974.905 P750

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

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

Chris Christie
*Governor*

Kim Guadagno
*Lt. Governor*

Sean W. Earlen
*Chairman*

Nancy Wittenberg
*Executive Director*

June 14, 2019

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

Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for May 10, 2019 for your information.

Sincerely,

Teri Melodick
Principal Clerical Assistant

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

MINUTES

**May 10, 2019**

Commissioners Present
Alan W. Avery Jr., Bob Barr, Daniel Christy, Jordan P. Howell, Jerome H. Irick, Jane Jannarone, Mark Lohbauer, William Pikolycky, Richard Prickett, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Kristina Miles.

Commissioners by Phone
D'Arcy Rohan Green

Commissioners Absent
Candace Ashmun, Ed Lloyd and Gary Quinn.

Chairman Earlen called the meeting to order at 9:39 a.m.

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

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

Oath of Office

DAG Miles administered the oath of office to Mr. Daniel Christy, who will serve as Gloucester County's appointee on the Commission.

Chairman Earlen welcomed Commissioner Christy to the Commission.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners who participated in the meeting.)

Minutes

Chairman Earlen presented the open and closed session minutes from the April 12, 2019 Commission meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The April 12, 2019 Commission meeting minutes (open and closed sessions) were adopted by a vote of 10 to 0. Commissioner Christy abstained from the vote.

Committee Chairs' Reports

Chairman Earlen said the April 26th Policy and Implementation Committee meeting was canceled.

Vice-Chairman Avery provided an overview of the May 3, 2019 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the February 26, 2019, meeting.

Staff reviewed the check registers, electronic disbursements and application fees covering February and March. The application fees have reached 110%, exceeding the budgeted amount.

Staff provided an update on employee actions.

Staff presented a draft resolution authorizing a change of the Commission's financial institution to The Bank of Princeton.

Executive Director Wittenberg gave an update on the audit process, Edmunds Software processing and CWA contract ratification.

There was no public comment but the Committee did meet in Closed Session.

Executive Director's Reports

ED Wittenberg introduced Jeff Dragon, a new member of the Commission's Science office. She also introduced April Field, a former employee, who recently rejoined the Commission.

ED Wittenberg said former Commissioner Steve Lee invited her to attend a tour on April 16, 2019 to survey various plots of forested land throughout the Pinelands. She said the tour was an outcome of the joint Assembly hearing on fire safety. She said legislators, legislative staff, New Jersey Department of Environmental (NJDEP) staff, foresters and

landowners also attended the tour. She witnessed firsthand the complexity of forest maintenance for fire safety.

She said she had her first NJDEP coordination meeting with Policy Advisor to the Commissioner, Dan Ryan.

Commissioner Lohbauer said he was pleased to hear that ED Wittenberg is involved in forest management discussions so the Commission will not have to make last minute or urgent decisions regarding clear cutting trees.

Director Chuck Horner provided information on the following regulatory matters:

- Staff met with Mullica Township representatives regarding economic development and potential zoning changes along the White Horse Pike.
- Staff met with Egg Harbor City officials regarding a potential minor rezoning to accommodate commercial development.
- Staff met with Tabernacle Township to discuss development options along Route 206 and a change of use at the Sequoia Alternative High School.
- Staff is scheduled to meet with Hammonton officials to discuss the Town's wastewater treatment facility on May 15th.

Director Horner said the Staff has also been involved in two violation matters:

- Staff supported Winslow Township in court regarding an agricultural operation that removed a substantial amount of soil from the property.
- Staff will be providing assistance to Mullica Township regarding a commercial activity that has occurred without application to the Township and the Commission.

Stacey Roth, Chief, Legal & Legislative Affairs, reminded Commissioners that Financial Disclosure Statements must be filed by May 15, 2019.

Ms. Roth said that oral argument for the South Jersey Gas matter was scheduled for the end of May. DAG Miles sent a letter to the court on May 6th requesting adjournment and made a motion for the matter to be remanded back to the Commission. She said the request for adjournment was granted and we are waiting for a decision on the remand request.

Ms. Roth said that a member of the public requested an adjudicatory hearing for application number 1987-1299.005. She said although the hearing request was procedurally deficient, it was reviewed based on the public comment that was submitted and ultimately denied.

Chief Planner Susan R. Grogan updated the Commission on the following planning matters:

- Staff met with Southampton Township to discuss economic development on the Red Lion Circle. The development would require a zoning change or redevelopment plan. The Township is also working with the Burlington County Planning office on a new Master Plan.
- Staff met with Hamilton Township representatives and the property owner of the former Atlantic City Race Course. The parcel consists of about 250 acres that

includes the old grandstand and a couple of vacant parcels. The proposal includes a redevelopment plan for mixed-use development.
- The Pinelands Infrastructure Trust Fund's recent round of funding generated nine project proposals. Staff will provide the P&I Committee with preliminary recommendations at an upcoming meeting.
- The Commission was not selected to receive grant funding from the NJDEP for a submission related to the Barnegat Bay stormwater proposal.

Chairman Earlen asked why there had been an increase in ordinances over the last couple of months.

Chief Planner Grogan said that a number of the ordinances pertain to amendments the Commission adopted over the last several years. She said some of the ordinances are for performance guarantees generated by a change to the Municipal Land Use Law. She added that more recently the Commission received ordinances related to solar energy due to the community solar initiative.

Communications Officer Paul Leakan provided an update on the following:
- A tour of the Buena Borough's state of the art wastewater treatment plant has been schedule for May 22nd.
- The 3rd Annual Summer Short Course at Kramer Hall has been scheduled for July 18th and will include a blacksmithing demonstration and possibly a tour of a local brewery.
- The Pinelands Orientation for newly elected officials is scheduled for July 23 at the Commission's headquarters.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval of three public development applications approving the construction of three miles of trail in Buena Vista Township and two electronic traffic advisory signs in Upper Township.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 1982-2560.004, 2011-0075.002 & 2017-0191.001) (See Resolution # PC4-19-17). Commissioner Prickett seconded the motion.

Commissioner Christy asked how the signs were relevant to the Pinelands.

Director Horner said signs are typically exempt from review, however there was additional development associated with the advisory signs that required application to the Commission.

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

Chairman Earlen presented a resolution recommending approval for the construction of a 50 stall paved parking lot in Mullica Township.

Commissioner Avery made a motion Approving With Conditions An Application for Public Development (Application Number 1987-1299.005) (See Resolution # PC4-19-18). Commissioner Lohbauer seconded the motion.

Ms. Roth provided information on the appeal request. She said Ms. Joy Ramer's hearing request was procedurally deficient but a response was provided based on the comments she provided during the public development comment period. She said Ms. Ramer raised concerns about the following neighborhood impacts: increase in stormwater runoff, noise, traffic and light pollution. She said Ms. Ramer does not have a particularized property interest and was not granted the right to an adjudicatory hearing.

Director Horner said the application is for an addition to an existing parking lot. The applicant has submitted stormwater management plans and calculations and meets the Commission's standards. He added that some of issues Ms. Ramer raised are not regulated by the CMP and encouraged her to contact the school district. He said staff spoke with the design engineer for the school and the addition of the parking lot will not worsen the flooding but could provide some relief. He said the engineer indicated that the flooding stems from the adjacent road.

Commissioner Avery asked who owns the roads.

Director Horner said the road is a municipal right-of-way.

Commissioner Irick raised concerns that the school board does not need to seek any further approvals from another governing body.

Director Horner said under the Municipal Land Use Law, a school board does not need to apply to the Township for approval or permits.

Commissioner Irick said the original school and parking lot essentially could have been built without approvals from another agency. He said he was concerned about what efforts have been undertaken regarding buffer, screening and drainage.

Director Horner said the Commission's stormwater management standards do not require an applicant to address pre-existing conditions. He said the staff cannot recommend a denial of an application based on pre-existing conditions. He said when the public raises issues that are outside the Commission's purview, staff recommends that they address their concerns with the public agency in question.

Commissioner Irick asked if the Commission should look into this issue further.

Director Horner said the Commission needs to make a decision as to what degree it would like to review applications.

Commissioner Lohbauer said he disagreed with staff's determination to deny Ms. Ramer's request for an adjudicatory hearing.

The Commission adopted the resolution by a vote of 10 to 0, with Commissioner Irick abstaining.

Director Horner added that he spoke with Ms. Ramer about her concerns.

Chairman Earlen presented a resolution recommending approval for the construction of a 56 stall paved parking lot in Pemberton Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1985-0641.013) (See Resolution # PC4-19-19). Commissioner Jannarone seconded the motion.

Commissioner Prickett asked the Ethics Liaison Officer for guidance on participating in the vote.

Ms. Roth advised Commissioner Prickett that he only had to recuse from the matter if he was involved in the application during his tenure as an elected official for Pemberton Township.

Commissioner Prickett said he had not been involved.

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

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

No members from the public spoke.

