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Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 22

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

Commissioner Avery moves and Commissioner Jannarone seconds the motion that:

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

2015-0087.003

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

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2015-0087.003 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

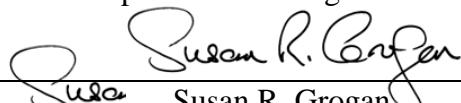
Record of Commission Votes

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


*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 10, 2021



 Susan R. Grogan
 Acting Executive Director



 Richard Prickett
 Chairman



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

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

August 19, 2021

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

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

Dear Mayor Jampetti:

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

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

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

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

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

Sincerely,

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

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

Enc: Appeal Procedure

c: Secretary, Egg Harbor City Planning Board (via email)
Egg Harbor City Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Ryan A. McGowan, PE, PP, CME (via email)
Anna Kropiewnicki (via email)



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 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 SUSAN R. GROGAN
 Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 19, 2021

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

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

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

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

STANDARDS

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

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

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

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

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

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

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

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

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

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

The proposed development will be located within maintained grass and disturbed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to use grass species that meet this recommendation.

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

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

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

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

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

PUBLIC COMMENT

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

CONDITIONS

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

CONCLUSION

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



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

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-23

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

Commissioner Avery moves and Commissioner Higginbotham seconds the motion that:

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

1990-0868.033

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0868.033 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 10, 2021

MOTION FAILED

Susan R. Grogan
Acting Executive Director

Richard Prickett
Chairman



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(609) 894-7300
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

September 9, 2021

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

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

Dear Mr. Sacco:

The Commission staff has completed its review of this application for spot treatment of herbicide to control invasive plant species within 16.4 acres that were previously cleared to restore visibility from the Bass River State Forest fire observation tower. Enclosed is a copy of an Amended Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 10, 2021 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Bass River Township Planning Board (via email)
Bass River Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)

Todd Wyckoff (via email)

William Zipse, Supervising Forester (via email)

Samantha Hensen, Assistant Regional Forester (via email)

Courtney Compton, Assistant Regional Forester (via email)



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

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT

September 9, 2021

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

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

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

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

The applicant has identified two invasive plant species, Japanese stiltgrass and Japanese barberry, within portions of the 16.4 acre cleared area. This application proposes spot treatment of herbicide to facilitate re-vegetation of the historic tree plantations by suppressing these invasive plant species. A pre-emergent and post-emergent herbicide application and a foliar or stem/bark herbicide application will occur using a utility terrain vehicle, backpack sprayers or handheld sprayers. **The herbicide treatments are proposed until the invasive plant species have been eliminated and tree seedlings become established. Each of the three separate herbicide treatments is proposed to occur a maximum of three times.**

STANDARDS

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

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

The 435.3 acre parcel is located partially in the Pinelands Preservation Area District (405.2 acres), partially in a Pinelands Rural Development Area (18.8 acres) and partially in a Pinelands Village (11.3 acres).

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

CONDITIONS

1. The proposed activities shall adhere to the "Proposal For Silvicultural Activity On State Forest And Park Lands, New Jersey Forestry Services, dated February 2, 2021.
2. Prior to any herbiciding, the applicant shall obtain any other necessary permits and approvals.
3. **Between September 10, 2021 and September 10, 2031, each of the three separate herbicide treatments shall not occur more than three times.**
4. In accordance with the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.45), this approval authorizing herbiciding in association with a silvicultural operation shall expire in 10 years on September 10, 2031.
5. To avoid irreversible adverse impacts on any local population of Broom Crowberry that may be present, NJDEP shall conduct a visual survey of the 16.4 acres for Broom

crowberry prior to any spot treatment of herbicide. If the visual survey identifies Broom Crowberry, the applicant shall install a temporary protective barrier around any identified plant(s) and a temporary plastic covering during spot application of herbicide to avoid irreversible adverse impacts on the survival of any local population of Broom Crowberry.

CONCLUSION

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



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SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-24

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

Commissioner Lloyd moves and Commissioner Jannarone seconds the motion that:

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

1999-0082.001

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1999-0082.001 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Susan R. Grogan
Acting Executive Director

Date: September 10, 2021

Richard Prickett
Chairman



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 NEW LISBON, NJ 08064
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 www.nj.gov/pinelands



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

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

RICHARD PRICKETT
 Chairman
 SUSAN R. GROGAN
 Acting Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

August 17, 2021

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

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

Dear Mr. Boehm:

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

FINDINGS OF FACT

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

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

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

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

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

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

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

PUBLIC COMMENT

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

CONCLUSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPEAL

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

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

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

Recommended for Approval by:



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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 25

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

Commissioner Avery moves and Commissioner Higginbotham seconds the motion that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Record of Commission Votes

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

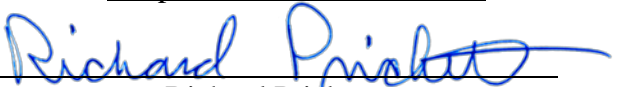
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 10, 2021



