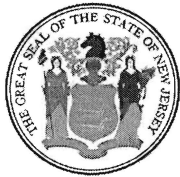


974.905 P750



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

December 22, 2015

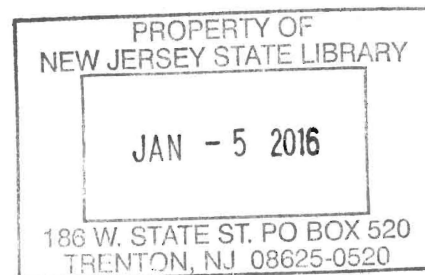
Mr. Robert Lupp
State Library – NJ Reference Section
185 West State Street
P.O. Box 520
Trenton, New Jersey 08625

Dear Mr. Lupp:

Enclosed are the Pinelands Commission meeting minutes for November 13, 2015 for your information.

Sincerely,

Melody A. Wood,
Receptionist



PC1
Enclosure: Minutes

PC2-84

PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

November 13, 2015

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Jane Jannarone, Ed McGlinchey, Richard Prickett, Gary Quinn and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Ed Lloyd, D'Arcy Rohan Green and Fran Witt.

Chairman Lohbauer called the meeting to order at 9:37 a.m.

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 12 Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

PC2-85

Minutes

Chairman Lohbauer presented the minutes (open and closed session) from the October 9, 2015 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Jannarone seconded the motion.

The open and closed session minutes of the October 9, 2015 Commission meeting were adopted by a vote of 11 to 0, with Commissioner Quinn abstaining.

Employee Recognition

Chairman Lohbauer said Ron Luker is being awarded a certificate for 10 years of dedicated service to the NJ Pinelands Commission. He began his employment on October 3, 2005. Ron is the Maintenance Custodian for the Commission. Ron's custodial duties encompass the entire Pinelands Commission complex, including buildings, grounds and vehicles. Prior to his service at the Pinelands Commission, Ron served in the U.S. Army with tours in Germany and Greece. In addition to spending time with his family and pets, Ron enjoys the outdoors and camping.

Committee Chairs' Reports

MOA *ad hoc* Committee

Commissioner Ashmun provided an update on the October 30, 2015 MOA Committee meeting:

The Committee adopted the minutes from its June 26, 2015 meeting.

The Committee reviewed the revised (*October 19, 2015*) *Process for Considering an Intergovernmental Agreement* and discussed the list of issues revised to date. Following the discussion, Chairperson Ashmun asked that any comments/concerns be emailed to all Committee members and staff in order to develop a final document to be considered by the CMP P&I Committee.

Policy & Implementation Committee

Chairman Lohbauer said that the Audit Committee met in October. He said he anticipates that a final report will be issued in December.

Commissioner McGlinchey said that he could not attend the Audit Committee meeting but he requested a meeting with the members of the Audit Committee and the Executive Director.

Chairman Lohbauer provided an update on the October 30, 2015 P&I Committee meeting:

The Committee adopted the minutes from the July 31, 2015 meeting.

PC2-86

In closed session, the Committee approved \$750,000 in funding for five projects from the 2015 Pinelands Conservation Fund. The projects include two in Ocean County's Forest Area, and one each in the Toms River Corridor, Bear Swamp on Route 206, and a 502-Target Area in Estell Manor. By February 29, 2015, all projects must have completed appraisals, obtained certification of fair market value, and have a signed contract with the landowner and an executed grant agreement. More than 2,600 acres will be preserved if all projects close.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- Staff is scheduled to meet with New Jersey Department of Environmental Protection in December about the Motorized Access Plan at Wharton State Forest. She said staff has been researching language in the CMP that provides the Commission authority over public lands and motor vehicle use. She said staff is also trying to determine which roads were designated in 1980 as a pre-existing use. Ms. Wittenberg offered to arrange a meeting between NJDEP and Commissioners.

Commissioners agreed they would like a meeting scheduled with NJDEP about the Motorized Access Plan.

Mr. Larry Liggett updated the Commission on the following:

- A meeting with the New Jersey Builders Association (NJBA) to review enhancements to the Pinelands Development Credit (PDC) program was held on November 10th. At that meeting members of NJBA were also briefed on the Kirkwood-Cohansey Study. Meetings with other stakeholders will be scheduled in the future.
- Staff presented the next phase of the Kirkwood-Cohansey Study to the Delaware River Basin Commission's Water Management Committee.
- Staff has received inquiries from Jackson Township, Medford Township and Waterford Township about affordable housing obligations.

Mr. Chuck Horner provided an update on the following:

- A hearing has been scheduled for mid-December for the Tuckahoe Turf Farm matter. The Town of Hammonton issued site plan approval and a zoning permit. The zoning permit raises issues because it exceeds the 192 total hours of soccer events/use previously authorized. The Waterford Township approval raises issues because it did not contain conditions as to the number of events permitted. On November 6th, staff met with the applicant's counsel to explain these issues.
- The Stafford Township hearing for the compelling public need waiver for the stormwater basin will be scheduled for sometime in December. The public notice has not been completed. The hearing will take place at the Stafford Township Municipal Building.
- The Mullica Township Mayor has requested a meeting with staff to discuss the redevelopment of the Sweetwater Casino property that was destroyed by fire a number of years ago.

PC2-87

- The New Jersey Natural Gas application remains incomplete. Staff will be issuing a letter requesting additional information.

Commissioner Ashmun requested that she be informed of future stakeholder meetings concerning the PDC program.

Commissioner Avery asked if Jackson Township is considered a certified municipality.

Mr. Liggett said that Jackson Township is not meeting the terms of its certification.

Ms. Wittenberg said that bid proposals for the construction of the interpretive center have been submitted and are under review.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending the approval for the construction of two communication towers in Tabernacle Township.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1984-0781.005) (See Resolution # PC4-15-32). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0. All were in favor.

Public Comment on Agenda Items and Pending Public Development Applications

A conversation ensued about the Upper Township application (1990-0188.005) after a member of the public raised questions.

Mr. Horner said that the salt barn, vehicle wash building and an addition to an existing garage have been built without application to the Commission. He said this application is to resolve the violation and the application would be on next month's agenda.

Bill Wolfe of Bordentown, NJ suggested amending the CMP to gain enforcement authority and to prevent towns from developing without application to the Commission.

Ms. Wittenberg said that rule language was drafted to allow an additional fee for applications submitted to resolve violations, but the rule did not move forward.

Mark Demitroff of Richland said Buena Vista Township developed numerous sites without application to the Commission and he understands the frustration.

Jeff Tittel of the NJ Sierra Club questioned how the South Jersey Gas pipeline application can proceed with violations on the parcel.

Nathalie Niess, of Upper Township questioned how the violations in Upper Township were identified.

PC2-88

Mr. Horner said the violations were discovered when Commission staff reviewed the application for the interconnect station proposed by South Jersey Gas.

Ordinances Not Requiring Commission Action

Chairman Lohbauer asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Hamilton Township Ordinances 1785-2015 and 1799-2015
- Stafford Township Ordinance 2015-12

No members of the Commission had questions.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Mark Demitroff raised a number of non-related issues. He provided a handout (attached) containing a photograph of work being done on a railroad that abuts his property. Mr. Demitroff said that the construction equipment is on his property and it's happening because the Commission approved redevelopment in Richland Village. He said that the survey depicted in his handout is portrayed as a 60-foot right-of-way but is actually 130 feet wide. He expressed his frustration that the Commission denied him access to the Office of Administration Law regarding a permitting matter in Richland Village. He also provided documentation from the State Ethics Commission concerning a former Commission employee.