Ordinances Not Requiring Commission Action

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

- Buena Borough Ordinance 676
- Evesham Township Ordinance 3-3-2019
- Franklin Township Ordinance O-4-19
- Town of Hammonton Ordinance 001-2019
- Little Egg Harbor Township Ordinance 2019-05
- Manchester Township Ordinance 19-008
- Shamong Township Ordinance 2018-10
- City of Vineland Ordinance 2019-22
- Woodland Township Ordinance 2019-2

No members of the Commission had questions.

Other Resolutions

Chairman Earlen said the next resolution is to allow the Commission to continue to use its current bank. He said the bank has been bought by another bank and will be changing its name.

Commissioner Avery made a motion Authorizing a Change of the Pinelands Commission's Fiduciary Institution. Commissioner Lohbauer seconded the motion (See Resolution # PC4-19-20).

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

Presentation

ED Wittenberg provided the highlights of the 2018 Annual Report. (See attached slides)

Commissioner Prickett said past Annual Reports can be found on the website and are a great resource.

General Public Comment

Joy Ramer of Mullica Township said she lives across the street from the school where the proposed parking lot will be constructed. She said there has been an increase in flood water since the retention pond was built. She said the flooding on her street is source point water and is directly from the school.

Georgina Shanley of CURE welcomed the new Commissioners. She said the Commission should report on the land lost due to approved development. She suggested that the Commissioners are not provided adequate time to review the materials they vote on. She said there is a climate crisis occurring and the Commission needs to look at the science. She asked the Commission to revoke its decision on the South Jersey Gas decision.

Temma Fishman of Medford Lakes, NJ, said she was in favor of B.L. England shutting down. She asked the Commission to revoke the approvals previously granted for the South Jersey Gas pipeline.

Marianne Clemente of Barnegat, NJ asked for more information on the Commissioner who was sworn in this morning. She said the Commission changed the process for public comment. She said it's a violation of transparency.

Chairman Earlen said Commissioner Christy replaced Commissioner Chila, who was the Gloucester County representative. He said Commissioner Christy was chosen by the Board of Chosen Freeholders.

Jonathan Peters of The City University of New York raised concerns over the Commission partnering with private land owners and non-profits on acquisition matters. He said it limits the public's access to these lands. He said he is open to discussing alternatives to the current land acquisition approach.

Hara Rola of Haddon Township, NJ, urged the Commission to revoke its approval for the South Jersey Gas pipeline (see attached letter she read into the record).

Jaclyn Rhoads, of the Pinelands Preservation Alliance (PPA), said she attended the joint hearing held by the Assembly Agriculture and Environment Committees on wildfires. She said it was a shame the Commission was not invited to the hearing. She provided a brief overview of "The Prescribed Burn Act". She said PPA plans to reach out to the NJDEP about its plan to promote the Act. She said the Kirkwood Cohansey (KC) study was completed many years ago. She said the Commission's mandate allows the Commission to address both water supply and water quality. She said she hopes that with the new administration the Commission can move forward on KC study amendments.

Margo Pellegrino of Medford Lakes, NJ, said the Commission should factor in climate change when reviewing development applications. She also asked the Commission to revoke the South Jersey Gas pipeline approval.

Rhyan Grech of the Pinelands Preservation Alliance said she was happy to hear that the South Jersey Gas application will be remanded back to the Commission for a vote to revoke the approval. She suggested the Commission also revoke Resolution # PC4-16-42, which adopted a process to review the South Jersey Gas pipeline application. She suggested the Commission adopt rules to fix the gap in the CMP regarding public utilities (N.J.S.A.40:55D-19).

In response to a commenter, ED Wittenberg said that the Commission's public comment process has not changed.

Commissioner Prickett said his meeting materials are provided in plenty of time before Commission meetings. He also said that Pinelands resources are lost when the land is degraded. He said the Commission has a Land Capability Map that outlines where specific development can happen. He said prescribed burns, maintaining the ecological integrity of the Pinelands and the protection of threatened and endangered species allow the Pinelands to thrive.

Commissioner Irick said as a new Commissioner, information has been provided to him in a timely manner.

Resolution to Retire into Closed Session

DAG Miles read a resolution to enter into closed session to discuss the appeals related to the South Jersey Gas matter and a personnel matter.

Commissioner Lohbauer made a motion to enter into closed session. Commissioner Barr seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0, beginning at 10:57 a.m.

Return to Open Session

The Commission entered back into open session at 12:42 p.m. DAG Miles provided a summary of the closed session. She said the Commission discussed litigation related to the South Jersey Gas matter and a personnel matter.

Adjournment

Commissioner Barr moved to adjourn the meeting. Commissioner Irick seconded the motion. The Commission agreed to adjourn at 12:45 p.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: May 29, 2019

# *RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION*

**NO. PC4-19-17**

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1982-2560.004, 2011-0075.002 & 2017-0191.001)

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

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

**1982-2560.004**

| | |
|---|---|
| **Applicant:** | **Buena Vista Township** |
| Municipality: | Buena Vista Township |
| Management Area: | Pinelands Village<br>Pinelands Rural Development Area |
| Date of Report: | April 18, 2019 |
| Proposed Development: | Construction of three miles of nature trails; |

**2011-0075.002**

| | |
|---|---|
| **Applicant:** | **New Jersey Department of Transportation** |
| Municipality: | Upper Township |
| Management Area: | Pinelands Rural Development Area |
| Date of Report: | April 18, 2019 |
| Proposed Development: | Construction of an electronic traffic advisory sign within the State Route 50 right-of-way and associated development ; and |

**2017-0191.001**

| | |
|---|---|
| **Applicant:** | **NJ Department of Transportation** |
| Municipality: | Upper Township |
| Management Area: | Pinelands Forest Area |
| Date of Report: | April 18, 2019 |
| Proposed Development: | Construction of an electronic traffic advisory sign with associated development . |

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

**WHEREAS,** the Pinelands Commission hereby adopts the Conclusion of the 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 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 1982-2560.004, 2011-0075.002 & 2017-0191.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

| | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ashmun | | | X | | Irick | X | | | | Prickett | X | | | |
| Avery | X | | | | Jannarone | X | | | | Quinn | | | X | |
| Barr | X | | | | Lloyd | | | X | | Rohan Green | X | | | |
| Christy | X | | | | Lohbauer | X | | | | Earlen | X | | | |
| Howell | X | | | | Pikolycky | X | | | | | | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 8, 2019

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

State of New Jersey
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PHILIP D. MURPHY
*Governor*
SHEILA Y. OLIVER
*Lt. Governor*

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

SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

April 18, 2019

Brenna Fairfax (via email)
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Re: Application # 2011-0075.002
State Route 50
Upper Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for construction of an electronic traffic advisory sign within the State Route 50 right-of-way and associated development. 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 May 10, 2019 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, Upper Township Planning Board (via email)
Upper Township Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)

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Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

# PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Brenna Fairfax (via email)
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Application No.: 2011-0075.002
State Route 50
Upper Township

This application proposes construction of an electronic traffic advisory sign with associated development within the State Route 50 right-of-way in Upper Township.

The proposed development associated with the traffic advisory sign includes the construction of 165 linear feet of guiderail, equipment cabinets, a maintenance vehicle paver pad and the installation of fiber optic cable. The applicant indicates that the proposed development will be utilized to inform motorists of traffic congestion and to assist the New Jersey Department of Transportation with emergency management and congestion mitigation.

## STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26(b)10)

In the area of the proposed development, State Route 50 is the boundary between the State regulated Pinelands Area and the Pinelands National Reserve. In this area, the entire State Rt. 50 right-of-way is located in the Pinelands Area.

The majority of the proposed development is located in the Pinelands Area. A small portion of the proposed development is located outside the State Route 50 right-of-way in the Pinelands National Reserve.

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

The proposed development in the Pinelands National Reserve is not subject of this application.

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

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

The CMP permits roads (linear improvement) and accessory structures to roads such as road signs and guiderails, in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the proposed development is necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located within existing maintained grassed road shoulders. 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 replant non-native lawn grasses along the maintained road shoulder.

## 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 March 28, 2019. The Commission's public comment period closed on April 12, 2019. 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 Michael Baker International, Inc., all sheets dated December 6, 2018.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

## CONCLUSION

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

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Philip D. Murphy
*Governor*

Sheila Y. Oliver
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Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen
*Chairman*

Nancy Wittenberg
*Executive Director*

# PINELANDS COMMISSION
# APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on May 7, 2019 and include the following information:

1. the name and address of the person requesting the appeal;

2. the application number;

3. the date on which the determination to be appealed was made;

4. a brief statement of the basis for the appeal; and

5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

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

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SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

April 18, 2019

Brenna Fairfax (via email)
NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Re: Application # 2017-0191.001
State Route 49
Upper Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for construction of an electronic traffic advisory sign with associated development within the State Route 49 right-of-way. 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 May 10, 2019 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, Upper Township Planning Board (via email)
Upper Township Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)

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SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

# PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Brenna Fairfax (via email)
NJ Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Application No.: 2017-0191.001
State Route 49
Upper Township

This application proposes construction of an electronic traffic advisory sign with associated development within the State Route 49 right-of-way in Upper Township.