 Susan R. Grogan
 Acting Executive Director



 Richard Prickett
 Chairman

Pinelands Commission

Fiscal Year 2022 Budgets



September 10, 2021

BUDGETS

- Operating Fund - \$5,966,202
- Katie Trust Fund - \$20,000
- Pinelands Conservation Fund - \$1,043,632

Operating Fund Revenue

	FY19 Unaudited	FY20 Unaudited	FY21 Unaudited	FY22 Anticipated
State Appropriation	\$2,799,000	\$2,949,000	\$3,099,000	\$3,249,000
State Supplemental Funding	\$687,000	\$687,000	\$687,000	\$687,000
Application Fees	\$430,000	\$690,000	\$380,000	\$500,000
Grants/Special Purpose	\$1,191,241	\$483,000	\$585,000	\$478,140
Other	\$35,200	\$54,040	\$5,000	\$5,000
Fund Balance/Reserves	\$772,633	\$1,052,034*	\$1,159,074*	\$907,202*
TOTAL	\$5,915,074	\$5,915,074	\$5,915,074	\$5,966,202

* Includes:

- \$705,132 from the Undesignated Fund Balance
- \$142,070 Reserves – Computer, Facilities & Microfilm
- \$60,000 PCF Administrative Assessment

Operating Fund Expenditures

	FY19 Unaudited	FY20 Unaudited	FY21 Unaudited	FY22 Anticipated
Salary and Wages	\$3,031,731	\$3,094,758	\$3,050,972	\$3,021,984
Fringe Benefits	\$1,808,212	\$1,822,822	\$1,904,593	\$1,910,905
Supplies	\$105,459	\$103,033	\$128,784	\$131,712
Professional Services	\$630,582	\$541,333	\$485,652	\$462,728
Other Services	\$224,512	\$221,008	\$216,315	\$259,623
Maintenance and Rent	\$82,050	\$81,520	\$83,620	\$132,620
Improvements and Acquisitions	\$32,528	\$50,600	\$45,138	\$46,630
Total Expenditures	\$5,915,074	\$5,915,074	\$5,915,074	\$5,966,202

Katie Fund Expenditures

	FY19 Unaudited	FY20 Unaudited	FY21 Unaudited	FY22 Anticipated
Rain Garden Supplies and Installation	\$4,000	\$4,000	\$4,000	\$20,000
Professional Services	\$10,000	\$10,000	\$10,000	
Acquisitions – Furniture	\$1,000	\$1,000	\$1,000	
Total Expenditures	\$15,000	\$15,000	\$15,000	
Fund Balance	\$15,000	\$15,000	\$15,000	\$20,000

Pinelands Conservation Fund Expenditures

	FY19 Unaudited	FY20 Unaudited	FY21 Unaudited	FY22 Anticipated
Land Acquisition				
•Personnel	\$ 7,550	\$ 8,625	\$ 24,696	\$ 30,600
•Professional Services	0	0	0	0
•Land Acquisition	276,457	0	0	0
•Other Expenditures	0	0	0	<u>0</u>
Total	\$284,007	\$8,625	\$24,696	\$30,600
Conservation Planning /Research				
•Personnel	\$237,070	\$310,699	\$341,549	\$556,632
•Professional Services	70,000	0	90,868	88,199
•Other Expenditures	<u>27,540</u>	<u>41,027</u>	<u>48,035</u>	<u>50,196</u>
Total	\$334,610	\$351,726	\$480,452	\$695,027
Community Planning /Design				
•Personnel	\$93,620	\$127,500	\$189,630	\$154,530
•Professional Services	0	0	0	0
•Aid to Municipalities	0	0	0	0
•Other Expenditures	<u>21,489</u>	<u>22,104</u>	<u>21,518</u>	<u>21,125</u>
Total	\$115,109	\$149,604	\$211,148	\$175,655
Education and Outreach				
•Personnel	\$67,950	\$82,500	\$88,200	\$114,750
•Other Expenditures	<u>61,721</u>	<u>25,800</u>	<u>26,120</u>	<u>27,600</u>
Total	\$129,671	\$108,300	\$114,320	\$142,350
Total PCF Expenditures	\$863,397	\$618,255	\$830,616	\$1,043,632

Staffing Levels

	Authorized	FY2019	FY2020	FY2021	FY2022
Executive	7.5	6	7	5	5
Planning	12	8	8	6	8
MIS & GIS	6	6	5	5	6
Regulatory Programs	20.5	11	11	10	12
Science	9	5	5	5	5
Business Services	9	5	6	6	6
Public Programs	2	2	2	2	2
Total	66	43	44	39	44*

* FY2022 staffing level: 44 full time – includes 6 back fill positions.