Jeff Tittel, Director of NJ Sierra Club, said the Commission needs to address climate change and greenhouse gases. He suggested doing this by eliminating fossil fuels. He expressed his dismay that a major infrastructure project like the South Jersey Gas pipeline is not getting the public scrutiny it deserves and suggested a moratorium on pipelines.

Chairman Lohbauer said that some Commissioners are interested in addressing climate change.

Bob Filipczak of Linwood, NJ expressed his dismay over the stormwater basins associated with exit 41 on the Garden State Parkway. He expressed frustration with NJDEP.

Bill Wolfe said that DEP's low flow margin will not protect the Pinelands. He requested the Commission put the New Jersey Natural Gas application on hold until staff determines that a military purpose was not fabricated.

Cynthia Hart of Ocean City, NJ read a letter from Dr. Bob Allen into the record. (See attached).

Georgina Shanley of Ocean City, NJ provided a recap of events on the South Jersey Gas application. She said the Upper Township application (#1990-0188.005) should not be approved. She supports a moratorium on pipelines.

PC2-89

Nathalie Neiss said there are other sites that Upper Township owns that can be used for public works facilities. She said she objects to the Certificate of Filing for the South Gas Jersey application.

Micah Rasmussen provided comments on the New Jersey Natural Gas Southern Reliability Link (SRL) application. He said the SRL will be able to provide gas to 1 million homes, however, there are not that many homes in the Pinelands Area. He said Public Service Electric and Gas (PSE&G) currently serve Ft. Dix and Lakehurst. He said the SRL application does not propose to connect to the Joint Base or PSEG systems.

Margit Meissner-Jackson expressed concerns about protecting vegetation, drawing water and digging wells in the Mid-Atlantic, as well as homeland terrorism. She stressed the importance of conserving electricity, and she said that issues such as pipelines need to be addressed at the local level.

Jason Howell, Pinelands Preservation Alliance thanked Commissioners for their attention to the off-road vehicle damage issue.

Marilyn Miller of Toms River, NJ said constructing a pipeline in the vicinity of a bombing range is not a good idea.

Fred Akers provided a CMP handout concerning the original recreation program in the CMP. He is happy to see the Commission engaged in the process with NJDEP to create an Off-Road Motorized Vehicle Plan. (See attached)

Lena Smith of Food and Water Watch provided comments about a recent Chesterfield Township Committee meeting she attended where the New Jersey Natural Gas pipeline was discussed.

Raven Potosky of Manchester Township, NJ said she is opposed to pipelines.

Rich Bizup of the Pinelands Preservation Alliance said he was happy to hear about the Kirkwood-Cohansey initiative. He noted that he supports the methodology that stemmed from the Kirkwood-Cohansey study, which looked at ecology, rather than the low-flow margin methods that looks at stream flow.

Arnold Fishman of Medford Lakes provided comments on the South Jersey Gas application. He asked if there was a document that determined that the application was beneficial to the Pinelands.

Mr. Horner referred Mr. Fishman to the Certificate of Filing issued for the South Jersey Gas application.

Marianne Clemente of Barnegat, NJ said she does not support fracking or pipelines.

PC2-90

George Hay said he does not support the South Jersey Gas pipeline and he suggested a 2-year moratorium on pipelines.

Bob Filipczak said the money to construct the pipeline would be better spent on solar projects.

Closed Session Resolution

DAG Moriarty read a resolution to retire into closed session to discuss pending litigation.

Commissioner McGlinchey moved to retire into closed session. Commissioner Earlen seconded the motion. The Commission agreed to retire into closed session by a vote of 12 to 0, beginning at 11:59 a.m.

Return to Open Session

Commissioner Barr made a motion to return to open session. Commissioner Earlen seconded the motion. The meeting resumed at 12:38 p.m.

DAG Moriarty said the Commission discussed pending Tuckahoe Turf Farm litigation and pending South Jersey Gas litigation during the closed session.

Adjournment

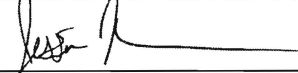
Commissioner McGlinchey requested that Rob Auermuller be invited to the meeting on the Motorized Access plan.

Commissioner Prickett commended staff for another successful World Water Monitoring Day event at Batsto.

Chairman Lohbauer thanked the members of the public who commented today and requested that in the future public commenters keep their comments to three minutes. He also thanked Pinelands farmers who provide us with cranberries, which he said are a very important part of many family's Thanksgiving meals.

Commissioner Ashmun moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 12:44 p.m.

