



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

[www.nj.gov/pinelands](http://www.nj.gov/pinelands)

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

### NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, June 12, 2015

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

**9:30 a.m.**

#### 1. Call to Order

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

#### 2. Adoption of Minutes

- May 8, 2015 (open and closed session)

#### 3. Committee Chairs' and Executive Director's Reports

#### 4. Matters for Commission Consideration Where the Record is Closed

##### A. Permitting Matters

- Office of Administrative Law
  - None
- Review of Local Approval
  - None
- Public Development Projects and Waivers of Strict Compliance
  - Approving With Conditions Applications for Public Development (Application Numbers 1985-0619.013 & 2015-0047.001)
  - Approving With Conditions an Application for Public Development (Application Number 1995-1659.003)

B. Planning Matters

- Municipal Ordinances
  - None
- Other Resolutions
  - None
- CMP Amendments
  - None

5. Public Comment on Agenda Items and Pending Public Development Applications (see attached list) *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*

6. Other Resolutions

- To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2016 at the Same Level of Expenditures as Fiscal Year 2015 until the Adoption of the Fiscal Year 2016 Budgets

7. Ordinances Not Requiring Commission Action

- None

8. Other Agenda Items

- *Presentation:* 2014 Annual Report on Pinelands Long-Term Economic Monitoring

9. General Public Comment *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*

10. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters *(The Commission reserves the right to reconvene into public session to take action on closed session items.)*

11. Adjournment

**Events of Interest**

June 17, 2015- Pinelands Research Series- Bat Ecology in the Pinelands - New Lisbon, NJ  
- 10:00 a.m.

**Upcoming Meetings**

Unless otherwise noted, all meetings/events are conducted at the  
offices of the Pinelands Commission in New Lisbon

Tue., June 16, 2015	Agriculture Committee Meeting (9:30 a.m.)
Fri., June 26, 2015	Policy & Implementation Committee Meeting (9:30 a.m.)
Tue., June 30, 2015	Personnel & Budget Committee Meeting (9:30 a.m.)
Fri., July 10, 2015	Pinelands Commission Regular Monthly Meeting (9:30 a.m.)

**Upcoming Office Closures**

Friday, July 3, 2015 Independence Day (observed)



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

### MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg   
Executive Director

Date: June 3, 2015

Subject: Summary of the June 12, 2015 Meeting Packet

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#### Minutes

The May 8, 2015 Commission meeting minutes (open and closed) are included in your packet.

#### Public Development Applications

Three public development applications are being recommended for approval with conditions.

1. **EVESHAM TOWNSHIP**, Regional Growth and Rural Development Area, installation of a synthetic turf athletic field and sidewalk.
2. **HAMILTON TOWNSHIP**, Forest Area, demolition of a single family dwelling, 50 years old or older.
3. **BUENA VISTA TOWNSHIP**, Forest Area, recreational improvements at Michael Debbi Park.

#### Waiver of Strict Compliance

There are no Waiver of Strict Compliance applications on this month's agenda.

#### Letter of Interpretation

There were five Pinelands Development Credit (PDC) Letters of Interpretation (attached) issued since the last Commission meeting, allocating 11.25 PDCs to 261.59 acres.

#### Off-Road Vehicle Event Route Map Approval

There were no Off-Road Vehicle Event Route Map Approvals issued since the last Commission meeting.

### **Superfund Groundwater Remediation Cleanup**

There are no Superfund Clean-ups on this month's agenda.

### **Ordinances Not Requiring Commission Action**

There were no ordinances reviewed by the Planning office this past month.

### **Other Resolutions**

The resolution to Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2016 at the Same Level as Fiscal Year 2015 until the Adoption of the Fiscal Year 2016 Budgets will allow for the routine purchases that are necessary for operational purposes.

### **2014 Long-Term Economic Monitoring Program Annual Report**

There will be a presentation on the 2014 Long-Term Economic Monitoring Report at the June 12<sup>th</sup> Commission meeting. This Annual Report continues to make improvements upon prior reports through the implementation of new data and thorough quality control measures. Additionally, the 2014 Annual Report revives the practice of including a supplemental variable into the Report. This year's supplemental variable is housing data.

In last year's Annual Report, new data from ESRI allowed for a greater ability to look at trends happening inside the Pinelands Area and not just in Pinelands municipalities. The 2014 Annual Report adds point data to two more variables: the number of home transactions and home sales selling price. This improvement in data, while time consuming to implement, increases the total number of variables that can be separated in and outside for split towns to six out of nineteen total variables. Additionally, this year's supplemental variable is provided at the census block level.

### **Other Items**

As we near the end of the fiscal year, the Business Service office requests that Commissioners complete the enclosed travel expense reimbursement form.

### **Closed Session**

The Commission may need to convene into closed session.

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Please note that future meetings and office closure dates, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.

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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 8, 2015**

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Richard Prickett, Ed Lloyd, Gary Quinn, D'Arcy Rohan Green (via telephone), Fran Witt 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 McGlinchey and Jane Jannarone.

Chairman Lohbauer called the meeting to order at 9:36 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 13 Commissioners present.)

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

## Minutes

Chairman Lohbauer presented the minutes from the April 10, 2015 Commission meeting (open and closed session). Commissioner Prickett moved the adoption of the minutes. Commissioner Barr seconded the motion.

The minutes of the April 10, 2015 Commission meeting were adopted by a vote of 11 to 0, with Commissioner Witt and Vice Chairman Avery abstaining.

## Other

Chairman Lohbauer welcomed the Commission's new DAG Sean Moriarty.

Chairman Lohbauer presented Commission staff employee Betsy Piner with a plaque for her 20 years of committed service at the Commission.

Chairman Lohbauer presented Michelle Russell, Human Resources Specialist, and Paul Leakan, Communications Officer with plaques for their 10 years of dedicated service at the Commission.

## Committee Chairs' Reports

### MOA *ad hoc* Committee

Commissioner Ashmun provided an update on the April 24, 2015 *ad hoc* Committee meeting:

The Committee suggested topics to be considered regarding Memoranda of Agreement including:

- What entities are appropriate applicants for an MOA?
- What agencies provide the basic needs of a community?
- What is a compelling public need?
- What are the geographic limits of a public purpose for which an MOA is considered?
- The Commission should adopt a process for entering into MOAs
- What constitutes an equivalent level of protection?
- The Commission needs to be involved early in the process
- The 10-day hearing notice is inadequate (too short)
- Should the Commission be concerned with the cost of an alternative to an MOA?

The Committee will next convene with staff and without the public in attendance after the May 29, 2015 Policy & Implementation Committee meeting.

Following that meeting, an outline of the issues will be prepared and another public meeting will be held.

The Committee received public comment and requested that comments be submitted in writing.

Personnel & Budget Committee

Vice Chair Avery provided an update on the April 28, 2015 Personnel & Budget Committee meeting:

The Committee adopted the minutes from the February 3, 2015 meeting.

Nancy Wittenberg and Jessica Lynch reviewed the January, February, and March Check Registers, electronic disbursements and application fees. There was a discussion concerning different types of generators for a potential purchase to keep the Commission functioning during emergencies. Michelle Russell provided an update on employee actions. There were also discussions on dental insurance for employees, paving of the parking lot, painting Fenwick Manor, and notifying everyone that the auditors have begun the annual audit. Lastly, Commissioner Prickett recognized Ms. Wittenberg for going above and beyond the call of duty and feels that she does not get recognized for her efforts.

Commissioner Avery said he would like the record to reflect that he agrees with Commissioner Prickett's comment about the Executive Director.

The Committee met in Closed Session.

Chairman Lohbauer agreed that the Executive Director does a great job and is not recognized enough for her hard work.

Agriculture Committee

Commissioner Galletta provided an update on the May 1, 2015 Agriculture Committee meeting:

The Committee agreed that its initial focus should be on the development of a pilot program dealing with special events and other activities that occur on farms.

The Committee is not likely to meet monthly, rather periodically, as issues arise. However the next meeting will be in June in order to accommodate the staff schedule to update the Senate Economic Development Committee on progress towards a pilot program.

The next meeting has been scheduled for Tuesday, June 16<sup>th</sup> at 9:30 a.m.

Commissioner Ashmun suggested that Committee members and Commissioners review the pilot program rules in the Comprehensive Management Plan (CMP).

Chairman Lohbauer noted that Commissioner Galletta was recognized by the Hammonton Lions Club as their Citizen of the Year at an event last night. He congratulated Commissioner Galletta.

### Policy & Implementation Committee

Chairman Lohbauer provided an update on the April 24, 2015 Policy & Implementation Committee meeting:

The Committee adopted the minutes from the March 27, 2015 meeting.

The Committee asked staff to begin developing language for a rule proposal designed to provide greater protection to the Black Run watershed. The rule proposal would expand the Forest Area in Evesham Township by some 4,000 acres and authorize a new Off-Site Clustering Pilot Program that would allow sewer residential development in a designated development area (Regional Growth Area) if lands in a designated conservation area (Forest Area) are protected.

The Committee discussed issues related to the Commission's hiring of consultants to perform threatened and endangered species surveys vs. having such consultants hired by the applicants.

### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- Staff met with NJDEP's site remediation staff to discuss the Licensed Site Remediation Professionals (LSRP) program. She said that Commission staff had been experiencing problems since the implementation of the LSRP program.
- Staff has been meeting with various interested parties to discuss the pilot program. The Agriculture Committee will be provided with an update on those meetings.
- Ms. Wittenberg said she attended last night's dinner honoring Commissioner Galletta. She said it was a beautiful event, highlighting the many activities Commissioner Galletta is involved in.

Mr. Larry Liggett updated the Commission on the following:

- For many years, staff has been researching enhancements to the Pinelands Development Credit program. Plans have been made to meet with interested parties, and the New Jersey Builders Association will be the first group staff will meet with.
- In this month's press clips there is an article about the Cape May County Municipal Utilities Authority (CMCMUA) regarding the possibility of constructing a sewer interceptor from the county landfill to the treatment facility. He said the Commission provided CMCMUA with \$20,000 toward a feasibility study. At this time, the parties are working on the finer details of the project, and the Commission is not involved.
- Staff met with the Pemberton Township Board of Education about an elementary and middle school that is located in a Rural Development Area near Fort Dix and has its own wastewater treatment plant. The on-site wastewater facility is not functioning properly, and the Board of Education is looking for a solution. The Policy & Implementation Committee may be discussing this soon.

Mr. Chuck Horner provided an update on the following:

- Staff met with representatives from the Burlington County Engineers Department to discuss the widening of Taunton Lakes Road. The road is a two-lane county road that provides primary access to Kings Grant in Evesham Township. Wetlands are prohibiting the positioning of the stormwater management facilities that need to be addressed as part of the widening project. Staff identified two options to the County.
- Staff recently issued an amended inconsistent certificate of filing for the soccer activities at Tuckahoe Turf to include both Winslow and Waterford Townships.
- A meeting has been scheduled with Stafford Township to discuss the status of the Township's compelling public need waiver. The waiver would allow for the development of a stormwater basin on the south side of Route 72 to address flooding issues in the pre-Pinelands residential development in Ocean Acres.
- Shamong Township has been discussing a proposal to place a cellular tower on Township property with both the Planning and Regulatory Programs staff.

Commissioner Ashmun requested that the public development resolutions state if an application has been submitted to cure a violation.

Mr. Horner said that going forward, resolutions will include language identifying if a specific application is being submitted to resolve a violation.

Ms. Stacey Roth reminded Commissioners that the Financial Disclosure Statements May 15 deadline is approaching.

#### Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending approval of two development applications, one for New Jersey State Forestry Services and the other for the Lenape Regional High School District.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1984-1062.004 & 1997-0045.009) (See Resolution # PC4-15-08). Commissioner Earlen seconded the motion.

Commissioner Prickett asked if the proposed addition would connect to Seneca High school's existing waste water treatment system.

Mr. Horner said yes.

The Commission adopted the resolution by a vote of 12 to 0, with Commissioner Witt abstaining.

Chairman Lohbauer said the next resolution on the agenda is for Buena Vista Township's tourist railroad.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2009-0089.001) (See Resolution # PC4-15-09). Commissioner Brown seconded the motion.

Mr. Horner displayed a map depicting the development area (see attached slide). The parcel where the development will take place is outlined in yellow. He said this project was done in violation and the majority of the development has already occurred. He said this application is intended to resolve the violation. He said a stormwater management basin has yet to be built and will be constructed in the southern portion of the parcel. He added that another much small stormwater basin would be constructed adjacent to Route 40 to resolve another violation concerning sidewalks along Route 40.

Mr. Horner said the majority of the project is located in a Pinelands Village. He said the center line of the railroad right-of-way is the management area boundary. Staff noticed that the location of the railroad siding which allows for the train to enter the track is located in a Pinelands Forest Management Area. This type of development is permitted in the Forest Area as an accessory use. An amended public development report dated April 8, 2015 was mailed to the applicant to include the Pinelands Forest Area in the application.

Mr. Horner said that an appeal request was received for this application.

Ms. Roth said that she reviewed the appeal request, along with the Attorney General's Office. She said the appeal was submitted by a property owner who lives adjacent to the railroad right-of-way. She said it was determined the property owner did not raise either a statutory right or property right sufficient to warrant a hearing and the appeal was denied.

Mr. Horner said that he spoke with a Buena Vista Township resident named Jaime Giordano. He said Ms. Giordano advised him that she submitted an appeal request. Mr. Horner said the Commission has no record of receiving that appeal. Ms. Giordano submitted another appeal request but it was not received in the appropriate time frame.

Commissioner Ashmun requested clarification that the applicant has met all the conditions of the report.

Mr. Horner said future reports dealing with violations will outline the conditions in a different manner.

Commissioner Avery said that the split between the Village and Forest Area seemed strange.

Ms. Susan Grogan said that many Pinelands management area boundaries are set by roads and divided by the center line of those roads. She said the boundary of the Pinelands Area includes the entire right-of-way, an example of this would be the Garden State Parkway. In response to Commissioner Avery's question, Ms. Grogan said the municipality (in this case, Buena Vista) could request Commission approval of a zoning change involving the boundary between the Pinelands Village and Forest Area.

Chairman Lohbauer requested that the Policy & Implementation Committee have a discussion in the near future about public agencies undertaking development in the Pinelands without filing an application with the Commission.

The Commission adopted the resolution by a vote of 12 to 0, with Commissioner Witt abstaining.

#### Resolutions Relating to Municipal Ordinances

There were no resolutions on this month's agenda

#### Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comment.

#### Other Resolutions

Commissioner Ashmun moved the resolution Expressing the Commission's appreciation to Robert Jackson for his service as a member of the Commission between June 2008 and March 2015 (See Resolution # PC4-15-10). Commissioner Lloyd seconded the motion.

Chairman Lohbauer read the resolution into the record.

Commissioner Prickett said that Commissioner Jackson was always open to conversation and he hopes Bob continues attending meetings.

Commissioner Galletta said that Mr. Jackson was always interested in everyone opinions, even those he did not agree with.

Chairman Lohbauer said that when Commissioner Jackson engaged in a debate all the issues were covered and in a thoughtful and thorough manner.

The Commission adopted the resolution by a vote of 13 to 0.

Mr. Jackson addressed his past colleagues. He said that although he is sitting in the audience now, he urged Commissioners not to take offense to his comments at meetings.

#### Ordinances Not Requiring Commission Action

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

- Little Egg Harbor Township Ordinances 2013-4 and 2014-16
- Medford Lakes Borough Ordinance 509
- South Toms River Borough Ordinance 2-15

- Stafford Township Planning Board Resolution 2015-11

No members of the Commission had questions.

#### Presentation

Chairman Lohbauer said this past week the Commission unveiled its new website.

Mr. Leakan said the last time the Commission's website was redesigned was 10 years ago. He said last May a survey was conducted to gain information on ways the public, Commissioners and staff would like to see the website improved. He thanked the Office of Information Technology and members of the Website Design Committee who assisted on this project.

He said the new site provides easier maneuverability and more organized information. He said one of the goals of the redesign was to make the site more interesting and showcase how special the Pinelands are. He said the new website displays pictures of each Commissioner, something the old site did not have. He said there is a place to house Commission presentations and an image and video page. He demonstrated the new functions and capabilities of the website, such as the application fee calculator and the various ways to contact the Commission.

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

Mark Demitroff of Buena Vista Township distributed two handouts. He said prior to becoming a scientist, he was a certified tree expert. He said the oldest tree in Buena Vista Township has died as a result of urbanization and people pressures. (See picture in handout). He spoke about a failing basin in town that he said is flooding resident Jaime Giordano's property. He said that he has reviewed historic railroad mapping. He said the Commission has redeveloped Richland Village, including his property. He said his basic rights as a property owner have been violated.

He said there is an upcoming hearing on sewer service zoning and a map he was given shows that his property is in a sewer service area. He asked who made the map.

Ms. Wittenberg said that the map Mr. Demitroff is talking about was created by NJDEP for presentation purposes only. She said she spoke with the Assistant Commissioner of Water Resources at NJDEP, Mr. Dan Kennedy, and said he assured her that the shape file map showing the actual sewer service area would be available at the hearing.

Mr. Demitroff requested that he speak at the Policy & Implementation Committee about the problems with Richland Village and the Commission staff.

Chairman Lohbauer said the matter was voted on today.

Marilyn Miller of Toms River said she was appalled at what she just heard. She said she liked the new website design. She encouraged everyone to go explore the Pinelands.

Marianne Clemente of Barnegat Township said she enjoyed the conversation at the last P&I Meeting about threatened and endangered species consultants. She said applicants should not be able to choose their own consultants. She suggested that the Commission draft a resolution requesting Great Adventure install solar panels over their parking lot rather than clear cutting a forest. She said the new website looks great.

Chairman Lohbauer said that Great Adventure is not in the Pinelands Area.

Margit Meissner Jackson, Sierra Club, Ocean County, commended the Commissioners for doing a great job at protecting the Pines. She said Great Adventure is in the Barnegat Bay estuary and everything they put in the water makes its way to the bay. She said she was involved in a sea level rise projection study done by Rutgers. She said someday everything east of Route 9 could be underwater. She said it is important to remain active in environmental concerns or we could lose the state.

Fran Brooks thanked staff for the work on the new website. She asked how many groups have staff met with thus far regarding the pilot program and which groups.