Salary and Wages Expenditures

Current Staff (44 FTEs; 22 unfunded FTEs)

44 Full time employees	\$3,580,796
Estimated Overtime	<u>1,000</u>
	<u>\$3,581,796</u>

Operating Fund Budget \$3,021,984

Pinelands Conservation Fund Budget

Land Acquisition	20,000
Conservation Planning & Research	363,812
Community Planning & Design	101,000
Education & Outreach	<u>75,000</u>
	<u>\$3,581,796</u>

FY2022 Initiatives

Offices	Initiative	Budget
Planning	Rules: <ul style="list-style-type: none"> • Stormwater adoption/implementation • Electric Transmission Line ROW Pilot Program • Utility distribution line exemptions & HDD • Solar energy facilities • “Gap” rule process • Kirkwood Cohansey/water supply • FA/RDA clustering • Cannabis facilities 	Operating PCF Operating PCF Operating PCF PCF Operating
	<ul style="list-style-type: none"> • Landfill Assessments • Alternate Septic System Pilot Program • PDC Bank Administration • PDC Supply & Demand • PLP Database and Mapping • Brotherton Survey • Historic cemetery GPR surveys • Pine Barrens Byway 	PCF/Escrows PCF/Escrows PCF PCF Operating/NPS Operating/NPS Operating/NPS Operating/NPS


FY2022 Initiatives

Offices	Initiative	Budget
Regulatory Programs	On line application submission and review: fees, digital plans, new software/hardware	Operating
	NJDEP Coordination Issues <ul style="list-style-type: none"> • Forestry • CAFRA 	Operating
	T&E Data Sharing Agreement with NJDEP, ENSP	Operating
Science	Long-term snake population monitoring	EPA Grant
	Fire impacts on reptiles	PCF
Business Services	Covid office management	Operating
	Fenwick Manor painting (with Cultural Resources support)	Operating
	FY21 Audit	Operating
Communications	Rain Garden Implementation	Katie Fund
	Pinelands Webinars & Outreach Programs	Operating/PCF
MIS	Large Format Scanner (site plans, zoning maps)	Operating
	Technology for remote/hybrid meetings	Operating



- BPU “No Cost” Energy Audit: application and implementation of recommendations
- Electric Vehicle Charging Station: grants and installation
- Facility-related energy efficiency measures and products





Permanent Land Protection

Annual Update on 2021

Newly Protected Land in the Pinelands Area

July 2020 - June 2021

All Programs FY2021	Acres Protected
Pinelands Programs	<i>111</i>
PDC Severance	<i>559</i>
State Acquisition (Green Acres)	<i>420</i>
County Farmland Preservation	<i>244</i>
County Open Space	<i>160</i>
Non-Profit Acquisition	<i>35</i>
Total Acres	<i>1,529</i>



The 44-acre Daniels property in Ocean Township, protected in 2019 through the PCF acquisition program

Photo by NJPC

Notable Projects for FY21

- PDC Severance in Bass River Township
 - 480 acres
 - 16.75 PDCs
- Atlantic County acquisition for GSP Exit 44
 - 16 acres added to total preserved in project area
- Bear Swamp Additions