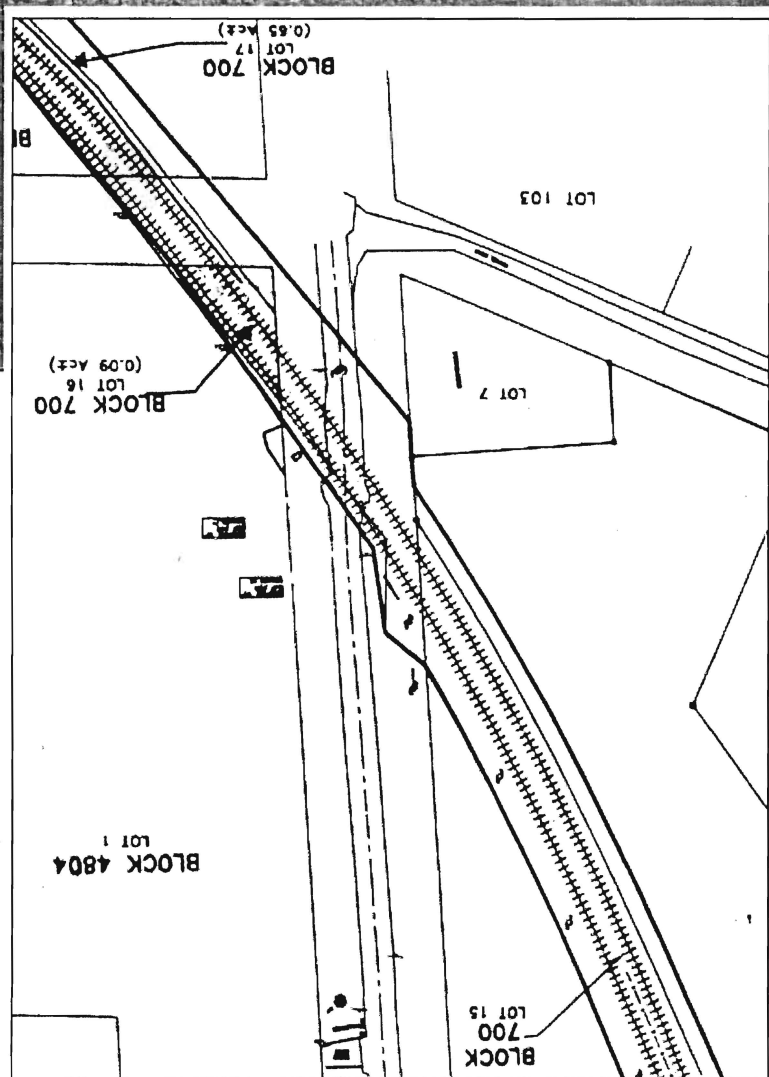
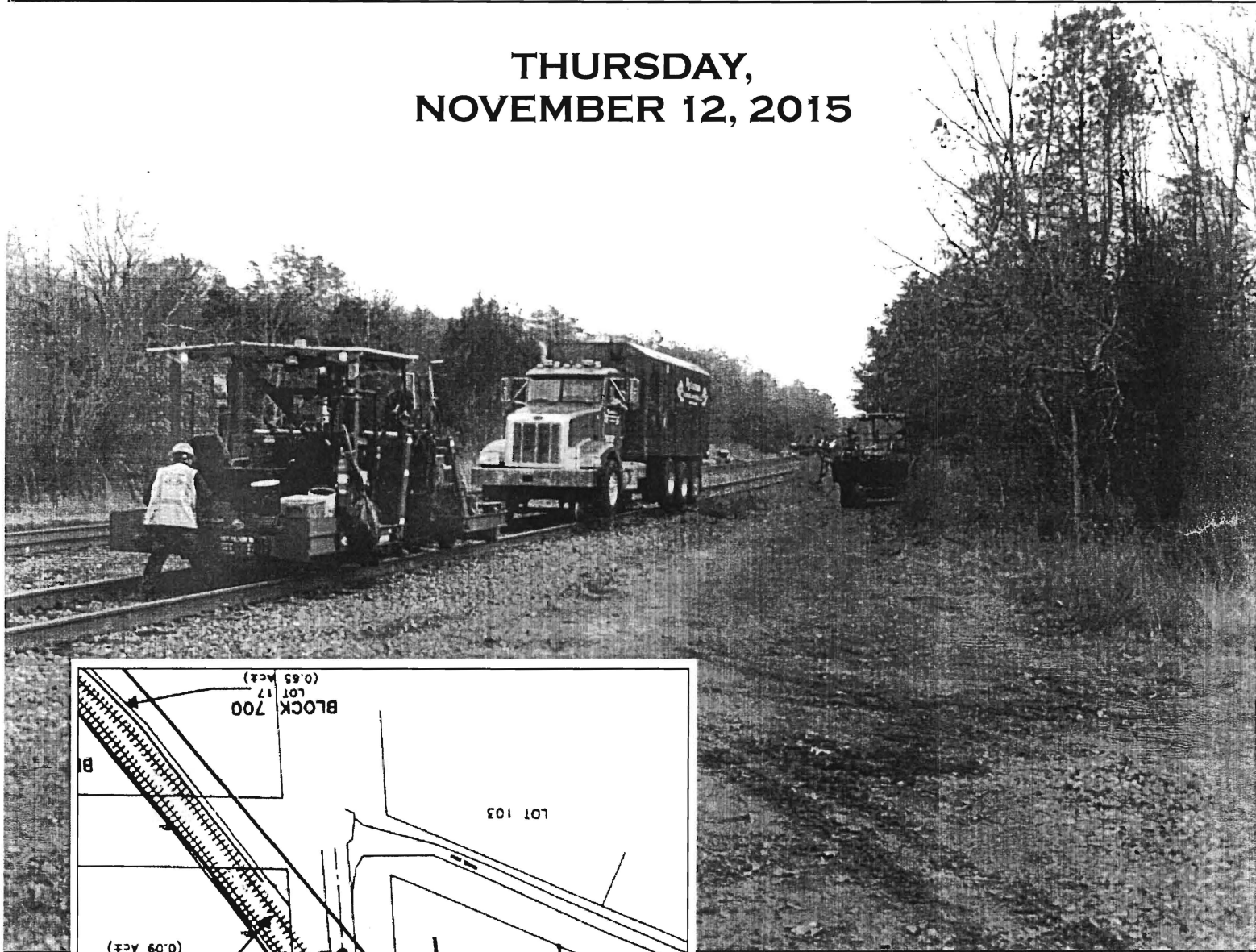
Certified as true and correct:



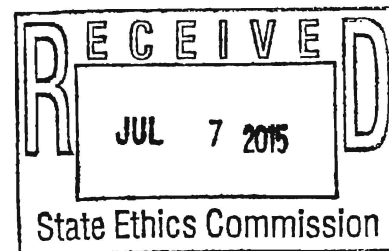
Jessica Noble, Executive Assistant

Date: November 24, 2015

THURSDAY, NOVEMBER 12, 2015



This rendition of a 60' ROW defies logic.



JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Department of Law and Public Safety
Richard J. Hughes Justice Complex
25 Market Street, P.O. Box 112
Trenton, New Jersey 08625-0112

By: Lauren A. Jensen
Deputy Attorney General
(609) 633-8397
Lauren.Jensen@dol.lps.state.nj.us

	:	STATE OF NEW JERSEY
	:	DEPARTMENT OF LAW AND PUBLIC SAFETY
In the Matter of	:	STATE ETHICS COMMISSION
	:	
PAUL W. TYSHCHENKO, ESQ.,	:	AGENCY DOCKET NO. 16-12
Former Principal Planner,	:	
Pinelands Commission	:	Administrative Action
	:	
	:	COMPLAINT

The State Ethics Commission, Department of Law and Public Safety, State of New Jersey, with offices at 28 West State Street, Trenton, New Jersey, by way of this Complaint, states:

PARTIES AND JURISDICTION

1. The New Jersey State Ethics Commission ("Commission") is authorized to initiate, receive, investigate, review, and hear complaints regarding violations of the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. ("Conflicts Law"), or of any code of ethics promulgated thereunder.

2. Paul W. Tyshchenko ("Tyshchenko") was an employee of the Pinelands Commission from May 2007 until June 2015. He joined the Pinelands Commission as a Resource Planner in May 2007 and served in that position until December 27, 2010, when

he was promoted to Principal Planner. Tyshchenko resigned from his position with the Pinelands Commission effective June 2, 2015.

3. The Pinelands Commission is a State Agency within the meaning and coverage of the Conflicts Law, N.J.S.A. 52:13D-13(a).

4. At all relevant times to this complaint, Tyshchenko was a State officer or employee within the meaning and coverage of the Conflicts Law, N.J.S.A. 52:13D-13(b).

FACTUAL ALLEGATIONS

5. Tyshchenko received a copy of the New Jersey Uniform Code of Ethics and the Plain Language Guide on June 6, 2007. He received ethics training in 2007, 2009, and 2012.

6. Tyshchenko's position as Principal Planner with the Pinelands Commission was a supervisory position.

7. From the date of his promotion to Principal Planner on December 27, 2010, Tyshchenko was the direct supervisor of Michael P. Yaffe ("Yaffe").

8. Yaffe started working part-time for the Pinelands Commission on October 9, 2007, as an Office Assistant 2. He became a full-time employee on January 5, 2009, and was promoted to Resource Planner 3 on February 23, 2009.

9. Pursuant to the State Ethics Commission's regulations, every State officer and employee shall obtain the approval of his or her agency's Ethics Liaison Officer prior to engaging in specified outside activities, including "[a]ny business, trade, profession or other compensated employment" and "[a]ny uncompensated or volunteer work for or with any entity." N.J.A.C. 19:61-5.9(a)(1)-(2).

10. On or about December 17, 2010, Tyshchenko, Yaffe, and two other employees of the Pinelands Commission -- Nicholas Procopio ("Procopio") and Edward Wengrowski ("Wengrowski") -- submitted Outside Activity Questionnaires ("OAQs") to the Pinelands Commission's Ethics Liaison Officer Stacey Roth ("ELO Roth") for approval to engage in outside business activity with the Highbridge Group, LLC ("Highbridge"). According to the OAQs, Highbridge was intended to be a group of "Urban and Environmental Planning Consultants with a market area focused exclusively outside of the Pinelands Commission Area."