The proposed development associated with the traffic advisory sign includes the construction of 165 linear feet of guiderail, equipment cabinets, a maintenance vehicle paver pad and the installation of fiber optic cable. The applicant indicates that the proposed development will be utilized to inform motorists of traffic congestion and to assist the New Jersey Department of Transportation with emergency management and congestion mitigation.

## STANDARDS

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

Land Use (N.J.A.C. 7:50-5.23(b)14)

The proposed electronic traffic advisory sign is located in a Pinelands Forest Area. The proposed traffic advisory sign is permitted in a Pinelands Forest Area.

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

The proposed development will be located within existing maintained grassed road shoulders. 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 replant non-native lawn grasses

along the maintained grass road shoulder.

## 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 March 6, 2019. The Commission's public comment period closed on April 12, 2019. 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 Michael Baker International, Inc. and dated as follows:

   Sheet 1 - December 5, 2018
   Sheet 2 - December 6, 2018
   Sheet 3 - December 17, 2018
   Sheet 4 - undated

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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

## CONCLUSION

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

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

Philip D. Murphy
*Governor*

Sheila Y. Oliver
*Lt. Governor*

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

Sean W. Earlen
*Chairman*

Nancy Wittenberg
*Executive Director*

# PINELANDS COMMISSION
# APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on May 7, 2019 and include the following information:

1. the name and address of the person requesting the appeal;

2. the application number;

3. the date on which the determination to be appealed was made;

4. a brief statement of the basis for the appeal; and

5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

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

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

SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

April 18, 2019

Lisa Tilton, Administrator
Buena Vista Township
890 Harding Highway
Buena, NJ 08310

Re: Application # 1982-2560.004
Block 502, Lots 4.01 & 6
Buena Vista Township

Dear Ms. Tilton:

The Commission staff has completed its review of this application for construction of three miles of nature trails. 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 May 10, 2019 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
Public Comment

c: Secretary, Buena Vista Township Planning Board
Buena Vista Township Construction Code Official
Atlantic County Department of Regional Planning and Development
David Scheidegg
Mark Demitroff

State of New Jersey
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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

# PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Lisa Tilton, Administrator
Buena Vista Township
890 Harding Highway
Buena, NJ 08310

Application No.: 1982-2560.004
Block 502, Lots 4.01 & 6
Buena Vista Township

This application proposes construction of three miles of nature trails located on the above referenced 91.57 acre parcel in Buena Vista Township. The John W. Quigley Recreation Park is located on the parcel.

The majority of the proposed nature trail will be located within a forested area of the parcel. The applicant proposes to clear the vegetated understory and place wood mulch to create the four foot wide trail. The proposed development will not result in the removal of any live or dead trees.

## STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26(b)4 & 5.27(a))

The proposed development is located in a Pinelands Rural Development Area and the Pinelands Village of Collings Lakes. The proposed development is a permitted land use in a Pinelands Rural Development Area and a Pinelands Village.

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

There are wetlands located within 300 feet of the above referenced parcel. All development, including the proposed understory vegetation clearing, is proposed at least 300 feet from wetlands.

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

The proposed development will be located within a pine-oak forest. The proposed understory vegetation clearing is limited to that which is necessary to accommodate the proposed development.

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

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

To avoid the possibility of the proposed development having an irreversible adverse impact on habitat critical to the survival of any local population of threatened or endangered animal species, the applicant proposes to locate all trails so as to avoid the removal of any live or dead trees.

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

The applicant has demonstrated that there will be no increase in the volume and rate of stormwater runoff from the project after the development then occurred prior to the proposed development.

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

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

## PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on December 12, 2018. Newspaper public notice was completed on December 14, 2018. The application was designated as complete on the Commission's website on March 1, 2019. The Commission's public comment period closed on April 12, 2019. The Commission received four written public comments (attached) from one individual regarding this application. The same individual offered oral public comment at the Commission's April 12, 2019 meeting.

Written and Oral Comment: On January 20, 2017, the commenter submitted information indicating that the proposed development would be located in the vicinity of inland dunefields. The commenter also provided a copy of an article titled "The Newtonville Dune Field" and a copy of a 2015 Recreational Trails Program Grant Application from the Township of Buena Vista to the New Jersey Department of Environmental Protection (NJDEP), Green Acres Program.

The commenter questioned the status of certain development that previously occurred at Michael Debbi Park without application to the Commission.

On October 30, 2018, the commenter submitted information indicating that there are two conflicting versions of the trail's configuration. The

commenter also indicated that Buena Vista Township represented in an application to the NJDEP Stewardship Program that the trails proposed in this application were already built. The commenter further indicated that Buena Vista Township represented that since the trails would be located on land owned by the municipality, no permits were needed.

On November 26, 2018, the commenter submitted information indicating that the proposed development would be located in the vicinity of the Newtonville dune field, that the Collings Lakes parcel is traversed by an ancient byway known as the Woodbury Road and that the Woodbury Road was associated with a nearby Swedish enclave. The commenter also provided a copy of an article titled "Proposing New Barrens National Natural Landmarks" and a second copy of the article titled "The Newtonville Dune Field".

On April 12, 2019, the commenter provided written and verbal comments to the Commission regarding the application. The commenter indicated that the proposed development cannot be approved by the Commission as the municipality has not acted in a manner that is accordant to law or proper business conduct, that the project would have required a written motion to have been adopted by a deliberative body for application and that Buena Vista Township intentionally kept the proposed development hidden in an effort to circumvent the scrutiny of the Pinelands Commission and its own residents. The commenter also reiterated their previous comments that there were two conflicting versions of the trail's configuration and that Buena Vista Township indicated that since the trails would be located on land owned by the municipality, no permits are needed. Lastly the commenter indicated that two trails had already been developed.

Staff Response:

The Commission staff appreciates the commenter's interest in the Pinelands Area.

The CMP does not identify or regulate dunefields.

Applications have been approved by the Commission for certain development that occurred at Michael Debbi Park without application to the Commission. The Commission staff is currently unaware of any land development violations at Michael Debbi Park.

The Township has applied to the Commission for the proposed development. The application form is signed by the Township Administrator. The application includes a site plan prepared by a New Jersey Licensed Engineer indicating the extent of the proposed development. Notwithstanding information that may have been submitted to other agencies, the development must be undertaken in accordance with the site plan referenced in this Report. Public notice of the application was provided to adjacent land owners on December 12, 2018 and newspaper public notice of the application was completed on December 14, 2018.

The proposed development was reviewed by the Commission staff archeologist. That review indicated a lack of potential for significant cultural resources on the parcel.

By e-mail dated April 17, 2019, the Township Administrator indicated that no construction of the proposed nature trail has begun.

The commenter may wish to discuss their concerns regarding the internal municipal administrative processes regarding development activities in the Township and the Township's application to the NJDEP Stewardship Program with an appropriate municipal official.

## CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC, dated March 22, 2017 and revised to November 5, 2018.

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 removal of understory vegetation, shall be located at least 300 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@njpines.state.nj.us

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# PINELANDS COMMISSION
# APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made 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 at the Commission office no later than 4:00 PM on May 7, 2019 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. PC4-19-** 18

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1987-1299.005)

**Commissioner** Lohbauer **moves and Commissioner** Prickett **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:

| | |
|---|---|
| **1987-1299.005** | |
| **Applicant:** | **Mullica Township School District** |
| Municipality: | Mullica Township |
| Management Area: | Pinelands Village |
| Date of Report: | April 18, 2019 |
| Proposed Development: | Construction of a 50 stall paved parking lot. |

**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 1987-1299.005 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

| | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ashmun | | | X | | Irick | | | | A | Prickett | X | | | |
| Avery | X | | | | Jannarone | X | | | | Quinn | | | X | |
| Barr | X | | | | Lloyd | | | X | | Rohan Green | X | | | |
| Christy | X | | | | Lohbauer | X | | | | Earlen | X | | | |
| Howell | X | | | | Pikolycky | X | | | | | | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: May 10, 2019

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

State of New Jersey
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PHILIP D. MURPHY
*Governor*
SHEILA Y. OLIVER
*Lt. Governor*

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

SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

April 18, 2019

Karen Groehrer, Business Administrator (via email)
Mullica Township School District
500 Elwood Road
Elwood, NJ 08217

Re: Application # 1987-1299.005
Block 3303, Lot 9
Mullica Township

Dear Ms. Groehrer:

The Commission staff has completed its review of this application for construction of a 50 stall paved parking lot. 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 May 10, 2019 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
(2) Public comments

c: Secretary, Mullica Township Planning Board (via email)
Mullica Township Construction Code Official (via email)
Mullica Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
John Szuba (via email)
Beth Kenderdine (via email)

William B. Edwards, PE (via email)
Joy Ramer

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General Information: Info@pinelands.nj.gov
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SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

# PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Karen Groehrer, Business Administrator (via email)
Mullica Township School District
500 Elwood Road
Elwood, NJ 08217

Application No.: 1987-1299.005
Block 3303, Lot 9
Mullica Township

This application proposes construction of a 50 stall paved parking lot located on the above referenced 15.41 acre parcel in Mullica Township. The Mullica Township Primary School is located on the parcel.