Acres Protected Through Pinelands Commission Programs July 2020 – June 2021



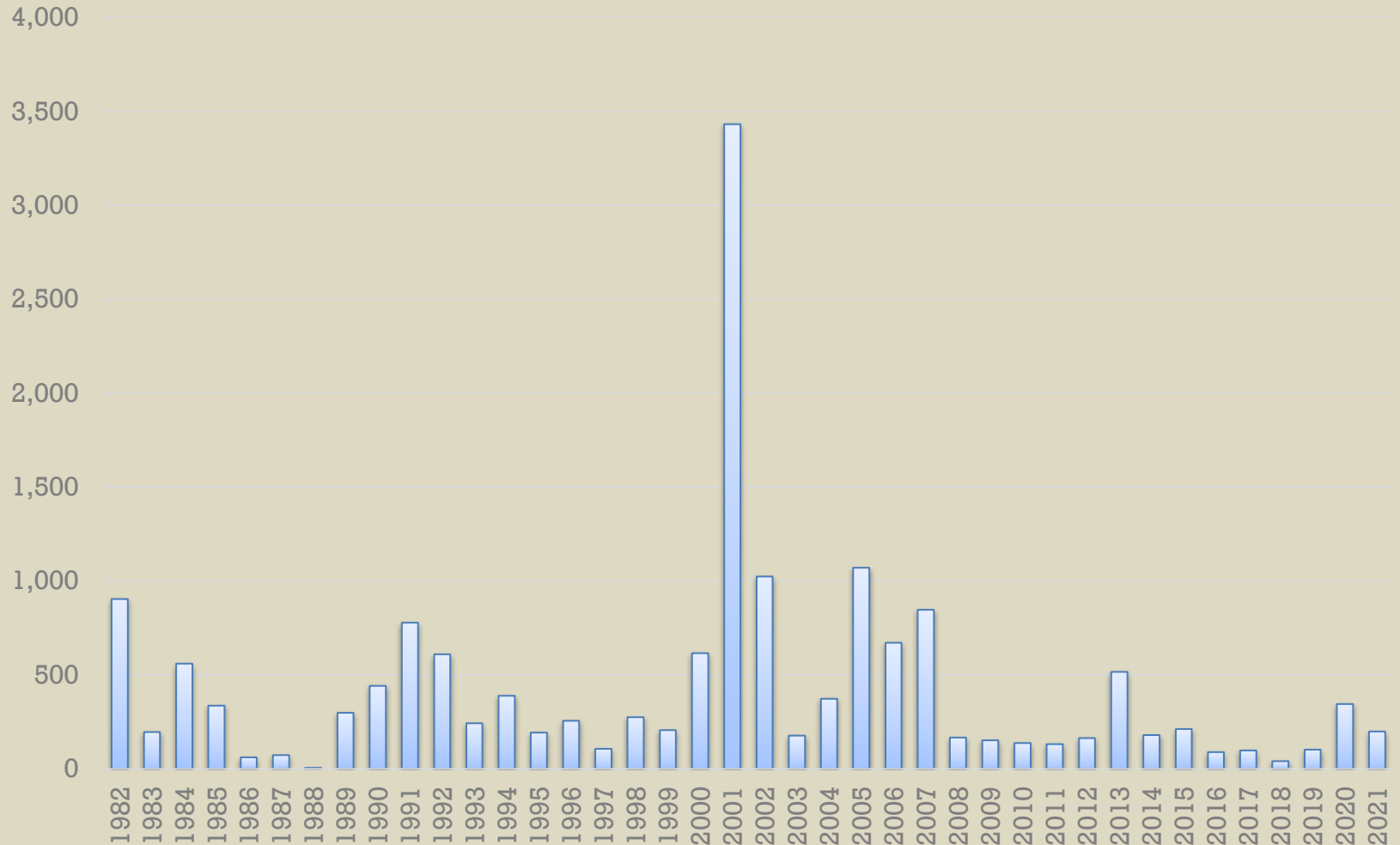
- Clustering – 30 acres
- Density Transfer – 17 acres
- Residential density & Septic dilution - 2 acres
- Threatened & Endangered Species – 46 acres
- Garden State Parkway Exit 44 – 16 acres

Total Acres: 111

The 457-acre Thompson-Wright property in Southampton and Woodland townships, protected in 2019 through the PCF acquisition program