11. ELO Roth reviewed the OAQs in January-February 2011 and identified the supervisory relationship between Tyshchenko and Yaffe. She verbally advised Tyshchenko that supervisors are prohibited from engaging in an outside business relationship with individuals they supervise.

12. On June 29, 2011, ELO Roth received an email from Tyshchenko's supervisor, Susan Grogan ("Grogan"), inquiring

about the status of ELO Roth's review of the OAQs and advising ELO Roth that Tyshchenko had submitted a revised OAQ. ELO Roth advised Grogan that the issue of Tyshchenko's supervision of Yaffe had not been resolved.

13. Grogen then advised ELO Roth of the email she had received from Tyshchenko, which stated: "After waiting months without any answer from Stacey, Ed, Nick, Mike and I have decided we have no other option but to ask Mike to forfeit his involvement in our planned outside activity. Accordingly, I am submitting to you today a revised outside activity request, which reflects the fact that Mike will no longer be involved in our proposed firm."

14. Tyshchenko directed Yaffe to withdraw his OAQ relating to Highbridge.

15. By memorandum dated June 29, 2011, Yaffe advised Grogan that he was rescinding his outside activity form concerning any future involvement in the entity known as 'Highbridge.'

16. On July 14, 2011, ELO Roth approved the OAQs of Tyshchenko, Procopio, and Wengrowski to engage in an outside business with Highbridge. The Executive Director of the Pinelands Commission approved the OAQs on July 15, 2011.

17. Highbridge formed as a limited liability company on August 6, 2011.

18. The Operating Agreement of Highbridge, dated October 26, 2011, shows that the members of Highbridge were Tyshchenko, Procopio, Wengrowski, Russell L. Davis, and David M. Kutner.

19. Tyshchenko's title with Highbridge was "General Counsel" and his role was to provide legal advice to the firm.

20. When two of the original members of Highbridge withdrew from the company, Tyshchenko suggested that Yaffe become a part of Highbridge.

21. Yaffe became a member of Highbridge on February 1, 2012. Highbridge's Operating Agreement was amended on February 1, 2012, to remove Davis and Wengrowski as members and to add Yaffe as a member. The amended Operating Agreement was signed by all members, including Tyshchenko and Yaffe.

22. When Yaffe joined Highbridge on February 1, 2012, Tyshchenko was his direct supervisor at the Pinelands Commission.

23. Tyshchenko advised Yaffe not to disclose his involvement in Highbridge to anyone at the Pinelands Commission, including ELO Roth.

24. Yaffe did not submit a new OAQ to the Pinelands Commission or obtain the approval of ELO Roth prior to joining Highbridge.

25. Tyshchenko did not report to ELO Roth that Yaffe had joined Highbridge.

26. During his time at both the Pinelands Commission and Highbridge, Tyshchenko used State resources to engage in his outside business activities with Highbridge.

a. Tyshchenko used his State computer to store, review, work on, and transfer files related to Highbridge.

b. Tyshchenko reviewed, worked on, and transferred files related to Highbridge during State work hours.

c. Tyshchenko transferred files related to Highbridge to his Dropbox account from his Pinelands Commission computer.

d. Tyshchenko transferred files related to Highbridge to his Dropbox account during State work hours.

e. Tyshchenko sent emails related to Highbridge from his Pinelands Commission computer.

f. Tyshchenko sent emails related to Highbridge during State work hours.

27. Tyshchenko used his State computer while on State time to access Dropbox while engaging in business activity with David Kutner ("Kutner"), a Pinelands Commission employee and managing member of Highbridge, unrelated to his State duties.

28. Tyshchenko exchanged emails with Kutner regarding Highbridge business, and other business matters unrelated to his

State duties, by using his State computer to access his private email account during normal State business hours.

29. Between June 2010 and June 2013, Tyshchenko sent at least 142 emails related to Highbridge from his Pinelands Commission computer. Those emails were sent during Tyshchenko's assigned work hours with the Pinelands Commission.

30. Tyshchenko installed a program called File Shredder on his Pinelands Commission computer. File Shredder is a program designed to permanently remove files from the hard drive of a computer so they cannot be recovered.

31. Pinelands Commission employees are told not to install software on State computers unless they first consult with Management Information Systems. Tyshchenko did not ask for permission to install File Shredder on his Pinelands Commission computer and did not have the authority to have File Shredder on his computer.

32. Tyshchenko's use of State resources and State time for his outside business activities was frequent and ongoing.

COUNT ONE

33. The State Ethics Commission repeats and incorporates the prior allegations in this complaint as if set forth at length herein.

34. Pursuant to the Conflicts Law, "No State officer or employee or special State officer or employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest." N.J.S.A. 52:13D-23(e)(1).

35. Pursuant to the Conflicts Law, "No State officer or employee or special State officer or employee should use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others." N.J.S.A. 52:13D-23(e)(3).

36. Pursuant to the Conflicts Law, "No State officer or employee or special State officer or employee should undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties." N.J.S.A. 52:13D-23(e)(5).

37. Pursuant to the Conflicts Law, "No State officer or employee or special State officer or employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his acts that he may be engaged in conduct violative of his trust as a State officer or employee or special State officer or employee." N.J.S.A. 52:13D-23(e)(7).

38. After Yaffe joined Highbridge in February 2012, Tyshchenko engaged in a prohibited and unapproved outside business with his immediate subordinate.

39. By engaging in a prohibited and unapproved outside business activity with his subordinate, Tyshchenko violated N.J.S.A. 52:13D-23(e)(1), (3), (5), and (7) and/or N.J.A.C. 19:61-5.9.

COUNT TWO

40. The State Ethics Commission repeats and incorporates the prior allegations in this complaint as if set forth at length herein.

41. Tyshchenko used State time and resources in furtherance of his work with Highbridge and/or other outside business activities.

42. By using State time and resources for non-State-related matters, Tyshchenko violated N.J.S.A. 52:13D-23(e)(3) and (7).

PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing allegations, Complainant requests the following relief:

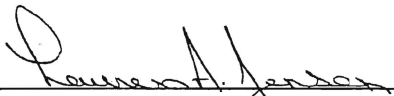
(a) Declaring that Tyshchenko violated N.J.S.A. 52:13D-23(e)(1), (3), (5), and (7).

(b) Declaring that Tyshchenko violated N.J.A.C. 19:61-5.9.

- (c) Assessing a fine against Tyshchenko in the amount of \$500.00 to \$10,000.00 for each and every violation, pursuant to N.J.S.A. 52:13D-21(i).
- (d) Such other relief as is appropriate and just.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By:



Lauren A. Jensen
Deputy Attorney General

Dated: July 7, 2015

To: Pinelands Commissioners

13 November, 2015

I am Dr Bob Allen, former Director of Education for District 1199P, The National Union of Hospital & Health Care Employees, AFL-CIO. I taught for the Pennsylvania State University for over ten years and currently teach for Cumberland County College of NJ, and both Wilmington and Stockton Universities. I am a voter, resident, taxpayer, and property owner in Upper Township, Cape May County, NJ.

I am in total and unequivocal opposition to the South Jersey Gas proposal to construct a major transmission pipeline through the NJ Pinelands area. I reiterate what has been said by thousands of citizens, numerous organizations, and echoed in press editorials, that neither the BPU nor the Pinelands Commission has any ethical or legal ability to approve such a pipeline. If you as commissioners allow your Executive Director to continue along a path to approval, you will surely find the BPU and the Commission mired in a lengthy legal battle that will waste the time and energy of both entities, divert them from their true mission, and cost the NJ taxpayers dearly.