This application also proposes the construction of approximately 400 linear feet of paved walkway, four to nine feet in width.

## 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 proposed development is located in the Pinelands Village of Elwood. The proposed development is a permitted land use in a Pinelands Village Management Area.

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

The proposed development will be located within existing wooded and maintained grassed areas. Approximately 0.72 acres of forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the development.

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

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

The existing school is serviced by an on-site septic system. The applicant has demonstrated that the existing and proposed development on the 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 applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be enlarging an existing stormwater infiltration basin.

## PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on March 16, 2018. Newspaper public notice was completed on March 21, 2018. The application was designated as complete on the Commission's website on March 26, 2019. The Commission's public comment period closed on April 12, 2019. The Commission received two written public comments (attached) regarding this application.

| | |
|---|---|
| Public Commenter One: | The commenter requested a copy of the Executive Director's findings and conclusions. |
| Staff Response: | The commenter will receive a copy of this Executive Director's Report. |
| Public Commenter Two: | The commenter has concerns over how the proposed parking lot will impact stormwater runoff, traffic, noise and light pollution in the surrounding neighborhood. Specifically, the commenter indicated that under existing conditions stormwater runs down the school's rear driveway and along Absecon Road and Elm Street, instead of being directed into the existing stormwater infiltration basin on the school's parcel. The commenter would like to have this issue addressed as part of the current application. The commenter also indicated that the proposed parking lot entrance/exits should be connected to the existing driveway to keep additional traffic moving at a reasonable speed for the welfare of children and neighbors and that road signs should be placed throughout the adjoining streets for safety. Lastly, the commenter believes that vegetation should be added to Elm Street to help reduce the impacts from headlights and noise that may be created by the proposed parking lot. |
| Staff Response: | The applicant's stormwater management plan demonstrates consistency of the proposed development with the stormwater management standards contained in the Mullica Township land use ordinance and the CMP. By letter dated April 17, 2019, the Professional Engineer for the Mullica Township School District indicates that while runoff from the school's existing rear driveway does contribute stormwater runoff to Elm Street, the proposed stormwater management design will reduce both the rate and volume of runoff to Elm Street from the school parcel. The letter also |

indicates that for a number of reasons not related to the school, there is poor drainage along Elm Street.

The Commission staff appreciates the commenter's concerns regarding traffic speeds, road signage, pedestrian safety and vegetation screening for noise and light impacts. The regulations of the CMP do not address these issues. The commenter may wish to discuss these concerns with an appropriate school official.

## CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Edwards Engineering Group, all sheets dated November 26, 2018 and revised to January 19, 2019.

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.

## CONCLUSION

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

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Philip D. Murphy
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*Lt. Governor*

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

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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.

**AppInfo - request records**

**From:** john SZUBA <dogedward@comcast.net>
**To:** <AppInfo@njpines.state.nj.us>
**Date:** 3/20/2018 9:32 AM
**Subject:** request records

To Who it may concern

I am requesting a copy of the Executive Director's finding and conclusion.

Re: Pinelands Application No. 1987-1299-005

Site Improvements at Mullica Township Elementary/Middle School

John szuba

630 elwood rd.

hammonton, nj. 08037 or dogedward@comcast.net

Richard Page
Joy Ramer
POB 585
Elwood, NJ 09217
Lots 4,6 &8
3/20/18

Pinelands Commission
POB 359
New Lisbon, NJ 08064

APP # 1987 1299.005
Fee Type 110
MAR 26 2018
Scanned

Re: Pinelands Application No. 1987-1299.005
Mullica Twp School #1, 500 Elwood Road
Block 3303, Lot 9

Dear

In reference to the above application I have multiple concerns about the proposed parking lot at Mullica Township School #1. This parking lot is going to be a major impact on our neighborhood-runoff, traffic, noise & light pollution.

First, there has been existing runoff from the back driveway for decades, and every time an 'improvement' is made, the water problem gets worse throughout the adjoining block. I have been told that the runoff issue will be mitigated rather than exacerbated. It's critical that this issue be addressed. There is an existing retention pond (circa 1990) where the current runoff *should* go, however, it takes the path of least resistance down the paved driveway. The runoff flows west along Absecon Road and north along Elm Street. Video is available, if necessary.

Second, plans should keep the entrance/exits connected *only* to the existing driveway to keep all the additional traffic moving at a reasonable speed for the welfare of both children and neighbors.

Third, multiple road signs should be placed throughout the adjoining streets for everyone's safety.

Fourth, vegetation should be added to Elm Street as to cut down on the headlights and noise as a consequence of the new lot.

I sincerely hope that the Edwards Engineering Group will include me as the planning goes forward as I have first-hand knowledge of the past and present problems they will be facing.

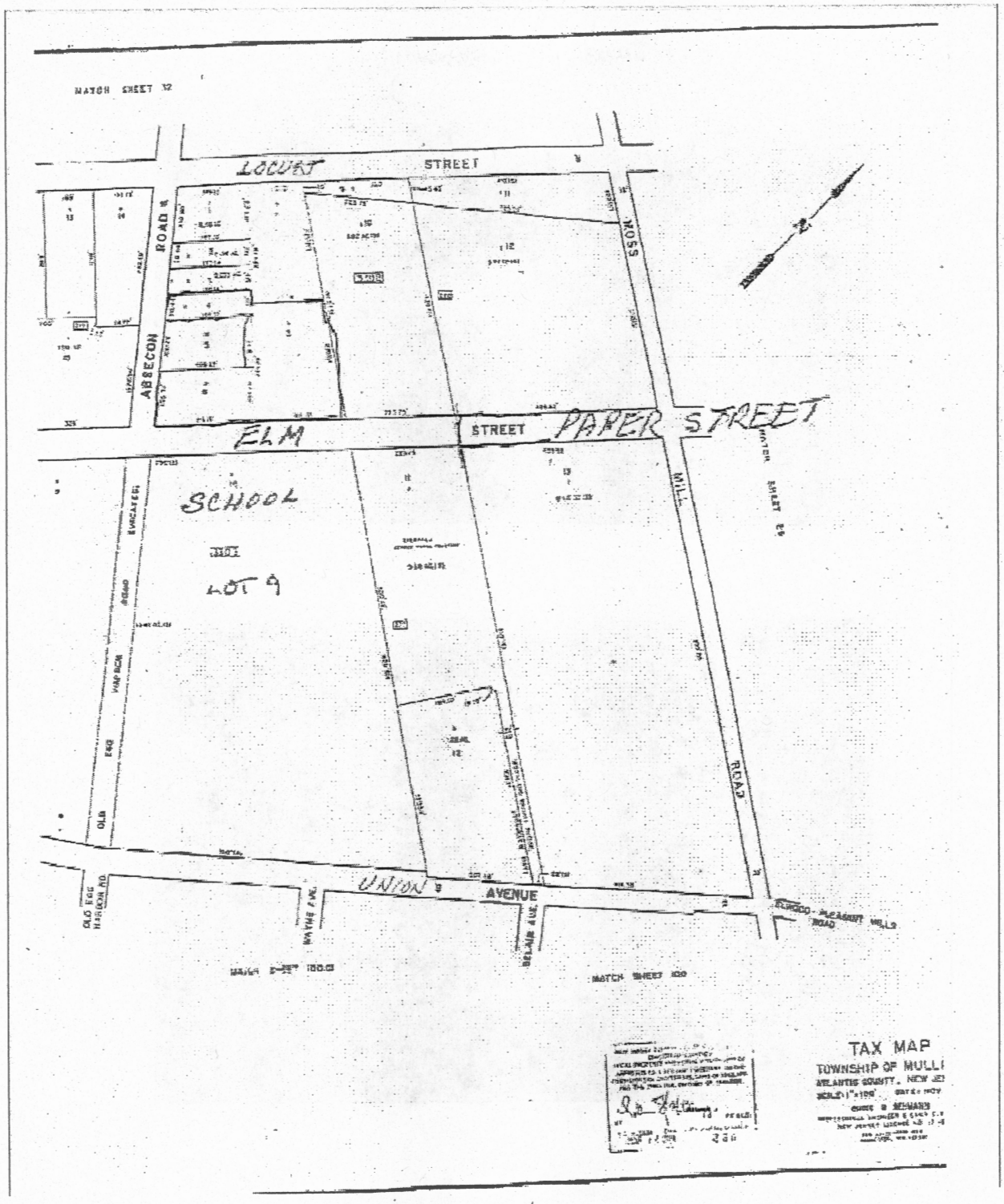
Thank you for your time in this matter.