Ms. Wittenberg said staff has met with the Pinelands Preservation Association, New Jersey Conservation Foundation, the Farm Bureau and a couple of County Farmland Preservation offices. There are a couple of remaining organizations that staff plan to meet with.

Lena Smith, Food and Water Watch, said that New Jersey Natural Gas has filed an application to construct the Southern Reliability Link- a natural gas pipeline- and some portions of the route will go through the Pinelands. She said she wanted to remind Commissioners of the risks pipelines pose to the public and that they need to preserve and protect the Pinelands.

Robert Jackson said it was an honor to serve on the Commission. He asked if the Commission would be considering permeable asphalt if the paving project is approved.

Commissioner Avery said that the P&B Committee brought up the idea and it needs to be researched.

Mr. Jackson said it is evident that something needs to be done about public agencies failing to apply to the Commission. He said the Commission should think about imposing some sort of negative consequence to future violators. He closed by thanking the Chairman for displaying such patience and openness with the public.

Commissioner Ashmun asked about the status of wastewater planning.

Ms. Wittenberg said that NJDEP will hold a hearing at the Commission on Wednesday, May 13, 2015 on the sewer service mapping.

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Ms. Grogan said the hearing is at 10:00 am on the revised corrected sewer service area maps for the seven Pinelands counties. She said after the hearing NJDEP will have to go through the adoption process.

Closed Session Resolution

Ms. Roth read a resolution to retire into closed session to discuss collective bargaining.

Commissioner Avery moved to retire into closed session. Commissioner Prickett seconded the motion. The Commission agreed to retire into closed session by a vote of 13 to 0, beginning at 11:23 a.m.

Return to Open Session

Commissioner Avery made a motion to return to open session. Commissioner Lloyd seconded the motion. The meeting resumed at 11:46 a.m.

Other

Commissioner Ashmun moved the resolution To Authorize the Executive Director to Enter into Agreements with the Communications Workers of America, Local 1040 and to Revise the FY 2015 Operating Budget (See Resolution # PC4-15-11). Commissioner Avery seconded the motion.


The Commission adopted the resolution by a vote of 13 to 0.

Commissioner Prickett said he attended the most recent Pinelands Research Series that highlighted the two rattlesnake populations that have developed on either side of Route 206. He highly recommends attending future Pinelands Research Series presentations.

Adjournment

Commissioner Lloyd moved to adjourn the meeting. Commissioner Brown seconded the motion. The Commission agreed to adjourn at 11:50 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: May 15, 2015



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 00

**TITLE:** Approving With Conditions Applications for Public Development (Application Numbers 1984-1062.004 & 1997-0045.009)

Commissioner Galletta moves and Commissioner Earlen 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 applications for Public Development be approved with conditions:

**1984-1062.004**

**Applicant:** NJDEP NJ State Forestry Services  
**Municipality:** Washington Township  
**Management Area:** Pinelands Preservation Area District  
**Date of Report:** April 17, 2015  
**Proposed Development:** Road restoration activities, forestry and a forest fire fuel break ; and

**1997-0045.009**

**Applicant:** Lenape Regional High School District  
**Municipality:** Tabernacle Township  
**Management Area:** Pinelands Regional Growth Area  
Pinelands Rural Development Area  
**Date of Report:** April 16, 2015  
**Proposed Development:** Construction of a 485 square foot building addition at the main entrance to the existing Seneca High School.

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 1984-1062.004 & 1997-0045.009 for public development are 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  
Nancy Wittenberg  
Executive Director

Date: May 8, 2015  
Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08054  
(609) 894-7300  
www.nj.gov/pinelands



Chris Christie  
Governor

Mark S. Lohbauer  
Chairman

Kim Guadagno  
Lt. Governor

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

Nancy Wittenberg  
Executive Director

April 17, 2015

Lynn Fleming, State Forester  
NJDEP NJ State Forestry Services  
Mail Code 501-04  
P.O. Box 420  
Trenton, NJ 08625

Re: Application # 1984-1062.004  
Washington Turnpike Road  
Block 8, Lot 1  
Block 9, Lot 1  
Block 11, Lot 1  
Block 13, Lot 1  
Block 16.01, Lot 1  
Block 16.02, Lot 1  
Block 17, Lot 1  
Block 39.01, Lot 1  
Block 39.02, Lot 7.01  
Block 40.01, Lot 10  
Block 41, Lot 5.02  
Block 41.01, Lot 1  
Washington Township

Dear Ms. Fleming:

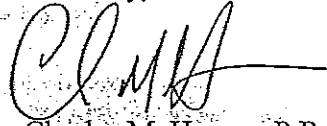
The Commission staff has completed its review of this application for road restoration activities, forestry and a forest fire fuel break on the above referenced parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 7, 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, Washington Township Planning Board (via email)
- Washington Township Construction Code Official (via email)
- Secretary, Burlington County Planning Board (via email)



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Chris Christie  
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Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

April 17, 2015

Lynn Fleming, State Forester  
NJDEP NJ State Forestry Services  
Mail Code 501-04  
P.O. Box 420  
Trenton, NJ 08625

Application No.: 1984-1062.004

Location: Washington Turnpike Road  
Block 8, Lot 1  
Block 9, Lot 1  
Block 11, Lot 1  
Block 13, Lot 1  
Block 16.01, Lot 1  
Block 16.02, Lot 1  
Block 17, Lot 1  
Block 39.01, Lot 1  
Block 39.02, Lot 7.01  
Block 40.01, Lot 10  
Block 41, Lot 5.02  
Block 41.01, Lot 1  
Washington Township

This application proposes road restoration activities, forestry and a forest fire fuel break on the above referenced 1,053 acre parcel in Washington Township.

Washington Turnpike Road is an existing 21 foot wide sand road. The applicant has provided information representing that the road was approximately 30 feet in width in 1974. This application proposes to restore the road to a width of 30 feet for a distance of approximately five miles between Bulltown Road and Hawkins Bridge Road. The road will be restored to its former width by removing an approximate 4.5 foot wide earthen (sand) bermed shoulder area located along both sides of the existing road. The applicant represents that the berms have formed due to poor road maintenance practices. Trees that have grown on the bermed shoulders will be removed. The bermed areas will be regraded back into the existing sand road. The regraded road surface will be approximately 30 feet wide.

The applicant represents that the existing berms are preventing stormwater runoff from reaching existing stormwater drainage ditches located on both sides of the road. The applicant further represents that the

concerned drainage ditches run the entire length of the road. The application proposes to remove all trees and stumps from the existing nine foot wide drainage ditches. The proposed road and drainage ditch restoration will result in the clearing of approximately 16 acres of forest.

The application also proposes forest thinning of approximately 745 acres of overstocked forested uplands on the south side of Washington Turnpike Road. The proposed forestry is intended to provide a strategic forest fire fuel break and to reduce risk from Southern Pine beetle. Diseased and less vigorous trees of all sizes will be removed, as well as trees six inches or less in diameter.

The application also proposes a forest fire fuel break along both sides of the approximately five mile road. The forest fire fuel break will be created by removing all trees within a 20 foot wide strip for approximately five miles on each side of Washington Turnpike Road between Bulltown Road and Hawkins Bridge Road. The stumps will not be removed from these 20 foot wide strips. The concerned 20 foot wide forest fire fuel breaks will be located immediately adjacent to the restored drainage ditches. The proposed fuel break will result in the clearing of approximately 25 acres of forest.

The proposed road restoration activities in combination with the proposed forest fire fuel break will result in an approximately five mile long 88 foot wide cleared cross section.

### STANDARDS

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

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

The proposed road restoration activities, forestry and a forest fire fuel break are located in the Pinelands Preservation Area District. The proposed development is a permitted land use in the Pinelands Preservation Area District.

#### Wetlands Standards (N.J.A.C. 7:50-6.13 & 6.9)

There are wetlands located within the project area. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands. The proposed road restoration will be located in wetlands and the required buffer to wetlands. The CMP allows road improvements (linear development) in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain conditions are met.

The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands or that will result in a less significant adverse impact to wetlands. 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 wetlands. The applicant has indicated that the proposed road restoration is necessary to permit the safe use of the road for access and control line during a wildfire emergency. The applicant has demonstrated that the need for the road restoration overrides the importance of protecting the wetlands.

Forestry, including tree removal, is also permitted in wetlands and the required buffer to wetlands.

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

The proposed development will be located within existing forested areas. The proposed road restoration activities and fuel break will result in the clearing of approximately 41 acres of forest. 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. This application does not propose any revegetation.

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

The project has been reviewed by the New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program. That review concluded that there would be no irreversible adverse impacts on any local populations of those threatened or endangered wildlife species known to be in the project area.

The NJDEP Office of Natural Lands Management determined that there would be no irreversible adverse impacts on any local populations of threatened or endangered plant species known to be in the project area.

**PUBLIC COMMENT**

This applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the proposed activities was completed on March 3, 2015. Newspaper notice was completed on March 2, 2015. The application was designated as complete on the Commission's website on March 26, 2015. The Commission's public comment period closed on April 10, 2015. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. The proposed forestry activities shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands New Jersey State Forestry Services," dated February 9, 2015.
2. The Commission's approval for the approximately 745 acres of proposed forestry shall expire on May 7, 2025.
3. Except as modified by the below conditions, the proposed road restoration activities and forest fire fuel break shall adhere to the typical cross section sketch titled "Washington Turnpike Activity - NJSFS," received by the Commission on March 2, 2015.
4. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
5. 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.

6. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
7. Prior to work occurring on any portion of the Washington Turnpike Road which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.

**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

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

[www.nj.gov/pinelands](http://www.nj.gov/pinelands)

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)



Mark S. Lohbauer  
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 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.



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Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

April 16, 2015

James Hager  
Lenape Regional High School District  
93 Willow Grove Road  
Shamong, NJ 08088

Re: Application # 1997-0045.009  
Block 401, Lot 12.01  
Tabernacle Township

Dear Mr. Hager:

The Commission staff has completed its review of this application for construction of a 485 square foot building addition at the main entrance to the existing Seneca High School. 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 7, 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, P.E.





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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

**PUBLIC DEVELOPMENT APPLICATION REPORT**

April 16, 2015

James Hager  
Lenape Regional High School District  
93 Willow Grove Road  
Shamong, NJ 08088

Application No.: 1997-0045.009

Location: Block 401, Lot 12.01  
Tabernacle Township

This application proposes the construction of a 485 square foot building addition at the main entrance to the existing Seneca High School located on the above referenced 49.7 acre lot in Tabernacle Township. The lot is located partially in a Pinelands Regional Growth Area (33.3 acres) and partially in a Pinelands Rural Development Area (16.4 acres). The proposed development is located entirely in the Pinelands Regional Growth Area portion of the lot.

**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(a))

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

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

Seneca High School is served by an onsite wastewater treatment system. School security staff will occupy a portion of the proposed 485 square foot building addition. The proposed development will meet the CMP groundwater quality (septic dilution) standard.

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

The proposed development will be located over existing impervious surfaces and 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. Due to the size and location of the proposed development, this application does not propose any 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 Commission's public comment period closed on April 10, 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 March 18, 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  
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General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)



Mark S. Lohbauer  
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 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.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 09

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 2009-0089.001)

Commissioner Avery moves and Commissioner Brown 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:

**2009-0089.001**

<b>Applicant:</b>	Buena Vista Township
<b>Municipality:</b>	Buena Vista Township
<b>Management Area:</b>	Pinelands Forest Area Pinelands Village
<b>Date of Report:</b>	April 8, 2015
<b>Proposed Development:</b>	Development of a tourist railroad.

WHEREAS, the Commission received a request for an appeal of the Executive Director's Public Development Report from a Third Party, which was denied, because such request failed to demonstrate a statutory right or a particularized property interest sufficient to trigger the right to such a hearing under the Administrative Procedures Act at N.J.S.A. 52:14B-3.3(a); 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 2009-0089.001 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		X	Witt			X
DiBello	X			McGlinchey			X	Lohbauer	X		

Adopted at a meeting of the Pinelands Commission  
Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Date: May 8, 2015  
Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



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Governor

Kim Guadagno  
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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

April 8, 2015

Chuck Chiarello, Mayor  
Buena Vista Township  
890 Harding Highway  
P.O. Box 605  
Buena, NJ 08310

Re: Application # 2009-0089.001  
Block 700, Lots 15 - 17  
Block 4527, Lots 2 - 5  
Buena Vista Township

Dear Mayor Chiarello:

The Commission staff has completed its review of your application for Development of a tourist railroad. Enclosed is a copy of a Public Development Application Report. On March 23, 2015 we mailed a cover letter and a Public Development Application Report for this application. Enclosed please find a corrected copy of the Report, dated April 8, 2015, addressing the Pinelands Management Areas of the proposed development. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 10, 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, Buena Vista Township Planning Board (via email)  
Buena Vista Township Construction Code Official (via email)



Atlantic County Department of Regional Planning and Development (via email)  
Atlantic County Division of Public Health (via email)  
David S. Scheidegg (via email)  
Mark Demitroff (via email)  
Fred Akers (via email)  
Stephen D. Martinelli (via email)  
Denise Garner



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Application Specific Information: AppInfo@njpinelands.state.nj.us

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

(Corrected Copy – Page 2, para. 2 & page 6, para. 2: Pinelands Management Area)

April 8, 2015

Chuck Chiarello, Mayor  
Buena Vista Township  
P.O. Box 605  
Buena, NJ 08310

Application No.: 2009-0089.001

Location: Block 700, Lots 15 - 17  
Block 4527, Lots 2 - 5  
Buena Vista Township

This application proposes the development of a tourist railroad station. The application includes 1,900 linear feet of railroad track, a railroad boarding platform, a guard shack, a ticket booth and a switch tower on the above referenced 13.82 acre parcel in Buena Vista Township. The application also proposes approximately one acre of stone parking areas/drive isles and a 156 linear foot long stone access driveway from U.S. Route 40 to the parcel. There are two existing commercial buildings and an existing single family dwelling located on the parcel.

Most of the proposed development on the parcel occurred between 2006 and 2009 without application to the Commission in violation of the application requirements of the Buena Vista Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). This application is intended to address and resolve the violation.

On September 27, 2004, the Commission staff issued a letter which determined that the installation of approximately 5,655 linear feet of sidewalk along the Route 40 right-of-way was consistent with the terms of the Memorandum of Agreement between the Pinelands Commission and Buena Vista Township (App. No. 2004-0319.001). That letter authorized the proposed sidewalk development to proceed. To maintain consistency with the stormwater management standards contained in the Township land use ordinance and the CMP, the Township proposed to install stormwater management swales adjacent to the proposed sidewalk. The concerned swales were either constructed and subsequently filled or were not constructed. In the absence of the approved stormwater swales, the sidewalks subject of App. No. 2004-0319.001 constitute a violation of the stormwater requirements of the Buena Vista Township land use ordinance and the CMP. The applicant previously submitted information to resolve an approximately 4,089 linear foot portion of the Route 40 sidewalk violation. The current application for the tourist railroad station proposes to retain and infiltrate stormwater runoff from the remaining approximately 1,566 linear foot portion of the Route 40 sidewalk violation.

## STANDARDS

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

### Land Use (N.J.A.C. 7:50-5.23(a)15 & 5.27(a))

Approximately 13.39 acres of the parcel is located in the Pinelands Village of Richland and approximately 0.43 acres is located in a Pinelands Forest Area. All proposed development, except for an approximately 350 linear foot portion of the proposed railroad track, is located in a Pinelands Village Management Area. An approximately 350 linear foot portion of the 1,900 linear feet of proposed railroad track is located in a Pinelands Forest Area. The proposed development is a permitted land use in a Pinelands Village Management Area and Pinelands Forest Management Area.

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

The proposed development will be located in maintained grass and wooded areas. In combination, the clearing that occurred on the parcel without application to the Commission and the clearing that is currently proposed for one of the stormwater basins will result in the clearing of approximately 9.4 acres of forest. 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. To stabilize the disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

### Water Quality Standard (N.J.A.C. 7:50-6.84)

The two existing commercial buildings and the existing single family dwelling are serviced by onsite septic systems. The application does not propose wastewater disposal facilities for the proposed development. The applicant has demonstrated that the existing and proposed development will be consistent with the groundwater quality (septic dilution) standard of the Buena Vista Township land use ordinance and 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 of the CMP. To meet the stormwater management standards, the application proposes to modify a small existing stormwater basin located on the parcel and construct an approximately two acre stormwater basin on the parcel.

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

A cultural resource survey was prepared for this application. No cultural resources eligible for Pinelands designation were found within the project area.

## 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 October 10, 2014. Newspaper public notice was completed on October 13, 2014. The application was designated as complete on the Commission's website on February 27, 2015. The Commission's public comment period closed on March 13, 2015. The Commission received comments from four members of the public regarding this application. These comments are summarized below. The Commission staff will provide copies of the public comment to any Commissioner or member of the public requesting same.

### Public Commenter One:

Between April 24, 2009 and March 13, 2015, Commenter One provided approximately 287 pages of written comments that included observations, pictures, questions, stormwater and soils analysis and various other information. Some of the public comment was related to the proposed tourist railroad station subject of the current application. Some of the public comment was general in nature, addressing topics in Buena Vista Township that are not directly related to the proposed tourist railroad station.

The nature and format of the information submitted by Commenter One makes specific responses to comment challenging. (Copies of the public comments are available upon request.)

Below, the staff has attempted to identify, categorize and respond to Commenter One's written comments that are directly related to the proposed tourist railroad station.

### Stormwater Comments from Commenter One:

Who is responsible for the approval of the stormwater management plan?

Concerns expressed regarding a proposed package sanitary sewer treatment plant/stormwater management basin apparently regarding the tourist railroad station parcel.

A picture depicting flooding in a grass field where the Township proposes to locate "siding basins."

Concerns regarding the soil boring identifying seasonal high water table that were submitted by the engineering firm representing the Township.

Comments regarding misnumbering of pages in an unspecified Table of Contents apparently for the tourist railroad station stormwater management calculations.

Concerns regarding stormwater management proposed for the tourist railroad station.

Detailed questions regarding the stormwater runoff curve number utilized by the Township Engineer for the proposed development.

Extensive comments regarding a soil analysis completed by the Commenter.