I specifically voice objection and strong opposition to the request made by South Jersey Gas that the BPU allow changes such that:

" the zoning, site plan review and all other municipal land use ordinances and regulations promulgated pursuant to Title 40 of the New Jersey Statutes and the Municipal Land Use Act of the State of New Jersey (MLUA) shall not apply to the Project."

But today I primarily want to address the Commissioners' attention to the safety issues you and the BPU have been ignoring as pertains to the instant application. Many months ago I raised some of these basic concerns with the Commission and have never heard a reply nor seen evidence that these matters are being taken into consideration, as regards the public safety of residents, homes, and businesses along the proposed pipeline route. I stand with thousands of others who oppose this high volume, high pressure South Jersey Gas pipeline intrusion into the Pinelands.

Some basic facts you must consider:

South Jersey Gas Co's website (as of August 1, 2013) states this pipeline will be a 24" diameter pipe moving gas at up to 437 pounds pressure.

Scientists and engineers use a term called Potential Impact Radius (PIR) for determining safe setback distances for habitation in the vicinity of any pipeline. The PIR is determined by pipe diameter, material and working pressure.

The PIR for this pipeline is an enormous 346.18 feet , longer than an NFL football field!

That is a significant potential impact area for residences, public and commercial buildings along the proposed pipeline route.

Within the area described by the PIR calculation, nothing would remain survivable in the event of the worst category of accident involving the breach and combustion of the pipeline and its initial contents.

(TURN OVER please!)

The proposed SJ Gas pipeline will run near the following properties, at the following distances.

Distance from pipeline:	# of Residential properties:	#of Commercial properties:
0 to 25 feet	10	2
26 to 50 feet	30	9
51 to 75 feet	43	7
76 to 100 feet	40	7
101 to 125 feet	35	7

((from "Alternative Analysis Addendum" to the June 18th, 2012 SJ Gas-BL England Gas Route Analysis report; from Woodward & Curran, January 10, 2013))

Yet, there is more to consider:

Authorities such as Technical Standards & Safety Authority (TSSA) of Canada and C. Rhodes & P. Eng., Ph.D, authors of NATURAL GAS PIPELINE SAFETY SETBACK, suggest one PIR setback to be too conservative. Instead, they recommend 2-4 times these distances when consideration is made for age and mobility of folks in the area, wind and fire fighting capacity in the nearby environment.

The Pinelands area is a naturally fire prone ecosystem.

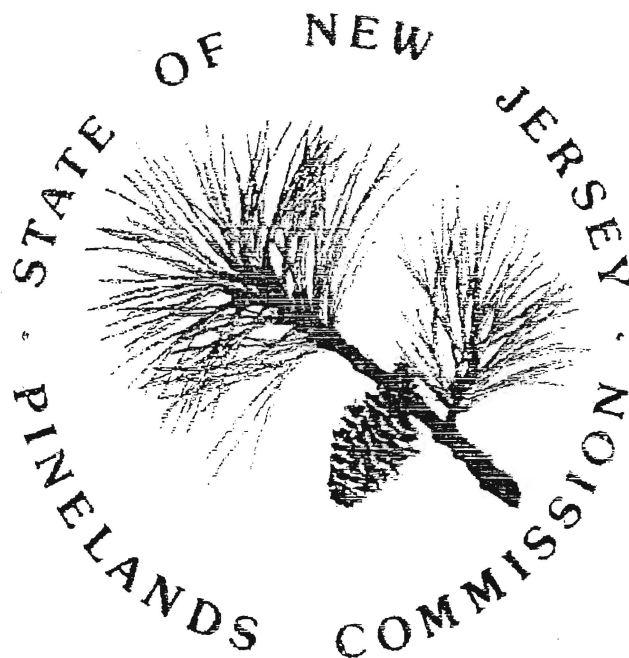
Any responsible official, regulator, politician must take into account the scientific basis for seeing the dangers of this proposed pipeline to the human population and their structures, both residential and business. You must make every effort to stop this application in its tracks, at least until you have the ability to independently assess the dangers and other impacts of the proposed pipeline. Whether you allow your Executive Director to shoulder the responsibility for the final decision on the instant application is almost irrelevant, given the public perception that any approval is done on your watch. Both history and the public will hold you accountable for any approval that 1) scars the very area you are, in theory, serving to protect and which 2) may cost lives in the bargain.

I urge you to do what it takes to stop this project proposed by South Jersey Gas. If you cannot do that immediately, you must at least declare a moratorium on any pipeline decisions, pending truly scientific investigations of the safety of the project and other relevant impacts, both environmental and those of human safety.

Dr Bob Allen
13 November, 2015
(allwestc@aol.com)

New Jersey Pinelands

Comprehensive Management Plan



COMPREHENSIVE MANAGEMENT PLAN
for the
Pinelands National Reserve
(National Parks and Recreation Act, 1978)
and
Pinelands Area
(New Jersey Pinelands Protection Act, 1979)

Adopted: November 21, 1980

State of New Jersey
Brendan Byrne, Governor

Pinelands Commission
P.O. Box 7
New Lisbon, N.J. 08064
609-894-9342

RECREATION PROGRAM

Due to their diversity of natural and cultural resources, the Pinelands offer a wide range of special recreational opportunities. Upland and lowland habitats for game and non-game animals, high quality water for body contact water sports, undeveloped areas which provide the opportunity for wilderness experiences, sites of historical and cultural interest, and many scenic natural features define the Pinelands' recreational potential. These resources are not only abundant and relatively accessible, but also fragile and sensitive to uncontrolled exploitation.

The preservation and protection of the resource base, and the enhancement of outdoor recreational uses which depend on these resources, are the principal objectives of the Pinelands recreational programs. A balance must be struck between the natural and cultural values of the resources and the demands of many users seeking to increase and improve their recreational pursuits. Where fragile conditions exist, the level of use must be carefully controlled to prevent destruction of these resources. Where less sensitive conditions exist, and where the demand for active, intensive recreational use is high, the recreational resource should be managed so that it can be used while its integrity is maintained.

A thorough recreation program must also take into account the recreational needs of present and future Pinelands residents, the millions of other residents in nearby urban areas, and users from more distant locales who are attracted to the area. Accommodation of these diverse needs requires active and cooperative efforts of public and private recreational providers.

To fully address the challenge of providing compatible recreation in the Pinelands, the Commission has begun to detail a program for the area's recreation resources; its users, uses, and impacts; its providers; and its unused potential. Only when these relationships are more fully understood can a truly comprehensive and effective recreation strategy for the Pinelands be developed. Ongoing studies will be undertaken to refine and expand the Commission's recreation program, as described later, and to target efforts to encourage local recreation enterprises.

Issues

In evaluating recreation needs within the Pinelands, the following key issues were identified and addressed:

Proper Use and Adequate Maintenance

A problem continually faced by state and other public recreation facilities and resource administrators is the lack of funding for adequate personnel and equipment. The increase in public use of the Pinelands' recreation resources and the acquisition of new open space areas as part of the Pinelands acquisition program will aggravate existing shortages of funds and personnel. On private land, trespassing is a frequently mentioned problem of landowners. The proper use and maintenance of recreation resources will require the Commission's attention in order to avoid any further deterioration of the region's resources and to alleviate the improper use of public and private land as more people take advantage of the area's recreation opportunities. Although enforcement of rules and regulations is often viewed as the most apparent solution, environmental and user education programs may well provide the best means of treating the problem rather than the symptoms.