Photo by NJPC

PDC Allocations by Fiscal Year

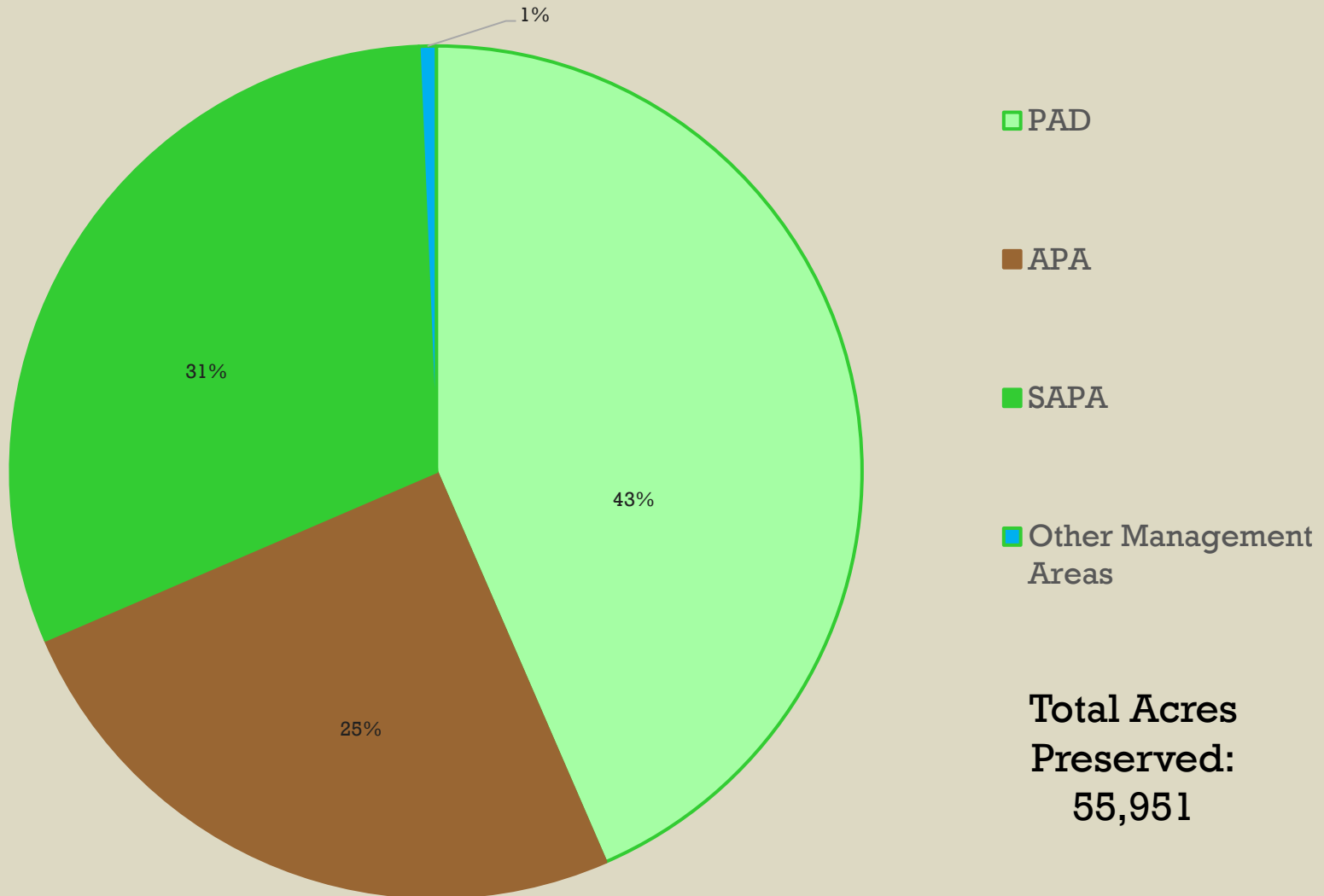


PDC Program

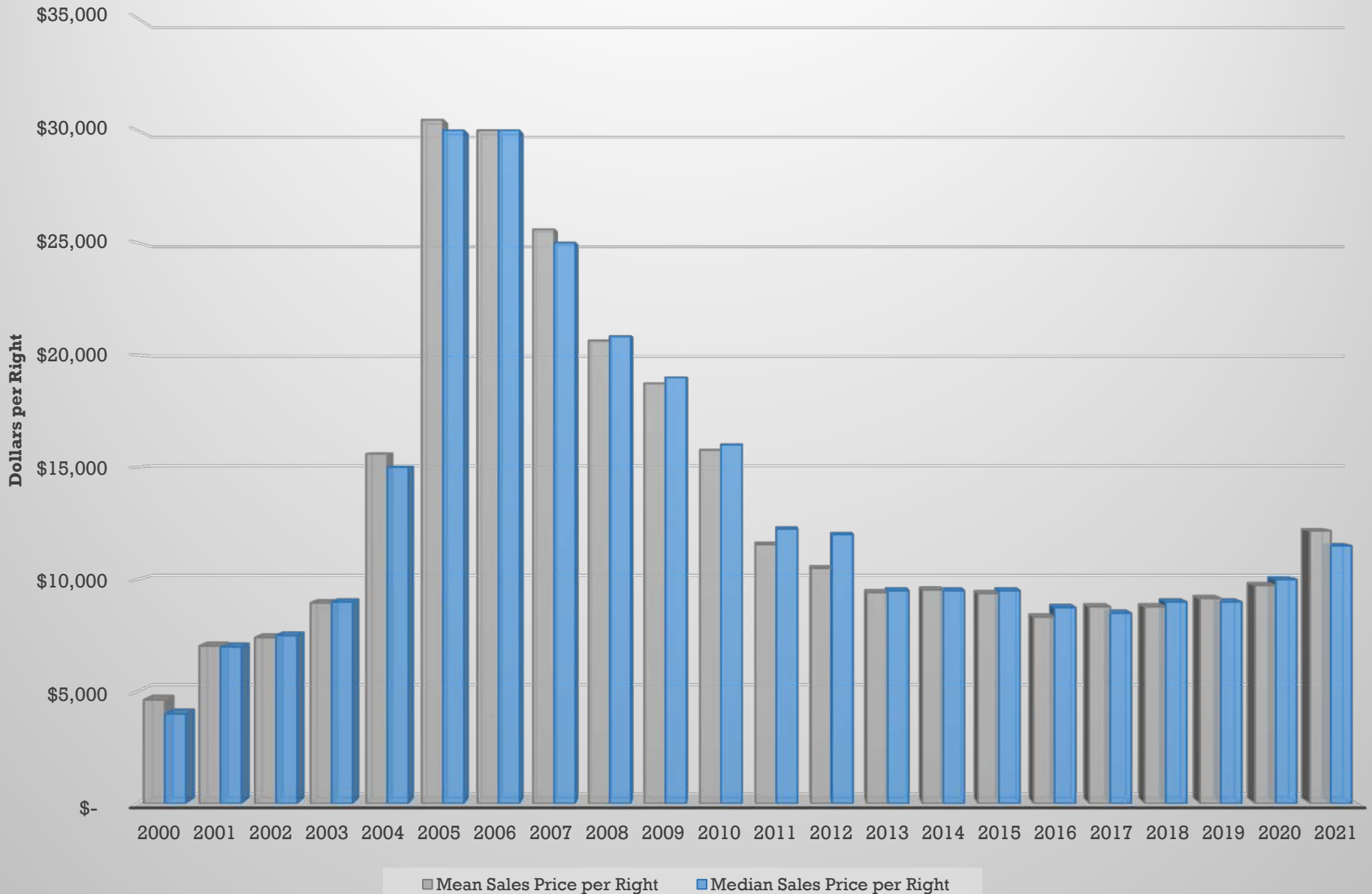
Lands Preserved Through FY21

Management Area	Acres Preserved
Preservation Area District	24,333
Special Agricultural Production Area	17,243
Agricultural Production Area	14,007
Other Management Areas	368
Total	55951

PDC Program Lands Preserved Through FY21