The Commenter provided observations and an analysis of the seasonal high water table in the area.

**Staff Response to Stormwater Comments from Commenter One:**

The proposed stormwater management plan was designed and signed and sealed by a New Jersey Licensed Professional Engineer. The Commission staff has reviewed the proposed stormwater management plan for consistency with the stormwater management standards of the CMP. These standards include, among others, a minimum distance of two feet between the bottom of the proposed stormwater basins and the seasonal high water table, the retention and infiltration of the design year storm and the permeability of the soils below the stormwater basins. The Commission staff's review is typically conducted based upon the information provided by the New Jersey Professional Engineer designing the plan. The Commission staff site inspected the parcel subject of this application. It is the Commission staff's opinion that the proposed stormwater management plan meets the stormwater management standards of the CMP.

The Commission staff's review should not be construed as guaranteeing that, once constructed, the proposed stormwater management plan will function as designed. The CMP does not address all aspects of stormwater design that are included in the municipal land use ordinance. The Commission staff does not perform stormwater facility construction inspection or stormwater facility maintenance inspections. Such inspections are the responsibility of the municipality. The New Jersey Professional Engineer designing the proposed stormwater management plan, in this instance the Township Engineer, is responsible for the design of the stormwater system.

With respect to two of the above comments, no package sanitary sewer treatment plant or onsite septic system are proposed on the parcel and no stormwater basins are proposed along the railroad siding.

**Wetland Public Comments from Commenter One:**

Concerns expressed about hydric (wetland) soils on the parcel.

**Staff Response to Wetlands Comments from Commenter One:**

The Commission staff has site inspected the parcel. It is the staff's finding that there are no wetlands, as defined by the CMP, located on or within 300 feet of the parcel proposed for development.

**Cultural Resource Public Comments from Commenter One:**

Concerns regarding cultural resources in Richland Village, in general, and additional comments questioning the adequacy of the cultural resource survey prepared for the application.

**Staff Response to Cultural Resource Comments from Commenter One:**

A cultural resource survey was prepared for this application. No cultural resources eligible for Pinelands designation were found within the project area. It is the staff's finding that the proposed development is consistent with the cultural resource protection standard of the CMP.

**Public Notice Comments from Commenter One:**

Questions regarding when the required newspaper public notice for the proposed development was completed.

Questions whether the public notices provided for the application referenced the correct block and lot numbers.

General concerns regarding the public notice completed for the proposed development.

Concerns that not all property owners within 200 feet of the proposed development received public notice of the proposed development.

**Staff Response to Public Notice Comments from Commenter One:**

The newspaper public notice and the required notice to all property owners within 200 feet of the parcel proposed for development were completed in accordance with the requirements of the CMP.

**General Public Comments Related to the Proposed Tourist Railroad Station from Commenter One:**

Concerns about the extent of the proposed development.

Concerns about the addition of lots to the application as the application progressed.

Concern regarding the shape and geographic location of Block 700, Lot 17.

Concerns regarding the disposal of "dump piles" apparently associated with the construction of the proposed railroad siding.

Concerns regarding when responses would be provided to the submitted comments.

Questions regarding the Pinelands Management Area of the proposed development.

Comments regarding development occurring on the tourist train station parcel without application to the Commission.

Concerns regarding the Township and others trespassing on the Commenter's land.

Information regarding the Township proposing a maintenance easement for the proposed railroad siding on the Commenter's lands.

Comments regarding the Commission's OPRA process and Commenter's inability to secure a site plan from the Commission.

Written request to be advised of all revisions to the submitted site plan for the tourist railroad station.

## Staff Response to General Public Comments Related to the Proposed Tourist Railroad Station from Commenter One:

The Commission staff has reviewed these general concerns regarding the proposed development. The proposed development meets the applicable standards of the CMP. The parcel is located partially in a Pinelands Village Management Area (13.39 acres) and partially a Pinelands Forest Management Area (0.43 acres). The allegation of trespass and discussion of a proposed maintenance easement on Commenter's lands are matters between two private parties. The staff has provided every document subject of OPRA that was requested by the Commenter. The Commission staff provided a copy of the site plan referenced in this Report to the Commenter. The Commenter was consistently advised that whenever the site plan was revised, a copy was available for review at the Commission office.

### Below, is a representative list of written comments submitted by Commenter One that were not directly related to the tourist railroad station application. These comments are provided for informational purposes only.

Comments were offered regarding the approval status of Sawmill Park (App. No. 2009-0180.001), a Township park located on a noncontiguous parcel in Buena Vista Township.

Numerous questions regarding why the site plan submitted for the proposed tourist railroad station did, or did not, depict certain information, which was or was not included on a different site plan prepared for a feasibility study to provide a community wastewater system for Richland Village.

Concerns regarding a stormwater management basin for the Richland Village Fire House located on a non-contiguous parcel from the tourist railroad station.

Reference to and comments regarding a "Proposed Redevelopment Plan for Richland Village West."

Concerns about removal of five NJDEP groundwater test wells by Conrail without NJDEP's consent.

Concerns about a natural gas line installed in Richland Village in anticipation of redevelopment.

Extensive comments regarding the reuse of railroad ties at multiple sites in Buena Vista Township.

Comments regarding "Redevelopment" and "Smart Growth."

Comments alleging that the Township has not applied for all sidewalks installed as a part of Application No. 2004-0319.001.

Concerns about flooding problems located "east" of the proposed tourist railroad station near the Richland Village Fire House

Photographs depicting ponding water in the vicinity of the Richland Village Firehouse.

Concerns about development occurring outside of the designated redevelopment area.

Comments regarding development being undertaken in Buena Vista Township without application to the Commission.

**Staff Response to General Comments Not Directly Related to the Tourist Railroad Station Application from Commenter One:**

The staff appreciates the commenter's concern with protection of the Pinelands. While some of the above comments may involve activities regulated by the Pinelands Commission, they are not directly related to the tourist railroad station application.

With respect to the concern expressed about the removal of five NJDEP groundwater test wells by Conrail without NJDEP's consent, by letter dated January 16, 2014, the Commission staff advised NJDEP of this allegation.

**Public Comment from Commenter Two:**

The Commenter expressed a concern that the Commission is costing the Township money by requiring the Township to resolve certain development violations in the Township.

**Staff Response to Commenter Two:**

The Commission staff understands the financial implications of requesting that development applications be completed for public development that has occurred in the Township without Commission approval. However, the regulations administered by the Commission staff require the Township to complete applications for development prior to undertaking the respective development projects.

**Public Comments from Commenter Three:**

The Commenter expressed concerns that the Township had undertaken numerous development projects in the Pinelands without application to the Commission and recommended that the current application be reviewed by the Commission's Policy and Implementation Committee

**Staff Response to Commenter Three:**

The staff agrees that a number of public development projects have been completed in the Township without application to, or approval by, the Commission. The staff has met with representatives of the Township in an effort to resolve existing violations and ensure that Commission approval is obtained prior to the Township initiating future land development projects. Aside from the tourist railroad station, there remains one outstanding Township development violation. That violation concerned certain improvements made to a Township park. The Township is nearing completion of its application to the Commission to address that violation.

The regulations contained in the CMP do not provide for Commission Committee review of individual development applications. Review and actions on public development applications is a function of the full Commission. This does not preclude the Commission's Policy and Implementation Committee from discussing the generic issue of public agencies undertaking development in the Pinelands Area without application to, and approval by, the Commission.

**Public Comments from Commenter Four:**

The commenter expressed a concern that the stormwater management plan for the proposed project be thoroughly reviewed.

**Staff Response to Commenter Four:**

The staff has thoroughly reviewed the proposed stormwater management plan. It is the staff's opinion that the proposed stormwater management plan meets the stormwater management standards of the CMP.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Schaeffer Nassar Scheidegg, all sheets dated November 24, 2010 and revised to January 19, 2015.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. 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.
5. Prior to any development, the applicant must provide documentation that the concerned 0.16 acres, proposed to be subject of a preservation easement to meet the CMP nonstructural stormwater management standard, has been filed with the Atlantic County Clerk's office.

**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

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto: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.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 10

**TITLE:** Expressing the Commission's appreciation to Robert Jackson for his service as a member of the Commission between June 2008 and March 2015

Commissioner Ashmun moves and Commissioner Lloyd seconds the motion that:

WHEREAS, Robert Jackson was first appointed by Governor Jon Corzine on June 12, 2008 and served on the Pinelands Commission with great distinction until March 2015; and

WHEREAS, during his tenure as a Commissioner, Mr. Jackson served on the Policy and Implementation Committee, the Public and Governmental Programs Committee, the Permanent Land Protection Committee and the Plan Review Committee; and

WHEREAS, during Mr. Jackson's tenure, the Commission strengthened the Pinelands protection program by adopting 11 amendments to the Pinelands Comprehensive Management Plan; and

WHEREAS, during Mr. Jackson's tenure on the Permanent Land Protection and Policy and Implementation committees, the Commission helped to permanently preserve more than 7,000 acres of land in the Pinelands Area through the allocation of \$9.6 million from the Pinelands Conservation Fund; and

WHEREAS, Commission members are unpaid volunteers and Mr. Jackson devoted hundreds of hours of his time and logged more than 23,000 miles driving to and from Commission and Committee meetings; and

WHEREAS, Mr. Jackson's passion for preserving the Pinelands was clearly evident during his deliberations as a Commissioner; and

WHEREAS, the members of the Commission want to recognize Mr. Jackson's significant contributions and express their appreciation for the service that he performed.