Compatibility and Conflicts

In many cases, a recreational activity is entirely compatible with other recreational activities in the same general area. However, certain activities may conflict with others when they take place in the same area or use the same facility.

While it is important to recognize these conflicts, it is also important to recognize that people have different recreation preferences which deserve recognition, that conflicts among uses may not be as widespread as perceived, and that the extensive nature and diversity of the Pinelands' recreation resources make it impractical to totally eliminate conflicts.

Accommodating Demand While Maintaining Quality

In recent years, there has been a steady increase in the demand for recreation opportunities resulting from population growth, increased mobility of people, the influence of the energy crisis on travel patterns, and other factors which include the need for barrier-free recreation opportunities for the handicapped. It must be recognized that the recreation potential of the region is limited, and the region may not be able to accommodate all of the demands placed upon its resources. A key consideration in examining this issue is the maintenance of the quality of the recreation experiences provided. For many activities, the levels of use are important determinants of a participant's quality of experience. For instance, a significant number of canoeists are seeking a remote, semi-wilderness experience which can be destroyed by a high level of use. Other canoeists are likely to find high river use unobtrusive or even beneficial to their experience.

The challenge, then, for recreation planners is to make a cross section of the region's recreation opportunities available to satisfy the multiplicity of types and levels of uses which are desired by the public in a way which is compatible with the essential character of the Pinelands.

Public vs. Private Facilities

The public and private sectors provide similar facilities for certain activities. The state has generally attempted to avoid direct competition with the private sector by providing the types of opportunities and facilities that the private sector would find unprofitable to develop. However, the private sector has claimed that the public sector, because it does not have to realize a profit or amortize its capital investments, can charge lower fees, creating an unfair advantage. The conflict between public and private campground development is an example of this.

Since complementary recreation programs are advantageous to both the public and private sectors, greater coordination is essential to prevent duplication and to foster effective and efficient development of private recreation enterprises within the Pinelands.

Program Description and Recommendations

Recognizing the complexity of these and other recreation issues, the Commission's recreation program has been developed to address key protection strategies at the outset and to set in motion a coordinated and comprehensive effort to establish an effective, long-term management approach.

Management of Public Lands

The State of New Jersey is an active provider of recreational activities. The Department of Environmental Protection, through the Division of Parks, Forestry and Green Acres and the Division of Fish, Game and Wildlife, administers approximately 240,000 acres of publicly owned land. The bulk of these holdings are within the Preservation Area. The largest of the state's holdings in the Pinelands is the Wharton State Forest, which is approximately 100,000 acres. It includes the Batsto Historic Village and the Atsion recreational area, and provides opportunities for hiking, hunting, camping, and canoeing. Similar opportunities are available at other state-owned lands. At present, over 1,000,000 people visit the state-owned lands annually. It is expected that these lands will continue to be a key provider of recreational activity.

To guide the future management of these important resources, the Commission recommends that the Department of Environmental Protection consult with the Pinelands Commission in developing a comprehensive recreation land management plan for state open space areas within the Pinelands. The plan, containing elements relating to fish and game areas and parks and forests, would serve as a long-range guide to provide diverse recreation opportunities which are consistent with the other protection strategies contained in the Pinelands Plan. It would also provide a vehicle to implement a number of the program recommendations which follow, and would **establish a foundation for the creation of a "wilderness" area within the Pinelands.** Such an area may be most appropriate within Wharton State Forest. It would be managed to provide as close to a natural, undisturbed setting as is practical within the region.

Recreation Development

The heart of the Pinelands provides a remote, semi-wilderness recreation experience virtually non-existent elsewhere in New Jersey. Hunting, fishing, hiking, trapping, canoeing, nature study, horseback riding, and wilderness-type camping are among the activities one can enjoy. They do not generally involve significant concentrations of people, do not involve major site disturbance, and are compatible with the maintenance of the region's essential character. These uses and associated development are therefore appropriate in the Preservation Area District, Special Agricultural Production Areas, and Forest Areas.

Because of the special character of the Agricultural Production Areas, care must be taken to avoid major conflicts between agricultural and other uses which could displace, interfere with, or substantially fragment agricultural operations. Recreation uses which are relatively low in intensity are thus viewed as most appropriate within Agricultural Production Areas. These uses, although in themselves non-intensive, do in many cases require supporting services and establishments. This supportive type of development should be centrally located and can be provided in village and town centers.

More intensive recreation uses—those which involve greater levels of organization, development, and users—do not in most cases depend directly upon an extensive natural resource base. By directing intensive uses to areas of existing and planned development, the natural resources of the Pinelands are afforded a greater level of protection, and more diverse recreation opportunities can be provided close to where people live. Thus, recreation facilities which support intensive uses should be accommodated within Regional Growth Areas, Pinelands Towns, Rural Development Areas, and locations where such facilities currently exist. Recreation facilities to service the needs of resident populations are also appropriate within villages.

Community-Based Recreation

As population increases, so too does the need for close-to-home recreation facilities. All too often, however, this increasing demand far outstrips the supply. The development of major residential areas must therefore take place with full consideration of residents' recreation needs. To the extent that existing facilities are insufficient to meet demand or are not conveniently located, adequate recreation facilities should be provided in association with new residential development.

The Commission recommends that each municipality adopt standards which require the development of necessary recreation facilities in association with major residential development. Municipalities may elect to use guidelines contained in the recreation element of Part II as a basis for that program. Communities are also encouraged to promote the development of recreation areas, particularly turfed areas, in association with commercial and industrial developments, and to utilize low maintenance grasses where practical to further protect the region's water resources.

Liability

Many recreation activities or opportunities, especially on public lands, are limited due to the risks associated with these activities. Horseback riding and swimming are examples. It is recommended that the Department of Environmental Protection investigate the liability issue as it pertains to the provision of recreation opportunities on public lands and cooperate with the Pinelands Commission in evaluating techniques to encourage private landowners to open lands for recreation use without encountering liability problems.

Reward System

The enforcement of state laws and administrative regulations is a difficult task due to shortages of personnel and the sheer expanse of the Pinelands. To aid the State of New Jersey and its agencies in the enforcement of its laws and regulations as well as to provide a direct opportunity for the public to assist in the protection of the resource, the Commission recommends the examination of a reward system for individuals who notify the appropriate authorities of

illegal or improper activities. Such a system would require legislative action and should be designed to compensate individuals for time and effort spent on protecting the resource from illegal or improper use.

Wild and Scenic Rivers

As described in Chapter Four, the Department of Environmental Protection is establishing a state Wild and Scenic Rivers system. The Cedar Creek and a 12-mile segment of the Mullica River will be the initial components of the system, as mandated by the state law, when designation studies are completed. These studies should be available for public review shortly.

The DEP has developed river study and classification guidelines. Proposed rules and regulations concerning use and development within designated river areas (delineated floodplains and adjoining state lands) are pending approval. In cooperation with the DEP, the Commission will evaluate the effectiveness of these rules as well as the critical nature of resources beyond the floodplain. As the need arises, additional protection strategies for these resources will be developed.