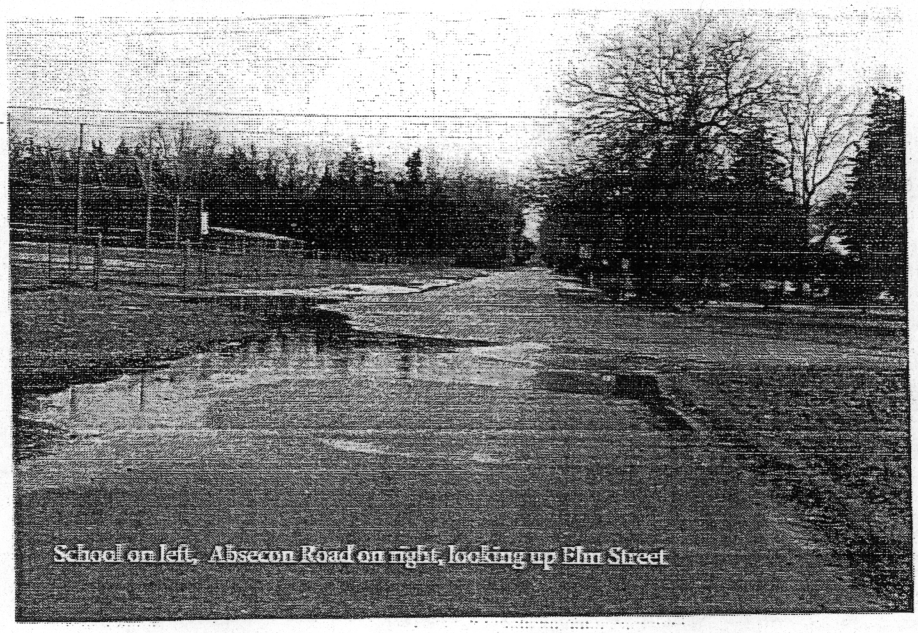
Sincerely,

Joy Ramer

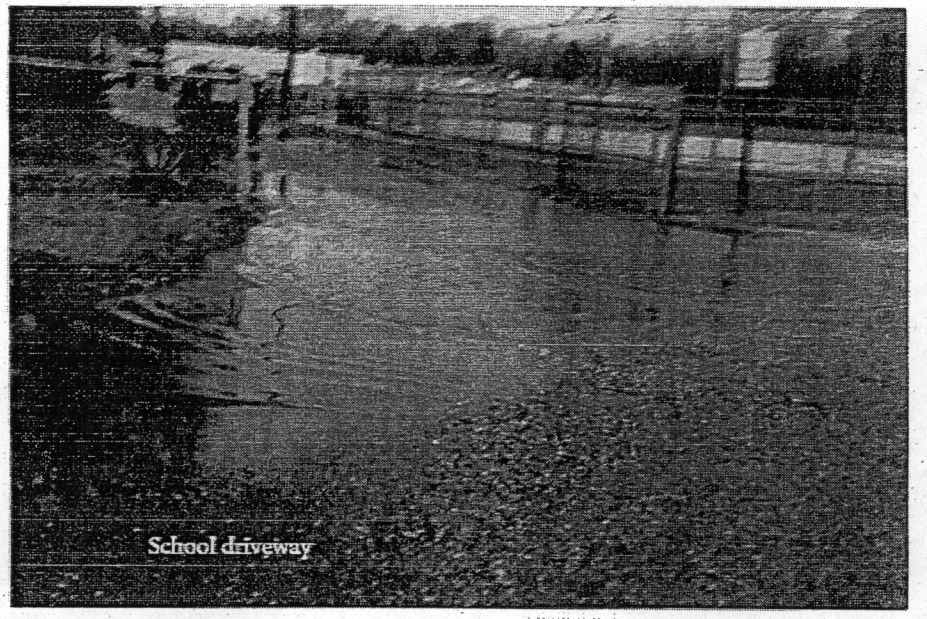
Joy Ramer

Enclosed: photos
PS - This is point - source runoff

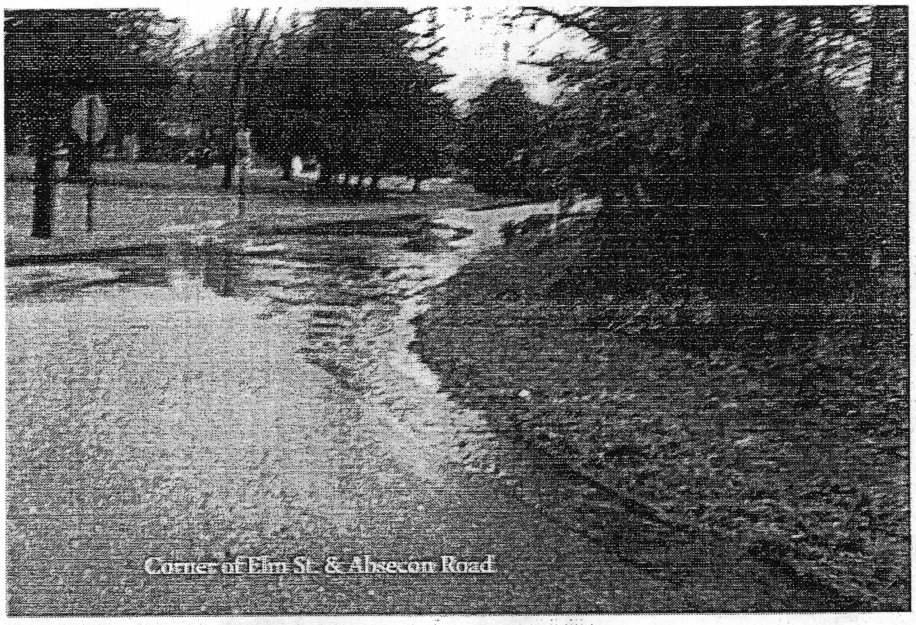

MATCH SHEET 12
LOCUST STREET
ABSECON ROAD
MOSS
ELM STREET
PAPER STREET
SCHOOL
LOT 9
MILL ROAD
OLD EGG HARBOR ROAD
UNION AVENUE
WAYNE AVE.
BELAIR AVE.
MATCH SHEET 100
TAX MAP
TOWNSHIP OF MULLI
ATLANTIC COUNTY, NEW JE