NOW, THEREFORE BE IT RESOLVED that the members of the Pinelands Commission, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 8<sup>th</sup> day of May, 2015, do hereby express our appreciation to our colleague and friend, Robert Jackson, for his commitment to the Pinelands and for his service as a member of the Commission between June 2008 and March 2015.

### 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

Date: May 8, 2015

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



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

NO. PC4-15- 11

**TITLE:** To Authorize the Executive Director to enter into Agreements with the Communications Workers of America, Local 1040 and to Revise the FY 2015 Operating Budget

Commissioner Ashmun moves and Commissioner Aversy seconds the motion that:

**WHEREAS**, the prior Collective Bargaining Agreement between the Pinelands Commission and its three employee bargaining units (non-supervisory unit, professional unit and supervisory units) expired on June 30, 2011; and

**WHEREAS**, the Commission's three bargaining units are represented by the Communications Workers of America (CWA), Local 1040; and

**WHEREAS**, negotiations for a new Collective Bargaining Agreement for the term from July 1, 2011 through June 30, 2015, commenced between the Pinelands Commission's Negotiating Team and the Employee Bargaining Unit Member Negotiating Team, which included employees from each of the Commission's three bargaining units and representatives of the CWA, Local 1040 (hereinafter referred to as the "CWA, Local 1040 Negotiating Team"); on November 11, 2011; and

**WHEREAS**, after numerous negotiating sessions, mediation sessions and fact finding, the Pinelands Commission's negotiating team has now negotiated new collective bargaining agreements between the Commission and each of the three certified negotiating units of the CWA, Local 1040; and

**WHEREAS**, the attached Tentative Agreement represents the complete and final understanding on all bargainable issues between the Commission and CWA for the period of July 1, 2011 through June 30, 2015; and

**WHEREAS**, the attached Tentative Agreement will apply to each of the three CWA bargaining units with the exception of Paragraph B of the Preamble and Recognition Section which will identify each unit individually; and

**WHEREAS**, the employees represented by CWA voted on or about April 14, 2015 to ratify the Tentative Agreement; and

**WHEREAS**, it is estimated that the retroactive cost to the FY 2014 and FY 2015 Commission budgets, as a result of the across the board salary increases contained within the Tentative Agreement, will total approximately \$34,238.60 and \$48,758.57, respectively; and

**WHEREAS**, this results in changes to the FY 2015 Operating Budget totaling approximately \$82,997.17; and

**WHEREAS**, the Personnel and Budget Committee has reviewed the attached Tentative Agreement and recommends Commission approval and implementation of the draft Agreement; and

**WHEREAS**, the Pinelands Commission had reviewed the attached Tentative Agreement and finds the terms acceptable; and

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

**NOW, THEREFORE BE IT RESOLVED** that

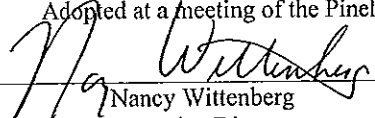
1. The Pinelands Commission hereby authorizes the Executive Director to enter into an Agreement, consistent with the attached Tentative Agreement, with each of the three certified negotiating units of the Communications Workers of America, Local 1040.
2. The Pinelands Commission hereby authorizes the Executive Director to implement the terms of the Tentative Agreement with regard to the Commission's employees who are members of the Commission's the three certified negotiating units of the Communications Workers of America, Local 1040.

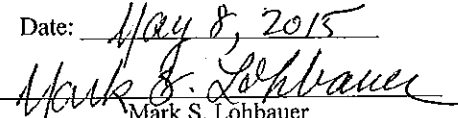
**Record of Commission Votes**

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

Date: May 8, 2015

  
 Nancy Wittenberg  
 Executive Director

  
 Mark S. Lohbauer  
 Chairman

**Tentative Agreement ("TA") Amongst the New Jersey Pinelands Commission, the Communications Workers of America, AFL-CIO, and Local 1040, Communication Workers of America, AFL-CIO, For Successor Collective Negotiations Agreements For the Non-Supervisory (RO-2007-053), Professional (RO-2007-063) and Supervisory (RO-2007-52) Collective Negotiations Units**

The parties in New Jersey Pinelands Commission, the Communications Workers of America, AFL-CIO (CWA) and Local 1040, Communication Workers of America, AFL-CIO agree as follows:

This Tentative Agreement covers the Non-Supervisory Unit (RO-2007-053); the Professional Unit (RO-2007-063); and the Supervisory Unit (RO-2007-52), however, when the final document is drafted, each unit will have their own collective bargaining agreement.

1. **Term of the Collective Bargaining Agreement:**

July 1, 2011 through June 30, 2015

2. **Salary:**

- a. There shall be no across the board salary increases for the first two years of this contract (July 1, 2011 through June 30, 2013).
- b. Effective July 1, 2013, all employees shall receive a 1.0% increase. This increase is retroactive to July 1, 2013.
- c. Effective July 1, 2014, all employees shall receive a 1.75% increase. This increase is retroactive to July 1, 2014.

3. **Merit Pay:**

- a. There will be no merit increases for the term of the contract.
- b. Merit pay remains a negotiable item as part of negotiations for the next contract term. Nothing in this agreement shall prevent the Union from raising the issue of merit increases based on performance evaluations in any future negotiation.
- c. Nothing in this agreement shall obligate the Commission to agree to merit increases in any future negotiation.

4. **Lump Sum Payments:**

- a. Effective September 1, 2014, all employees shall receive a \$500 lump sum payment that will not be applied to an employee's base salary. This lump sum payment will be disbursed following ratification by both parties.

- b. Effective June 30, 2015, each employee shall receive a \$500 lump sum payment that will not be applied to an employee's base salary.

5. **Paid Leave Bank Days:**

- a. All employees shall receive seven (7) Paid Leave Bank Days. These Paid Leave Bank Days must be used by January 1, 2016. Any Paid Leave Bank Days that remain unused after January 1, 2016, will expire.

6. **Sick Leave:**

- a. Effective July 1, 2014, all employees shall receive 2 additional sick days for a total of 12 paid sick leave days per year. This increase in the number of sick days is retroactive to July 1, 2014 from the date of ratification.

7. **Preamble and Recognition:**

- B. In the first sentence, after the word "Included;" delete the phrase "as follows" and replace with "in the following titles."

The parties agree to review the list of job titles in the Recognition clause and update to reflect current job titles.

8. **ARTICLE 3 – Grievance Procedure:**

- C. Add the following sentence to the end of the existing paragraph: "The term 'working days' as used herein means all days except Saturdays, Sundays, Holidays and full-day office closures as ordered by the Executive Director."

D. **Step One:**

First sentence: change "The Union shall institute written action..." to "The grievant or" the Union shall institute written action..."

First Sentence: Change "seven (7) working days" to "ten (10) working days".

G. **Step Three:**

- 1. First sentence: delete the phrase "exclusive of designated holidays, Saturdays and Sundays"

- 2. **Subparagraph "a":** Insert the following prior to the last sentence: "The parties may agree to make a verbatim record through a certified court reporter, with the attendance fee for the court reporter shared between the parties. Absent agreement, either party may request a verbatim record through a certified court reporter, with the attendance fee for the court reporter to be paid by the requesting party. In either case, each party will

bear the cost of any transcript it orders. In the event the arbitrator requests a transcript, the cost of the transcript, including the attendance fee, shall be shared equally between the parties.”

3. **Add new subparagraph “b” as follows:**

“The Commission, upon request, will make available to the Union, relevant documents in its possession necessary to the processing of grievances through arbitration. Management shall provide the requested documents within fourteen (14) business days from receipt of the request. In the event additional documents are thereafter discovered, their use shall not be precluded so long as the documents are disclosed not later than three (3) business days prior to the arbitration hearing,”

4. **Add new subparagraph “c” as follows:**

“The Union, upon request, will make available to the Commission, relevant documents in its possession necessary to the processing of grievances through arbitration. The Union shall provide the requested documents within fourteen (14) business days from receipt of the request. In the event additional documents are thereafter discovered, their use shall not be precluded so long as the documents are disclosed not later than three (3) business days prior to the arbitration hearing,”

9. **ARTICLE 5 – Overtime**

B. Add the following sentence to the end of paragraph B: “When an employee is required to work hours outside of the employee’s normal work day or work week the Commission will not avoid paying overtime by changing the employee’s hours of work within the work day or work week that such hours were worked.”

10. **ARTICLE 6 – Vacation Leave**

A. Second sentence: Change “20 or more hours per week” to “25 or more hours per week.”

Third sentence: Change “20” to “25” (i.e. “Seasonal employees and part time continuing employees who are scheduled to work less than ~~20~~ 25 hours per week are not eligible for paid vacation leave.”)

Change the Years of Service in the vacation schedule to the following:

<u>Years of Service</u>	<u>Number of Vacation days each year</u>
0 through 5 years	12 days a year (84 hours)
6 through 12 years	15 days a year (105 hours)
13 through 20 years	20 days per year (140 hours)

21 plus years

25 days per year (175 hours)

11. **ARTICLE 7 – Sick Leave**

A.3. Add “civil union partner, step mother, step father, step child” to the list of family members covered under this section.