Mean & Median Private PDC Sales Prices per Right

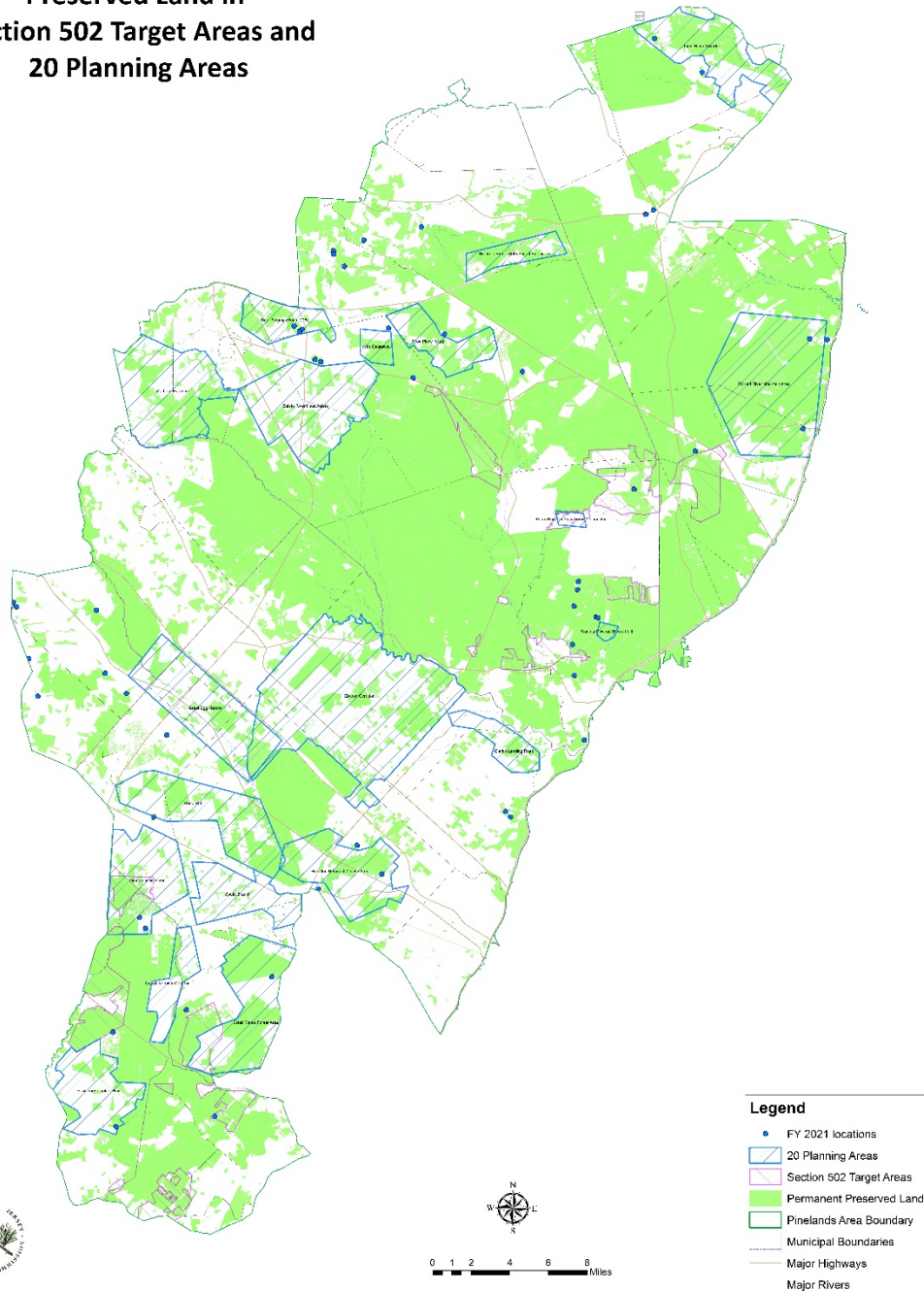


Green Acres Program

FY21 Pinelands Area Acquisition

Municipality	Management Area	Acres Acquired
Bass River Township	PAD/FA	180
Estell Manor City	FA	148
Hamilton Township	RDA	10
Maurice River Township	FA/Village	31
Monroe Township	FA	16
Pemberton Township	APA	19
Southampton Township	APA/RDA/RGA	226
Upper Township	FA	10
Woodland Township	PAD	15
Total		655