In addition to the Mullica and Cedar Creek segments, the Commission has evaluated other rivers in the Pinelands for their scenic and recreation values. As an outcome of that evaluation, the following rivers are found to be wild and scenic:

- Great Egg Harbor River—Great Egg Bay (Garden State Parkway) to Route 536
- Tuckahoe River—Great Egg Bay to the Route 552 crossing in Milmay
- Middle River—Great Egg Bay to the Schoolhouse Lane crossing north of Corbin City
- Mullica River—(Segment 1) Garden State Parkway to Route 542 at Pleasant Mills; (Segment 3) Route 206 crossing at Atsion Lake to the Medford crossing at the Medford, Waterford, and Shamong Townships boundary
- Wading River—Confluence with the Mullica River to the Route 563 crossing at Speedwell
- Oswego River—Confluence with the Wading River to the Sim Place reservoir dam
- Batsto River—Confluence with the Mullica River to the Carranza Memorial Road crossing at the Shamong and Tabernacle Townships boundary
- Bass River—Confluence with the Mullica River to the Stage Road crossing in Bass River State Forest
- Nescochague Creek—Confluence with the Mullica River to the confluence with Great Swamp Branch and Albertson Branch
- Great Swamp Branch—Confluence with Nescochague Creek to the Route 206 bridge in Hamonton
- Rancocas Creek (North Branch)—Route 530 in Browns Mills to the Pinelands boundary
- West Creek—Confluence with Delaware Bay to Pickle Factory Pond above Route 550
- Dennis Creek—Confluence with Delaware Bay to the headwaters of the main stem in the Great Cedar Swamp west of Route 9
- North Branch of the Forked River—Garden State Parkway to the confluence with Cave Cabin Branch east of Howardsville
- Toms River—Central Railroad of New Jersey bridge to the Route 528 crossing east of Cassville
- Maurice River—Delaware Bay to Manumuskin River
- Manumuskin River—Confluence with the Maurice River to the Route 49 crossing near Cumberland Pond
- Mount Misery Branch—Route 70 crossing to the Greenwood Branch, continuing to the North Branch of the Rancocas Creek

The Pinelands Commission recognizes that these rivers should be protected beyond that level afforded through the scenic program. Thus, all structures erected within 1,000 feet of the center line of these rivers shall be located and designed so as to minimize, to the greatest extent practicable, visual intrusions evident from the river. This requirement also applies to the Mullica River between the Route 542 crossing at Pleasant Mills and the Route 206 crossing at Atsion, and to Cedar Creek from Route 9 to the dam at Bamber Lake, segments which are currently under study. The standard shall also apply to other rivers as may later be identified as qualified candidates for study. In addition, for those rivers meeting the criteria of the National Wild and Scenic Rivers system and included in the national inventory, federal agencies are required to avoid or mitigate adverse effects in accordance with the U.S. Department of the Interior's published guidelines, *Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory*.

It is recommended that the Department of Environmental Protection proceed to study these rivers and major tributaries for inclusion into the state Wild and Scenic Rivers system within five years of the Commission's adoption of the Comprehensive Management Plan. In evaluating these studies, the Commission shall place particular importance on the degree to which recreation use of a river is controlled for environmental and user-satisfaction reasons. This includes control of access points and provision of rest stop areas along the river. Consideration should also be given to the national designation of the river segments which appear to qualify under the National Wild and Scenic Rivers program.

It is further recommended that the Department, in cooperation with the Commission and with assistance from the federal Heritage Conservation and Recreation Service, evaluate the following rivers or segments within the Pinelands to determine which are qualified candidates for study:

Mechesactauxin Creek	Davenport, Ridgeway, and North Branches of the
Oyster Creek	Toms River
Rancocas Creek (South Branch)	Westcunk Creek
	Menantico Creek

Trails

Under the direction of the New Jersey Legislature, the New Jersey Trails Council, with the assistance of the Department of Environmental Protection's Office of Green Acres, is preparing a statewide trails master plan. The plan, to be completed by the end of 1980, will establish a framework for a state trails system for such uses as hiking, horseback riding, and bicycling. The Commission supports the development of a statewide trails system and will cooperate with the Trails Council to establish a trail system which is appropriate in the Pinelands.

The Commission further supports the extension of the present 39-mile Batona Hiking Trail within the Rancocas Creek, Cedar Creek, and Bass River watersheds and its expansion into a looped circuit. Where the trail traverses private lands, public access easements should be acquired.

Important elements of future trail development in the Pinelands are the provision of varied trail experiences, the adoption of uniform standards for trail clearing and marking, standards for the location of new or expanded trails, and right-of-way continuity for existing and new trails. To promote the safe and enjoyable use of the Pinelands for trail activities, the Commission will cooperate with the Department of Environmental Protection and other interested persons in continuing efforts to provide trails and necessary trail facilities for hiking, horseback riding, and bicycling. To promote the proper use and maintenance of trails, it is the Commission's recommendation that volunteer groups such as the Batona Hiking Club assist the Department of Environmental Protection in the construction and maintenance of trails. It is further recommended that bicycle transport on the Lindenwold High Speed Line and on bus routes within the region be provided.

Paved and unpaved public roads are also frequently used in the Pinelands for non-motorized recreation and transportation. These roads may contribute significantly to the establishment of an

integrated Pinelands system to serve these uses. Consequently, all proposals for the improvement of existing public roads or the construction of new ones should consider the extent to which the roads meet these needs.

Motorized Vehicle Use

The use of public roads for recreational and access purposes is a legitimate recreational use. These roads are important to gain access to the Pinelands for such activities as driving for pleasure, hiking, horseback riding, canoeing, bicycling, fishing, and hunting.

The extensive network of sand roads, while a vital cultural and recreational element of the Pinelands, also provides easy access to remote parts of the forest for those who would abuse or destroy the resources through illegal acts such as dumping. For this reason, **new sand roads on public lands should be limited to those which are essential for the proper administration and management of the resources.** Although localized adverse environmental effects, conflicts between uses, and access for illegal acts do occur within the existing sand road system, it is not advisable to "close" the Pinelands' roads for what are, in the main, legitimate and desirable uses. Therefore, the use of motorized vehicles on public lands should be authorized on public and other roads designated for such use by the appropriate administering agency prior to August 8, 1980. **There is, however, a need to evaluate the desirability or necessity of closing selected roads. The Commission will continue to work with public interest groups and the Department of Environmental Protection to determine particular road segments which should be closed.** In undertaking these evaluations, the criteria enumerated in the recreation element of Part II of the plan shall be utilized. In addition, the routes for formal motorized trail activities will be reviewed by the Commission to ensure that locations are consistent with unique and sensitive environmental qualities.

Off-road recreation vehicle use is becoming a popular activity across the country and one which, if not directed properly, can have significant consequences on the environmental integrity of the Pinelands. Indiscriminate use often occurs because of a shortage of areas set aside for all-terrain vehicles. If designed properly, areas which are disturbed as a result of resource extraction or waste disposal can provide excellent locations for off-road vehicle use. The Commission encourages that such areas be made available.

Hunting, Fishing, and Trapping

Hunting, fishing, and trapping are perhaps the most traditional and historical uses within the Pinelands. Although private lands have been and continue to be made available for sportsmen's use, an increasing demand is placed upon public lands as development encroaches upon the Pinelands' forests. The Commission's wildlife and acquisition programs contribute directly to the maintenance of these extensive recreation activities. A number of other programs relating to wetland protection, water quality, and recreation access will provide indirect, yet important, benefits.

In addition to these efforts, the Commission recognizes the need for other techniques to be utilized. It supports habitat improvement measures that can be undertaken in a manner which avoids adverse impacts upon native fish and wildlife species and does not detrimentally affect other ecological attributes of the Pinelands. The Commission also recommends that the Department of Transportation consider providing fishing and crabbing access facilities in conjunction with bridge construction and improvement measures.