C. Second sentence: Change “twenty (20) hours per week” to “twenty-five (25) hours per week.”

G. Modify the existing paragraph G, as follows;

“Employees reporting sick leave shall notify their supervisor as early as possible, but not later than one (1) hour prior to the start of the work day, or reasonable time in the case of emergency. The supervisor will notify employees of one specified phone number to call when an employee calls out. Subsequent to this notification under this paragraph, the employee reporting sick leave must notify the supervisor of:

1. Personal certification of the need for a sick day;
2. The telephone number where the employee may be contacted during sick leave; and
3. The expected duration of the sick leave, if known.

The Human Resources Specialist shall have the right to contact the employee to ascertain the nature of the illness and follow-up as necessary.”

J. First sentence: Change “four (4) consecutive days” to “four (4) consecutive work days...” and change the third sentence to read as follows:

“The certification must be presented to the Human Resources Specialist or the Executive Assistant to the Executive Director before the employee can report for duty.”

R. Add a new paragraph R as follows:

“An employee who has been absent on sick leave for periods totaling more than fifteen (15) days in any calendar year, consisting of multiple periods of less than five (5) days, shall have his/her sick leave record reviewed by the Executive Director or his/her designee. If sick leave abuse is substantiated (except those cases where the employee is entitled to FMLA leave), the employee shall be required to submit acceptable medical evidence for any additional sick leave in that year. In cases where an illness is of a chronic or recurring nature causing

recurring absences of one (1) day or less, only one (1) submission of such proof shall be necessary for a period of six (6) months.”

12. **ARTICLE 8 – Administrative Leave**

- A. Second sentence: Change “twenty (20) or more hours” to “twenty-five or more hours.”

13. **ARTICLE 9 – Bereavement Leave**

- B. Add to the list of family members “step father, step mother, step child, minor child under legal guardianship.”
- C. Add new section: “Employees will be permitted one (1) working day of bereavement leave in the event of death of the following family members: grandparent, grandchild, sister-in-law, brother-in-law, non-minor child under legal guardianship.”
- D. Re-title former paragraph “C” as paragraph “D”.

14. **ARTICLE 10 – Insurance**

- B. Delete subparagraph “a” which reads “effective upon ratification of this agreement, all employees who have health benefits shall pay 1.5% of their base salary for the medical plan.” Replace with the following language: “Employees shall contribute to their health insurance benefits in accordance with C.78, P.L. 2011.”

15. **ARTICLE 11 – Holidays**

- A. Delete “Lincoln’s Birthday” and “Washington’s Birthday” and replace with “President’s Day.”

Delete the sentence under the list of holidays which reads: “Should the New Jersey Legislature pass legislation changing Lincoln’s Birthday and Washington’s birthday to one presidential holiday, such provision shall be incorporated into this agreement.”

- D. Change “20” to “twenty-five (25)”
- E. Change “20” to “twenty-five (25)”

16. **ARTICLE 15 – Discrimination and Coercion**

- A. Change paragraph A to read as follows:

“The Commission and the Union agree that there shall be no discrimination against any employee because of age, race, creed, color, religion, marital status, sex, sexual orientation, national origin, political affiliation, nationality, familial status, or any protected ADA/NJLAD disability.”

17. **ARTICLE 16 - Provisional Status**

The following new provision will be added as Paragraph D:

Employees who are promoted or transferred to a new job title during the term of this Agreement shall serve a probationary period of six (6) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary period may be extended at the direction of the Program Director/Division Manager with the approval of the Executive Director for two extensions of forty-five (45) days each.

18. **ARTICLE 18 – Deductions From Salary**

B. Eliminate “the Commission’s Business Services Manager” and replace with “the Commission’s Human Resources Specialist”.

19. **ARTICLE 25 – Job Vacancies**

Add the following sentence: “All vacancies shall be emailed to all current Commission employees.”

20. **ARTICLE 28 – Hours of Work**

Add new paragraphs B and C as follows:

“B. When an employee is unable to get to his/her assigned work location because of weather conditions, his/her absence may be compensated if he/she has sufficient compensatory time balance or, if none is available, a charge may be made against vacation balance or administrative leave balance, if requested by the employee. Such excused absence will alternatively be without pay. Unless the Executive director or his/her designee determines otherwise, the Commission’s offices will be closed for inclement weather (or on a delayed opening) only if, and to the extent that, the State’s offices are closed for inclement weather (or on a delayed opening).”

“C. Absence without notice and approval for five (5) or more consecutive work days or failure to return from any leave of absence for five (5) or more consecutive work days may be recorded as a termination of employment absent any extenuating circumstances.”

21. **ARTICLE 29 - Layoff and Recall Provisions:**

There are no changes to the Layoff and Recall provisions from the prior contract. Those provisions will appear in the new contract in their current form.

22. **ARTICLE 30 – Access to Personnel Files**

Second sentence: Change the second sentence to read” “employees shall be notified and given the opportunity to initial derogatory or negative file entries.”

Last sentence: Change the last sentence to read: “The employee will have ten (10) calendar working days from the date of notification to file a response to any document placed in the file.

23. **ARTICLE 31 – Performance Evaluations**

B. Add the following sentence to the end of existing paragraph B, now paragraph C: “the required signature of the employee on the annual evaluation form, or on any other related form, shall be acknowledgement of receipt but shall not be construed to mean agreement with the content of such form, unless such agreement is stated thereon by the employee.”

A new paragraph B shall be added as follows:

“B. There will be three categories of ratings for performance evaluations, as follows:

Exceeds Expectations, which will equate to a numeric value of three (3)

Satisfactory, which will equate to a numeric value of two (2)

Unsatisfactory, which will equate to a numeric value of one (1)”

Remaining paragraphs in this Article B, C & D, shall be redesignated at C, D & E, respectively.

24. **New Article – Out of Title Work**

A. The Commission and the Union agree that employees should not be assigned work that is inappropriate to or not within their job title.

B. Instances of out-of-title work identified by the Union and formally brought to the attention of the Commission shall be corrected by phasing out such assignment(s) at the earliest time possible. Any dispute concerning out-of-title work or the phasing out period shall be resolved through the grievance procedure.

C. Nothing in this article is meant to prohibit employees from electing, at their own option, to perform out-of-title work for no additional compensation and no guarantee of promotion.

- 25. All terms and conditions are subject to ratification and approval by the Pinelands Commission and the members of the Non-Supervisory Unit (RO-2007-053); the Professional Unit (RO-2007-063); and the Supervisory Unit (RO-2007-52), of the CWA.
- 26. This Tentative Agreement represents the parties' complete agreement. All of the provisions of the parties' 2008-2011 collective bargaining agreements not expressly addressed by this Tentative Agreement shall remain in full force and effect and shall be incorporated in the new agreement.
- 27. All parties agree to recommend these terms to their respective constituents for approval and ratification.

NJ Pinelands Commission

Dated: \_\_\_\_\_, 2015

CWA, AFL-CIO

*Paul L. Barnett*

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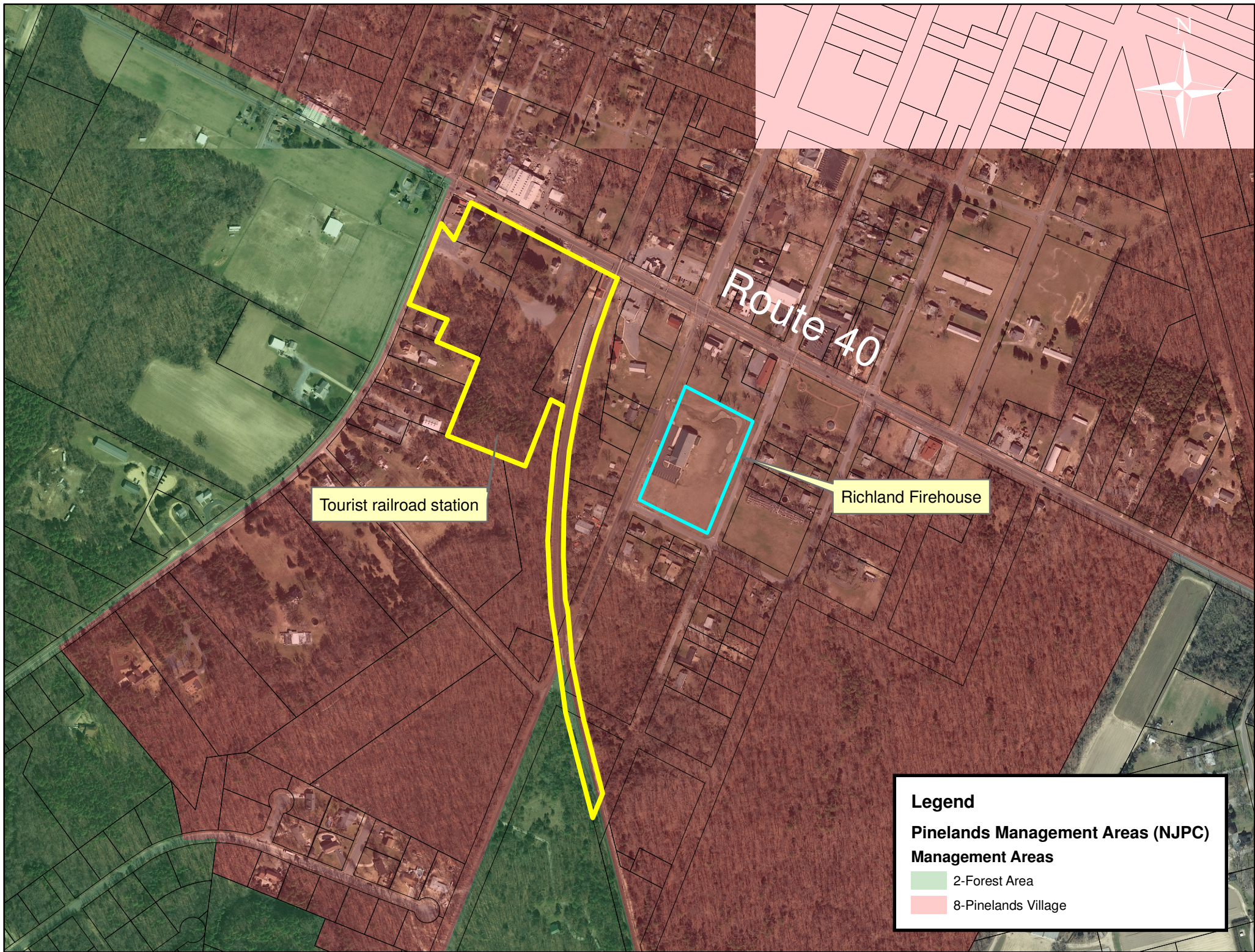
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Dated: 7 27, 2015