School on left, Absecon Road on right, looking up Elm Street



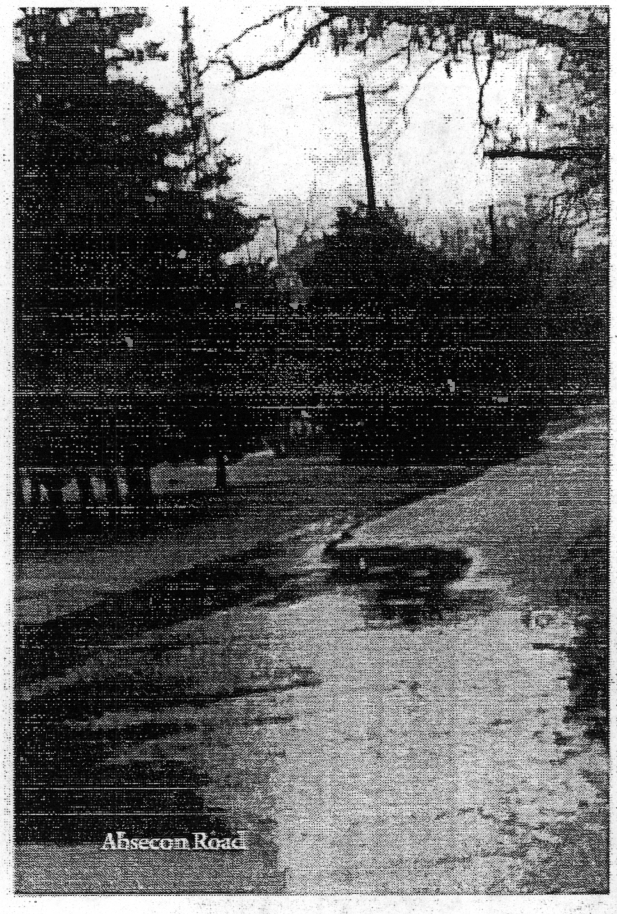
School driveway

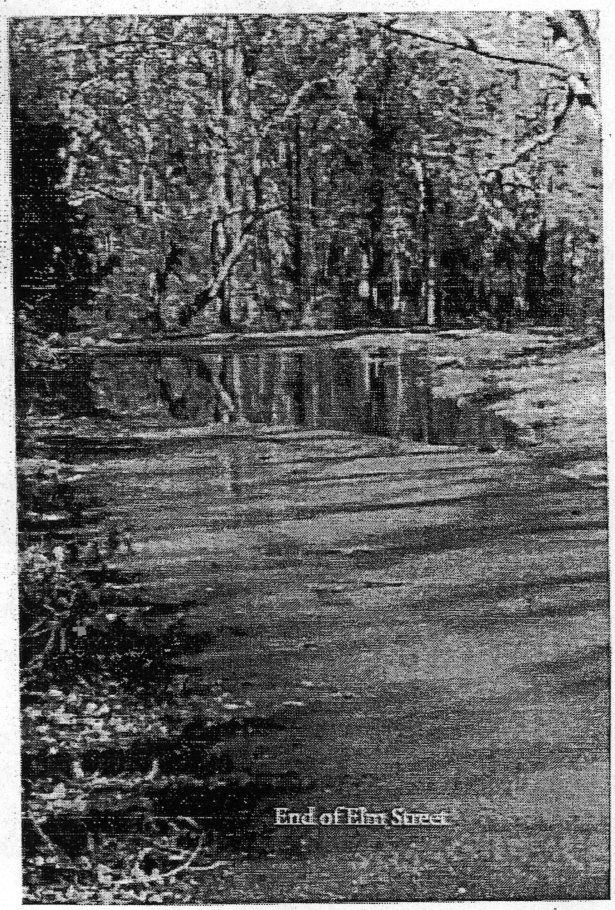


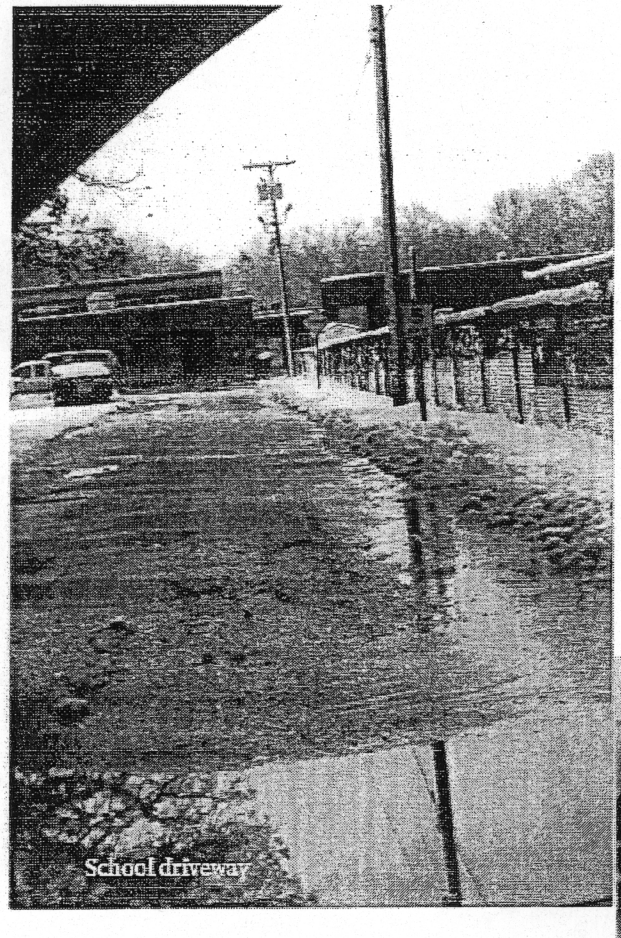
Corner of Elm St. & Absecon Road



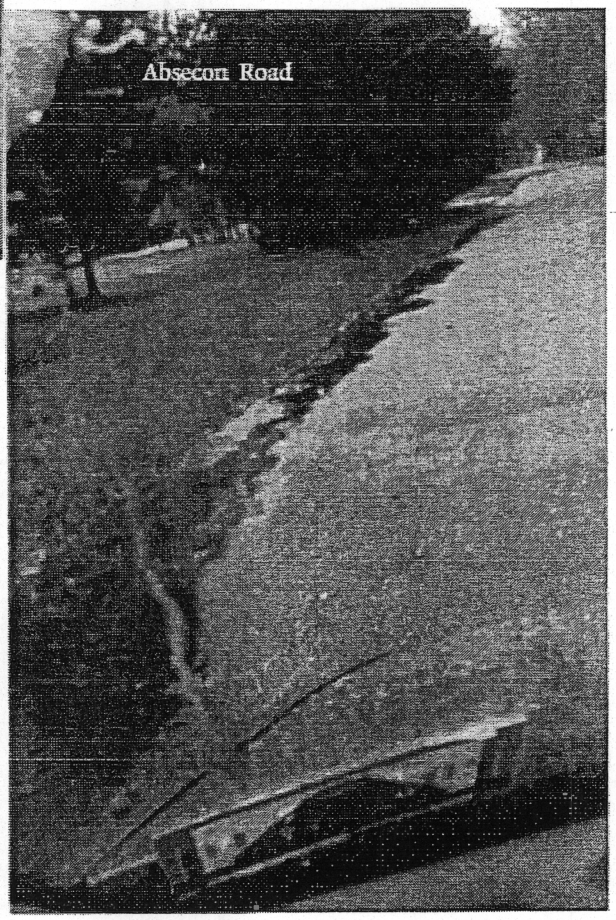
Looking down Elm Street


Absecon Road


End of Elm Street



School driveway



Absecon Road

# *RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION*

**NO. PC4-19-** 19

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1985-0641.013)

**Commissioner** Lohbauer **moves and Commissioner** Jannarone **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:

| | |
|---|---|
| **1985-0641.013** | |
| **Applicant:** | **Pemberton Township Board of Education** |
| Municipality: | Pemberton Township |
| Management Area: | Pinelands Regional Growth Area |
| Date of Report: | April 18, 2019 |
| Proposed Development: | Construction of a 56 stall paved parking lot. |

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** that Application Number 1985-0641.013 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

| | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ashmun | | | X | | Irick | X | | | | Prickett | X | | | |
| Avery | X | | | | Jannarone | X | | | | Quinn | | | X | |
| Barr | X | | | | Lloyd | | | X | | Rohan Green | X | | | |
| Christy | X | | | | Lohbauer | X | | | | Earlen | X | | | |
| Howell | X | | | | Pikolycky | X | | | | | | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: May 10, 2019

Nancy Wittenberg
Executive Director

Sean W. Earlen
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

SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

April 18, 2019

Daniel Smith, Business Administrator (via email)
Pemberton Township Board of Education
1 Egbert Street
Pemberton, NJ 08068

Re: Application # 1985-0641.013
Block 839.02, Lot 44.06
Pemberton Township

Dear Mr. Smith:

The Commission staff has completed its review of this application for the construction of a 56 stall paved parking lot. 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 May 10, 2019 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, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Scott Brown (via email)

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

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

SEAN W. EARLEN
*Chairman*
NANCY WITTENBERG
*Executive Director*

# PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Daniel Smith, Business Administrator (via email)
Pemberton Township Board of Education
1 Egbert Street
Pemberton, NJ 08068

Application No.: 1985-0641.013
Block 839.02, Lot 44.06
Pemberton Township

This application proposes the construction of a 56 stall paved parking lot on the above referenced 35.3 acre parcel in Pemberton Township. The Samuel T. Busansky Elementary School and Howard L. Emmons Elementary School are located on the parcel.

## STANDARDS

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

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

The proposed development is located in a Pinelands Regional Growth Area. The proposed parking lot is a permitted use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the parcel. All development will be located at least 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. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

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

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, a cultural resource survey was not required.

## PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on February 24, 2019. Notice to required land owners within 200 feet of the above referenced parcel was completed on February 25, 2019. The application was designated as complete on the Commission's website on March 14, 2019. The Commission's public comment period closed on April 12, 2019. 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 9 sheets, prepared by Dante Guzzi Engineering Associates, all sheets dated November 26, 2018 and revised February 14, 2019.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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

5. All development, including clearing and land disturbance, shall be located at least 300 feet from wetlands.

## CONCLUSION

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

State of New Jersey
THE PINELANDS COMMISSION
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@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen
*Chairman*

Nancy Wittenberg
*Executive Director*

# PINELANDS COMMISSION
# APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on May 7, 2019 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. PC4-19-20**

**TITLE:** Resolution Authorizing a Change of the Pinelands Commission's Fiduciary Institution

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

**WHEREAS,** the Pinelands Commission currently uses Beneficial Bank as its fiduciary institution; and

**WHEREAS,** the Pinelands Commission conducts most of its fiduciary business at the Beneficial Bank branch located at 101 Pemberton-Browns Mills Road, Browns Mills, New Jersey, 08015; and

**WHEREAS,** the Pinelands Commission has received notice that this branch has been acquired by The Bank of Princeton and will begin operating as a branch of said institution effective May 20, 2019; and

**WHEREAS,** the Pinelands Commission has determined it to be in its best interests to continue to conduct its fiduciary business at this branch; and

**WHEREAS,** in order to continue using this branch, the Pinelands Commission must convert its accounts from Beneficial Bank to The Bank of Princeton; and

**WHEREAS,** after reviewing The Bank of Princeton's terms and conditions associated with its fiduciary transactions, the Pinelands Commission has determined that it is in its best interests to convert its existing fiduciary accounts with Beneficial Bank to The Bank of Princeton; and

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

**NOW, THEREFORE, BE IT RESOLVED**: that the Commission hereby authorizes the Bank of Princeton to be its fiduciary institution and commencing on May 20, 2019, the Bank of Princeton shall be used for the Commission's fiduciary business, including but not limited to the maintenance of the Operating Account.