Preserved Land in Section 502 Target Areas and 20 Planning Areas



- 30% of total acreage in 20 Planning Areas is preserved
- 65% of total acreage in Section 502 Target Areas is preserved

Preserved Acreage Added in Targeted Acquisition Areas

Target Area Location	Preservation Mode			Total Acres
	Open Space	PDCs	Pinelands Application Condition	
20 Planning Area Adds	280.9		36.7	317.6
Section 502 Adds	2.50	472.27		474.77
Grand Total	283.41	472.27	36.72	792.60

Permanent Land Protection in the Pinelands Area

June 2021

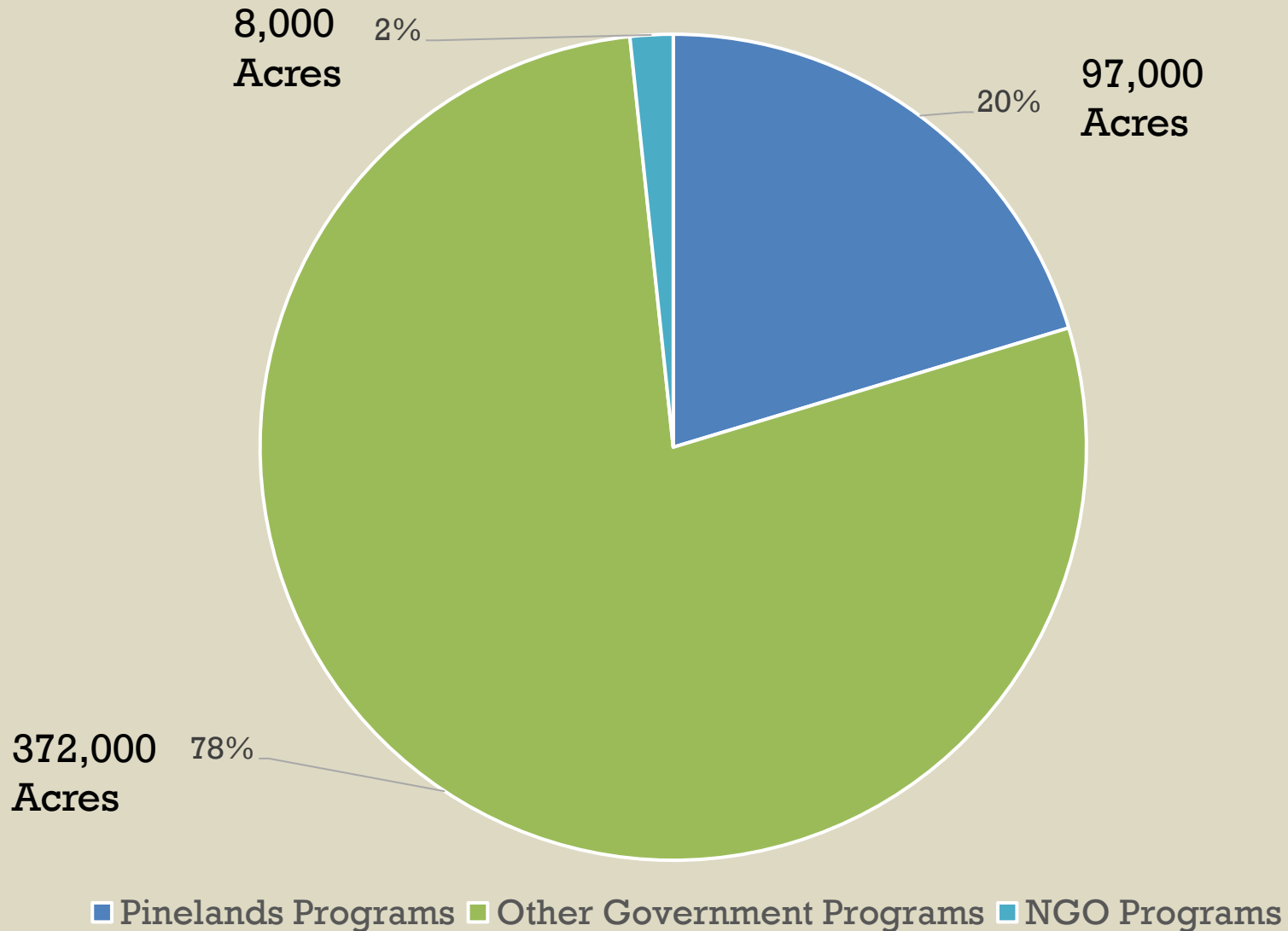
- 480,500 acres protected
- 51% of the Pinelands Area
- 94% of the protected land is in conservation-oriented management areas (PAD, SAPA, FA, APA)