Canoeing

Canoeing the many Pinelands rivers and streams is an increasingly popular recreation activity. There is, however, an apparent over-use of certain river corridors which have convenient public access. In certain instances, this over-use appears to be causing significant bank damage.

littering problems, and impact on the quality of the canoeing experience. To avoid future problems associated with canoeing and to provide a diversity of canoeing experiences, the Pinelands Commission will work with the Department of Environmental Protection to prepare and periodically update a canoe management plan. These efforts will be in consultation with the region's private canoe liveries. The plan shall consider current use levels of the Pinelands rivers, analyze the potential of new rivers for canoeing opportunities, and assure the continued provision of canoeing opportunities by the private sector. As meaningful elements of the plan are completed, they will be incorporated into the Commission's canoeing program. New or expanded access points will be evaluated on the basis of the plan and for consistency with the Comprehensive Management Plan. Proposals for improvements to county and state roads should consider the provision of access points adjacent to canoeing rivers.

Boating and Marinas

The use of the Pinelands for boating is a popular activity but one which is not without conflicts. In accord with the Pinelands Protection Act, this use shall be limited to boats with 10 horsepower or less on state waters except on that portion of the Mullica River downstream from Route 542 and the Wading River downstream from its confluence with the Oswego River. These restrictions shall not apply to any waters located outside of the Pinelands Area. All new or expanded boating facilities should provide for public access and demonstrate that there is a documented public need for the facility which cannot be met by another existing facility.

Recreation for the Handicapped

Many recreation facilities built in the past have not provided for use by handicapped individuals. Unconscious barriers have therefore been created which eliminate or discourage these facilities' use by the handicapped. The State of New Jersey has developed standards and guidelines in recent years to promote the use of recreation and park facilities by the handicapped. The first major provision was the promulgation of the Barrier-Free Design Standards by the Treasury Department's Division of Building and Construction in 1977. The standards require that barrier-free design must be included in all building and spaces used by the general public. The Office of Green Acres has recently developed guidelines for the provision of barrier-free facilities in new parks and recreation facilities funded by the Department of Environmental Protection.

The Commission supports effort to promote and increase the use of recreation and park facilities by the handicapped. It will adopt the Office of Green Acres guidelines for use in designing parks and recreation facilities.

To ensure that a full range of recreation opportunities are available for handicapped persons, "program accessibility" should be a major element of the land management plan developed by the DEP. In addition, opportunities for the development of special facilities including Braille trails and fishing piers should be examined.

Interpretive Programs

The Pinelands have a rich cultural and historical background as well as environmental values. Many individuals, groups, and agencies currently undertake various information and educational programs about the Pinelands' resources. However, efforts to increase the public's awareness of the significance of these resources and to promote their proper use could be better coordinated to avoid duplication and to fill information voids.

It is therefore recommended that an action committee comprised of state agencies such as the Departments of Environmental Protection and Education, non-profit organizations, educational and research groups, and other knowledgeable people be formed to coordinate and promote



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

BOB MARTIN

Commissioner

October 14, 2015

Anthony P. Mauro, Sr.
Chairman, New Jersey Outdoor Alliance
PO Box 655
Belmar, New Jersey 07719

Re: Wharton Motorized Access Plan

Dear Anthony:

As follow up to our meeting on October 7, I committed to clarify the Department of Environmental Protection's (DEP) position and direction regarding the Wharton Motorized Access Plan (Plan).

DEP has heard the concerns raised by constituency groups, individuals and municipalities, which have provided us with an opportunity to reevaluate the implementation of that Plan.

To further the dialog between DEP, the public and stakeholders, we have scheduled several stakeholder meetings in October and a public meeting in November. The purpose of the meetings is to ensure that stakeholders and public are heard and that DEP is evaluating all concerns, suggestions and input. At this point in time, the Plan previously published in draft is suspended indefinitely. From this point forward, we are starting with a blank slate and have no specific timeframe to implement a plan.

While we all agree that there are parts of the Wharton that are environmentally sensitive and must be protected, we must work collaboratively to develop an enforcement strategy to deter and protect against the irresponsible users of Wharton who continually destroy the natural resources within the forest.

At the same time, DEP will reopen all recently closed roads except those that pose a risk to public safety or are environmentally sensitive. We also are developing a timeline to repair roads in order to provide safe access for all of Wharton's users.

I am under no illusion that every concern identified during this process will be completely satisfied, but our goal is clear: to find the balance between providing maximum access and our responsibility to protect public safety as well as the environmentally sensitive areas within this truly unique forest resource.

Thank you for your continued support.

Sincerely,



Bob Martin
Commissioner



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 32

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1984-0781.005)

Commissioner McGlinchey moves and Commissioner Barr seconds the motion that:

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

1984-0781.005

Applicant: Tabernacle Township
Municipality: Tabernacle Township
Management Area: Pinelands Village
Date of Report: October 26, 2015
Proposed Development: Construction of two 64 foot high local communication facilities (towers) accessory to an existing emergency service building.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1984-0781.005 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn	X		
Barr	X			Jannarone	X			Rohan Green			X
Brown	X			Lloyd			X	Witt			X
DiBello	X			McGlinchey	X			Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

 Nancy Wittenberg
 Executive Director

Date: November 13, 2015

 Mark S. Lohbauer
 Chairman



State of New Jersey
THE PINELANDS COMMISSION
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

October 26, 2015

Kimberly Brown
Tabernacle Township
163 Carranza Road
Tabernacle, NJ 08088

Re: Application # 1984-0781.005
Block 404, Lot 16.11
Tabernacle Township

Dear Ms. Brown:

The Commission staff has completed its review of this application for construction of two 64 foot high local communication facilities (towers) accessory to an existing emergency service building. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 13, 2015 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Tabernacle Township Planning Board (via email)
Tabernacle Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Dante Guzzi, PE, CME (via email)





Chris Christie
Governor

Kim Guadagno
Lt. Governor

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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 26, 2015

Kimberly Brown
Tabernacle Township
163 Carranza Road
Tabernacle, NJ 08088

Application No.: 1984-0781.005

Location: Block 404, Lot 16.11
Tabernacle Township

This application proposes construction of two 64 foot high local communication facilities (towers) accessory to an existing emergency service building located on the above referenced 2.41 acre lot in Tabernacle Township. The Township indicates that the two proposed local communication facilities (towers) will provide radio communication for emergency personnel.

STANDARDS

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

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

The lot is located in the Pinelands Village of Tabernacle. The proposed local communication facilities (towers) are accessory to an existing emergency service building. The existing emergency service building is a permitted use in the Pinelands Village of Tabernacle. As accessory to a permitted use, the proposed communications towers are also a permitted use in the Pinelands Village of Tabernacle.

Height Limitations (N.J.A.C. 7:50-5.4)

The CMP provides that, in a Pinelands Village, no structure which is not accessory to an otherwise permitted use shall exceed a height of 35 feet. As the two proposed 64 foot high local communications towers are accessory to an existing permitted use, the proposed tower height is consistent with the CMP height limitation.

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

The proposed development will be located within a maintained grassed area. The proposed clearing and 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. Based upon the size and location of the proposed development, this application does not propose revegetation.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on September 28, 2015. The Commission’s public comment period closed on October 9, 2015. 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 one sheet, prepared by Dante Guzzi Engineering Associates and dated July 23, 2015.
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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

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 within eighteen days of the date of the Executive Director's determination and must 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.