**BE IT FURTHER RESOLVED**: that a copy of this resolution shall be provided to The Bank of Princeton.

**Record of Commission Votes**

| | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ashmun | | | X | | Irick | X | | | | Prickett | X | | | |
| Avery | X | | | | Jannarone | X | | | | Quinn | | | X | |
| Barr | X | | | | Lloyd | | | X | | Rohan Green | X | | | |
| Christy | X | | | | Lohbauer | X | | | | Earlen | X | | | |
| Howell | X | | | | Pikolycky | X | | | | | | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: May 10, 2019

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

Hara L. Rola
263 Crystal Terrace
Haddonfield NJ 08033
856-428-7472
Har263@aol.com

May 10, 2019

The Pinelands Commission
15 C Springfield Rd.
New Lisbon NJ

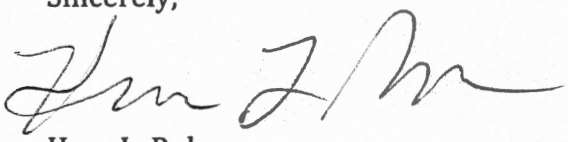
Dear Commissioners,

I urge the Pineland Commission to permanently withdraw its approval of the South Jersey Gas Pipeline. Since RC Cape May Holdings will not be repowering the BL England Electric Generating Plant with natural gas, there is now no reason that a pipeline, which will not serve the residents of the Pinelands, should run through that region as per the rules of the Comprehensive Management Plan. Construction of such a pipeline would disturb the environmentally sensitive "Forest Areas," creating soil and water pollution and devastating those ecosystems.

Furthermore, the state of NJ should not allow fractured natural gas to be piped through its landscape and water bodies. The process of Hydraulic Fracturing to extract natural gas pollutes ground water and adjacent water bodies. It also negatively disturbs soil and rock formations through the fracturing process. After disturbance, reclamation is a difficult process and never 100% complete. Why would NJ want to support such a destructive means of energy extraction? Many NJ residents are opposed to fracked gas and pipelines.

The use of fossil fuels such as fractured gas will be going extinct like the dinosaurs since it is a finite energy resource and there are better, cleaner, renewable forms of energy production now available such as solar and wind. The focus now should be on those newer options. Let's not destroy the land and water of the Pristine Pinelands for companies such as South Jersey Gas, which is most likely desperate to make a last-ditch effort to profit at the expense of the environment and the health of NJ residents and wildlife.

Sincerely,



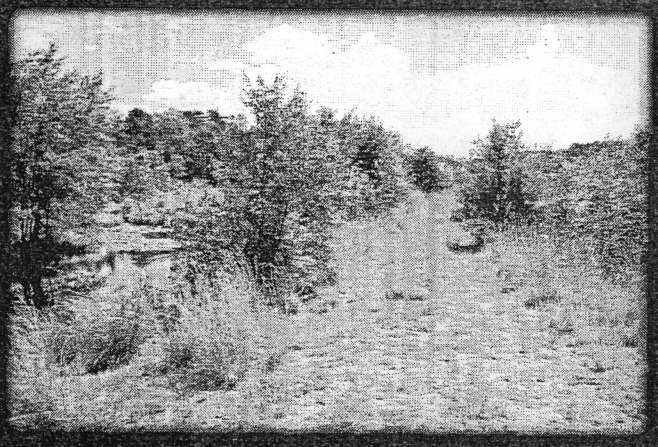
Hara L. Rola

# 2018 Annual Report

## New Jersey Pinelands Commission



## Permanent Land Protection



The Pinelands Commission provided funds to preserve this 438-acre property in Southampton and Woodland townships in 2018. Photo/Paul Leakan

In 2018, the Commission contributed $408,178 from its Pinelands Conservation Fund (PCF) toward the permanent preservation of 579 acres in the Pinelands.

Three projects were funded, and they are located in Ocean Township, Southampton Township, Woodland Township and Barnegat Township.

# Pinelands Development Credit Program

**In 2018, 10 PDCs were allocated by the Commission to eight sending area properties.**

**A total of 31.25 PDCs were sold, with an average sales price of $36,212 per PDC.**

**A total of 39.25 PDCs were redeemed for residential development in Egg Harbor, Hamilton, Shamong, Southampton, Tabernacle and Waterford townships during 2018, nearly double the number that were redeemed throughout the Pinelands Area in 2016 and 2017 combined.**



This farm in Tabernacle Township has been permanently preserved through the Pinelands Development Credit Program.

Photo/Paul Leakan

# Reviewing Municipal Ordinances

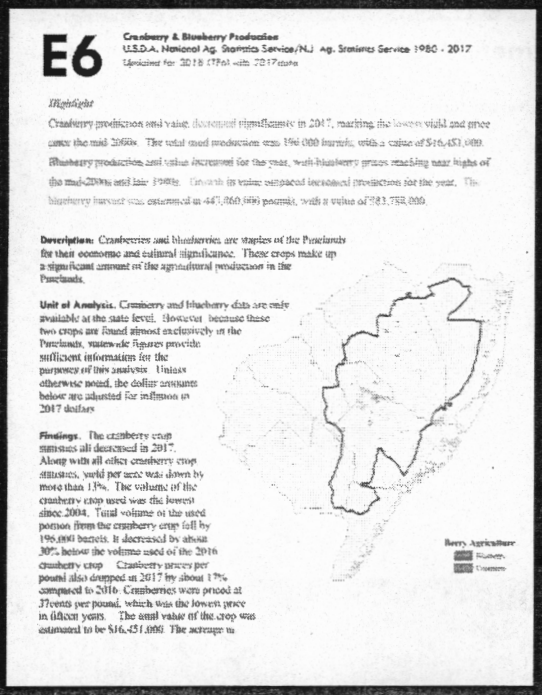
During 2018, the Commission received and reviewed 177 master plan and ordinance amendments from 43 different municipalities and one county.

The Commission staff works closely with Pinelands municipalities to help them achieve their objectives in a manner that is consistent with the Comprehensive Management Plan.

In 2018, many municipalities were focused on adopting and implementing their Housing Elements and Fair Share Plans in order to satisfy their affordable housing obligations.

Many redevelopment plans were also adopted as a way of facilitating specific development projects or encouraging the rehabilitation of existing buildings.

# Long-Term Economic Monitoring Program



**E6** Cranberry & Blueberry Production
U.S.D.A. National Ag. Statistics Service/NJ Ag. Statistics Service 1980 - 2017
Updated for 2018 (1980 - 2017 data)

*Highlight*

Cranberry production and value decreased significantly in 2017, marking the lowest yield and price since the mid-2000s. The total used production was 196,000 barrels, with a value of $16,451,000. Blueberry production and value increased for the year, with blueberry prices reaching near highs of the mid-2000s and late 1990s. Growth in value outpaced increased production for the year. The blueberry harvest was estimated at 447,860,000 pounds, with a value of $83,758,000.

**Description:** Cranberries and blueberries are staples of the Pinelands for their economic and cultural significance. These crops make up a significant amount of the agricultural production in the Pinelands.

**Unit of Analysis.** Cranberry and blueberry data are only available at the state level. However, because these two crops are found almost exclusively in the Pinelands, statewide figures provide sufficient information for the purposes of this analysis. Unless otherwise noted, the dollar amounts below are adjusted for inflation to 2017 dollars.

**Findings.** The cranberry crop statistics all decreased in 2017. Along with all other cranberry crop statistics, yield per acre was down by more than 15%. The volume of the cranberry crop used was the lowest since 2004. Total volume of the used portion from the cranberry crop fell by 196,000 barrels. It decreased by about 30% below the volume used of the 2016 cranberry crop. Cranberry prices per pound also dropped in 2017 by about 17% compared to 2016. Cranberries were priced at 37cents per pound, which was the lowest price in fifteen years. The total value of the crop was estimated to be $16,451,000. The acreage in

Berry Agriculture
Blueberry
Cranberry

Economic data briefs such as the one above are now available on the Commission's website

In 2018, the Commission issued a two-year report that included economic data from 2015 and 2016 as part of the Long-Term Economic Monitoring Program.

Staff also continued to re-examine the program, with the assistance of stakeholders and by contracting with Rutgers University faculty.

As a result of the feedback, the Commission will add new variables to the program.

Additionally, staff has started to release economic data briefs online as the briefs are completed rather than waiting to issue the information as part of a full annual report.

# Brotherton Archaeological Investigation



Above: Ground-penetrating radar surveys being undertaken at the Brotherton site.

The Commission initiated an archaeological investigation at the former site of the eighteenth century Brotherton Reservation in Shamong Township.