The 200-acre Katz property in Pemberton Township, protected through PDC severance in 2006 and the PCF acquisition program in 2019

Photo by NJPC

Permanent Land Protection Programs in the Pinelands Area through June 2021

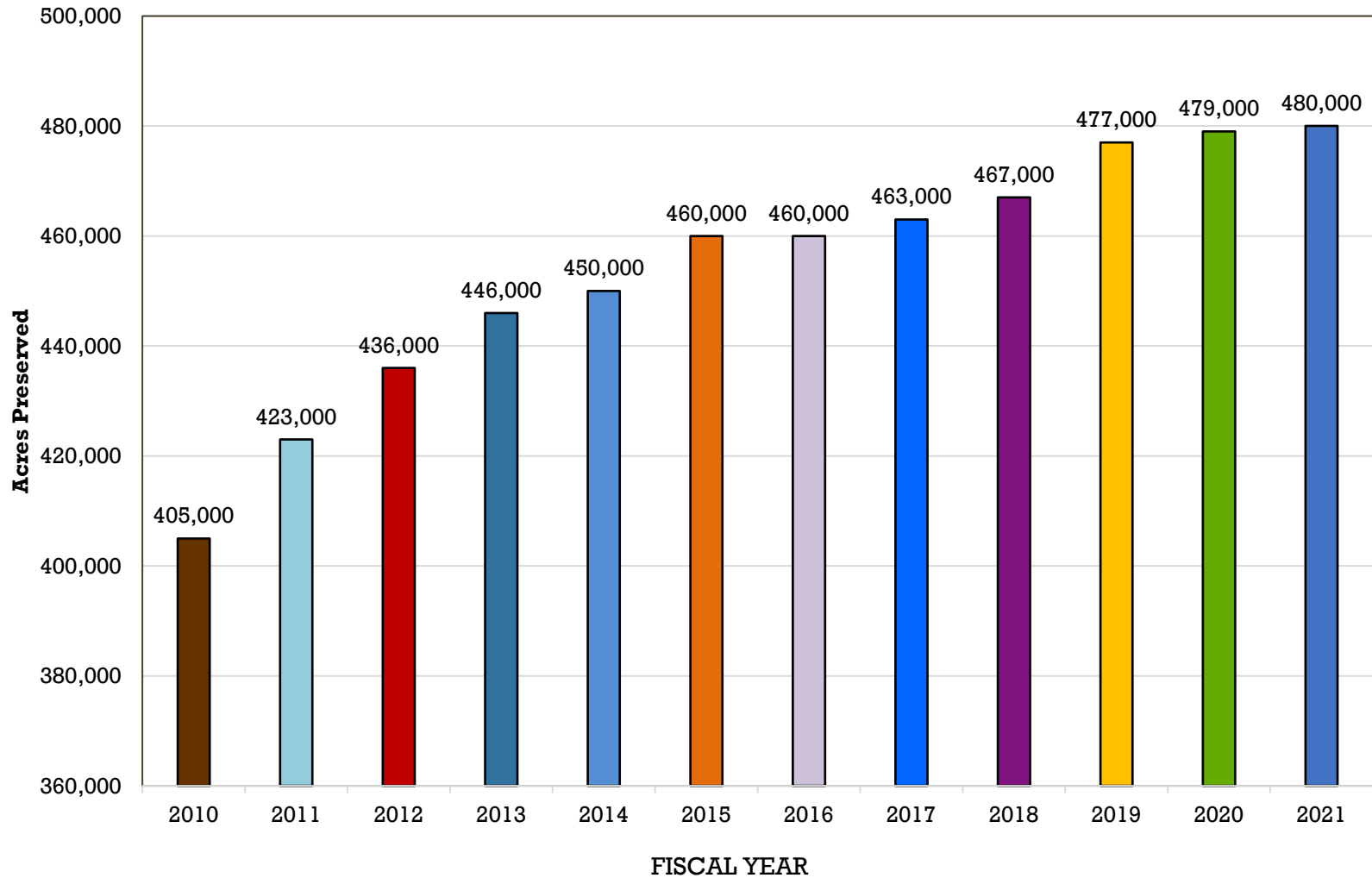


Protected Lands by Management Area

June 2021

Management Area	Total Acres	% Protected
PAD	295,000	82.5%
SAPA*	37,500	61%
FA	257,000	57%
APA	68,500	41%
RDA*	109,500	21%
RGA	76,500	8%
Village	26,000	7%
Town*	21,500	9%
Military/Federal	47,000	1%
Pinelands Area Total	938,000	51%

Permanent Land Protection in the Pinelands Area through June 2021



Questions?