The Commission partnered with the Archaeological Society of New Jersey, Temple University, three Lenape tribes and Shamong Township to conduct the investigation.

Archaeologists used ground-penetrating radar to identify buried physical features. The data will help to prioritize excavations.

# Regulatory Activities

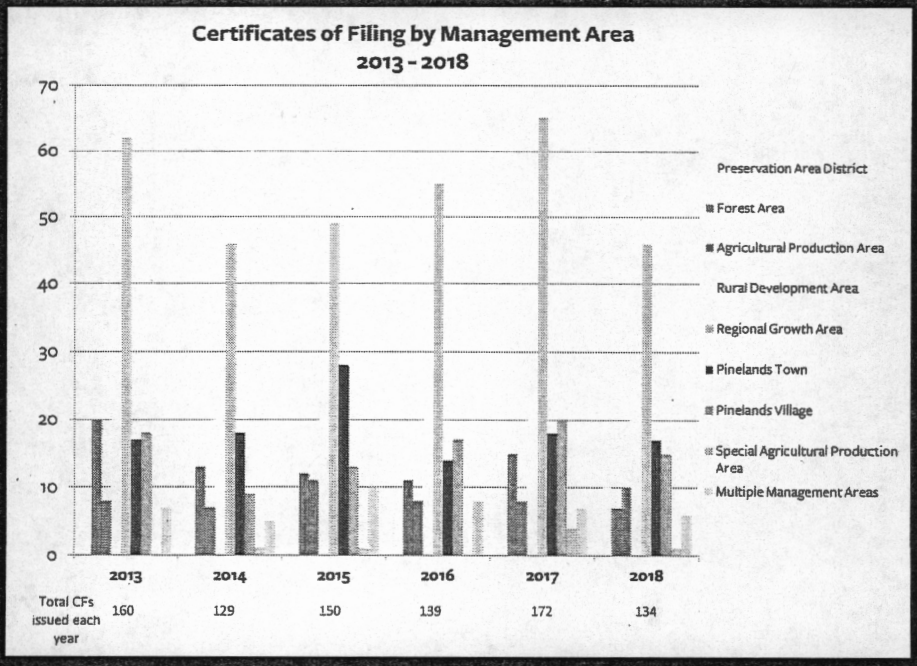
## Certificates of Filing Issued in 2018 by Management Area and Type of Development

| | Residential | Commercial | Infrastructure | Institutional | Resource extraction | Totals by management area |
|---|---|---|---|---|---|---|
| Preservation Area District | 3 | 4 | 1 | | 2 | 10 |
| Forest Area | 5 | 1 | | | 1 | 7 |
| Agricultural Production Area | 8 | 2 | | | | 10 |
| Rural Development Area | 17 | 2 | 1 | | 2 | 22 |
| Regional Growth Area | 26 | 17 | 1 | 2 | | 46 |
| Pinelands Town | 9 | 8 | | | | 17 |
| Pinelands Village | 8 | 6 | | 1 | | 15 |
| Special Agricultural Production Area | 1 | | | | | 1 |
| Multiple management areas | 1 | 1 | 1 | 1 | 2 | 6 |
| Totals by type of development | 78 | 41 | 4 | 4 | 7 | 134 |

Of the 134 CFs that were issued in 2018, most involved proposals for residential development, followed by commercial development.

# Regulatory Activities

The Commission issued similar numbers of CFs from 2013 to 2018, with the majority of the proposals for development located in Regional Growth Areas.



# Regulatory Activities

The Commission:

- Approved 27 applications for public development in 2018.
- Issued 21 Recreation Permits for enduros.
- Resolved a total of 99 violations of Pinelands regulations in 2018.

# Science & Research Activities

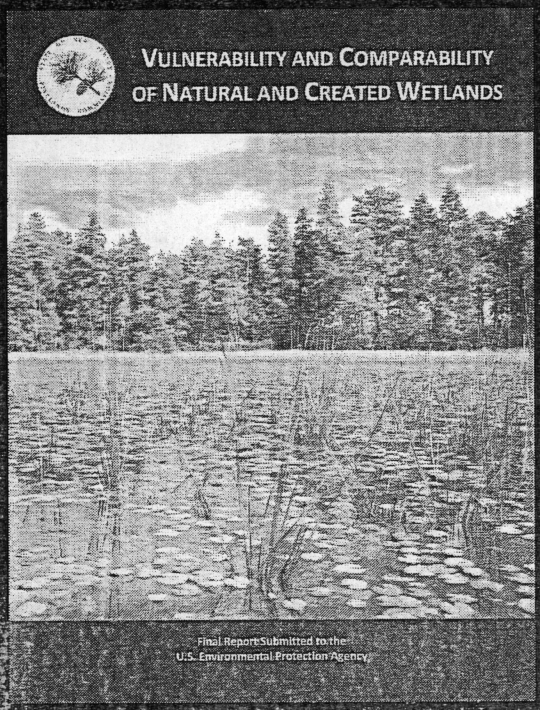
In 2018, Commission scientists continued to conduct Long-term Environmental Monitoring Program research.

Scientists continued to measure growing-season pH and specific conductance in 47 streams on a bimonthly basis, as they have done since 2006.



Commission scientists monitor 47 streams in the Pinelands, including the Batsto River at Hampton Furnace (shown above).
Photo/John Bunnell

# Science & Research Activities

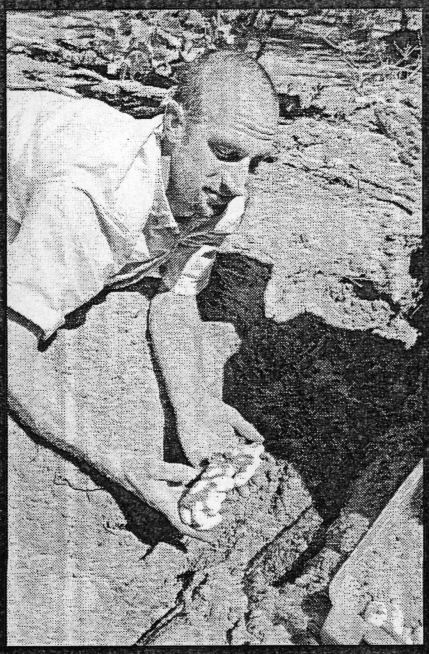



Commission scientists completed two related studies and prepared a single report, titled "Vulnerability and Comparability of Natural and Created Wetlands."

Scientists identified and mapped nearly 6,000 natural ponds, excavated ponds and stormwater basins throughout the Pinelands. They also assessed the vulnerability of these ponds, and evaluated damages caused by off-road vehicles.

The Commission can use the results of this research to identify and prioritize ponds that need enhanced protection and evaluate potential planning and regulatory measures to better protect these ponds.

# Science & Research Activities



Ryan Fitzgerald of Herpetological Associates holds two clutches of recently excavated corn snake eggs that were collected as part of the corn snake study. Photo/John Bunnell

**Joint Corn Snake Study:**

In 2017, the Pinelands Commission began to collaborate with Herpetological Associates, The College of New Jersey, and the NJDEP to conduct an intensive research project on the corn snake in the Pinelands.

Collaborators continued their work throughout 2018.

The goal of the research is to better understand the habitat requirements and life history of the corn snake in order to develop meaningful conservation management programs for the species and ensure its continued survival in the Pinelands.

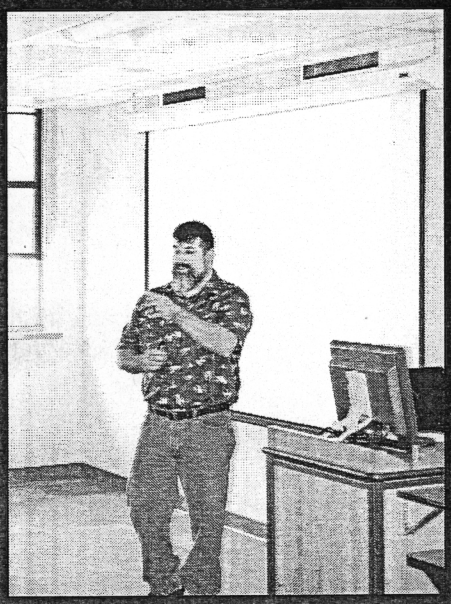
# Public Information, Education & Outreach

**Raising Awareness, Fostering Stewardship:**

In 2018, the Commission's staff organized and executed more than a dozen educational programs that raised awareness and appreciation of the Pinelands.

This included in-class presentations and special events such as the spring and summer Pinelands Short Courses.

Staff educated more than 2,300 people about the Pinelands and responded to over 600 public inquiries about recreation and other non-development application questions in 2018.



Joel Mott, a Principal Public Programs Specialist with the Commission, provided an overview of the Pinelands during the second annual Pinelands Summer Short Course in Hammonton.
Photo/Paul Leakan

# Public Information, Education & Outreach



Contractors installed the new Candace McKee Ashmun Pinelands Education Exhibit at the Commission's headquarters in 2018.