Local 1040, CWA, AFL-CIO

*Joseph P. Ward, Pres*  
*Joseph P. Ward, Staff Rep*  
*Paul W. Foy*  
*John W. ...*  
*Quon Lago*

Dated: 4 27, 2015



R

Plant People Pressures

May 7, 2015



Saw Mill Park Oak  
*Quercus alba*

September 23, 2014

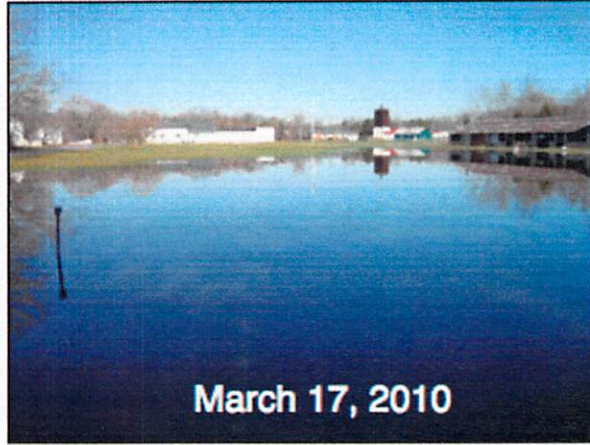


Saw Mill Park Oak  
*Quercus alba*

M. Demitroff,  
NJ Certified Tree  
Expert #285



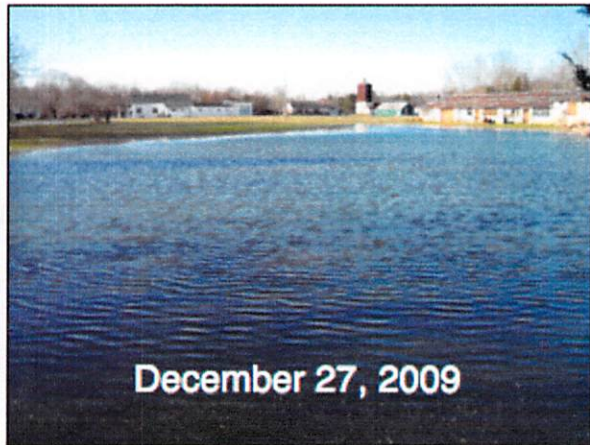
March 31, 2014



March 17, 2010



June 18, 2013



December 27, 2009



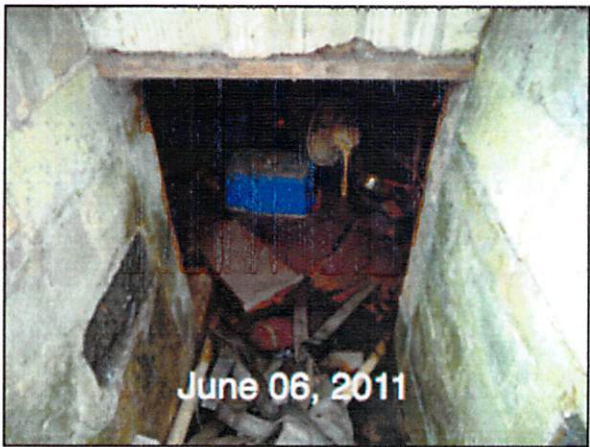
December 27, 2012



August 28, 2011



August 13, 2014



June 06, 2011

MARK DEMITROFF  
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

**RE: APP #2004-0319.001 &  
APP #2009-0089.001**

NJ Pinelands Commission  
PO Box 359  
15 Springfield Road  
New Lisbon, NJ 08064

March 13, 2015.

Mr. Lohbauer,π

Buena Vista Township (BVT) asks the Pinelands Commission (PC) for permits to undertake two new Richland redevelopment projects – APP #2004-0319.001 (APP #2004) & APP #2009-0089.001 (APP #2009). Please delay any sort of approval until our flooding problem is remedied in the adjacent Richland Village East section that currently floods with regularity because of APP #2004 design deficiencies. As proposed this application does absolutely nothing to address stormwater problems east of the railroad.

Inexplicably, the Pinelands staff divided APP #2004 into two parts during 2014, approving over two-thirds of the Richland Village sidewalk's total footprint. That partial approval was specifically for the section of Richland where Ms. Giordano lives, the resident who struggles with recurrent house and property flooding due to the debouchment of APP #2004's so-called "Richland community" basin. I argue that there is no legal standing for your staff to have given partial approval of APP #2004 in the first place. That approved portion of the plan is problematic. For example I assure you that water does not go uphill, a phenomenon which is actually shown on APP #2004's partially approved plan.

Be aware that as I write today no stormwater maintenance plan exists for over two-thirds of APP #2004, even though the Pinelands staff recently indicated that this non-existent stormwater plan met Pinelands standards since BVT's engineer was somehow following it. Hundreds of feet of overland stormwater flow channels currently cross private property without any BVT easements or right-of-way, including Giordano's property. Please use BVT's application as leverage to solve once-and-for-all flooding problems inherited from Buena Vista Township' blatant disregard of Pinelands Commission rules in its rush for redevelopment and sewers.

Sincerely,  
Mark Demitroff

MAY - 4 2015

*Jm*

Dear Pinelands Staff,

We are writing in response to your March 23, 2015 Public Development Application Report for App #2004-0319.001 & App #2009-0089.001, and are requesting a hearing at the Office of Administrative Law. Specifically, the storm water run-off from App #2004-0319.001 how it currently floods our property, floods our basement/cellar, our septic refills with ground water within 24 hours after the countless times we have gotten it pumped out, and a number of other issues we have and are dealing with because of this flooding. The current storm water management plan for App #2009-0089.001 shows storm water drainage ways entering our property from both its eastern and western borders. There is no legal right (no easement) for Buena Vista Township with us to convey App #2009-0089.001 sidewalk storm water onto and across my property. Even worse, the current plans from App #2009-0089.001 going right through my house.

Approval-the action of officially agreeing to something accepting something as satisfactory. App #2004-0319.001 cannot be approved twice, especially when it was and still is unsatisfactory.

I am an interested person in this matter and due access to the Office of Administrative Law.

Sincerely,

Chris & Jaime Giordano

*Our  
copy*

April 8<sup>th</sup> 2015

*JM*

Dear Pinelands Staff,

This affidavit is sent to attest that I have sent a copy of my appeal to Buena Vista Township by certified mail in regard to public development application #2004-0319.001. I believe I am able to ask for this opportunity because of an October 2014 newspaper public notice that provided me a right to appeal the application. That public notice state, "any interested party who is aggrieved by said determination is entitled to a hearing by determination." While Pinelands rules would of allowed the Township to circumvent an appeal option in sidewalk construction, the Township Engineer kindly provided the appeal option in the Township's public notice, and I accordingly choose to pursue to that given right.

Application #2004-0319.001 should have gone to the planning board but never did. The sidewalk application predates redeveloped. At least I would have had a way to know about the sidewalk construction and let the Township know that I did not want the storm water runoff from the sidewalks or Saw Mill Park to flood my land.

1. A copy of the certified mail receipt of service to the Atlantic County Clerk is included as instructed.
2. A copy of the certified mail receipt of service to the BVT's environmental commission and planning board is included as instructed.

I, Chris Giordano Sr. swear to the statements 1 & 2 above.

*Chris Giordano Sr.*

I, Jaime Giordano swear to the statements 1 & 2 above.

*Jaime Giordano*

*Sworn and subscribed  
Before me on April 8, 2015*

LORI ANN FAISST  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 5/22/2016

MAY - 6 2015

*ym*

7014 2870 0000 6442 8007

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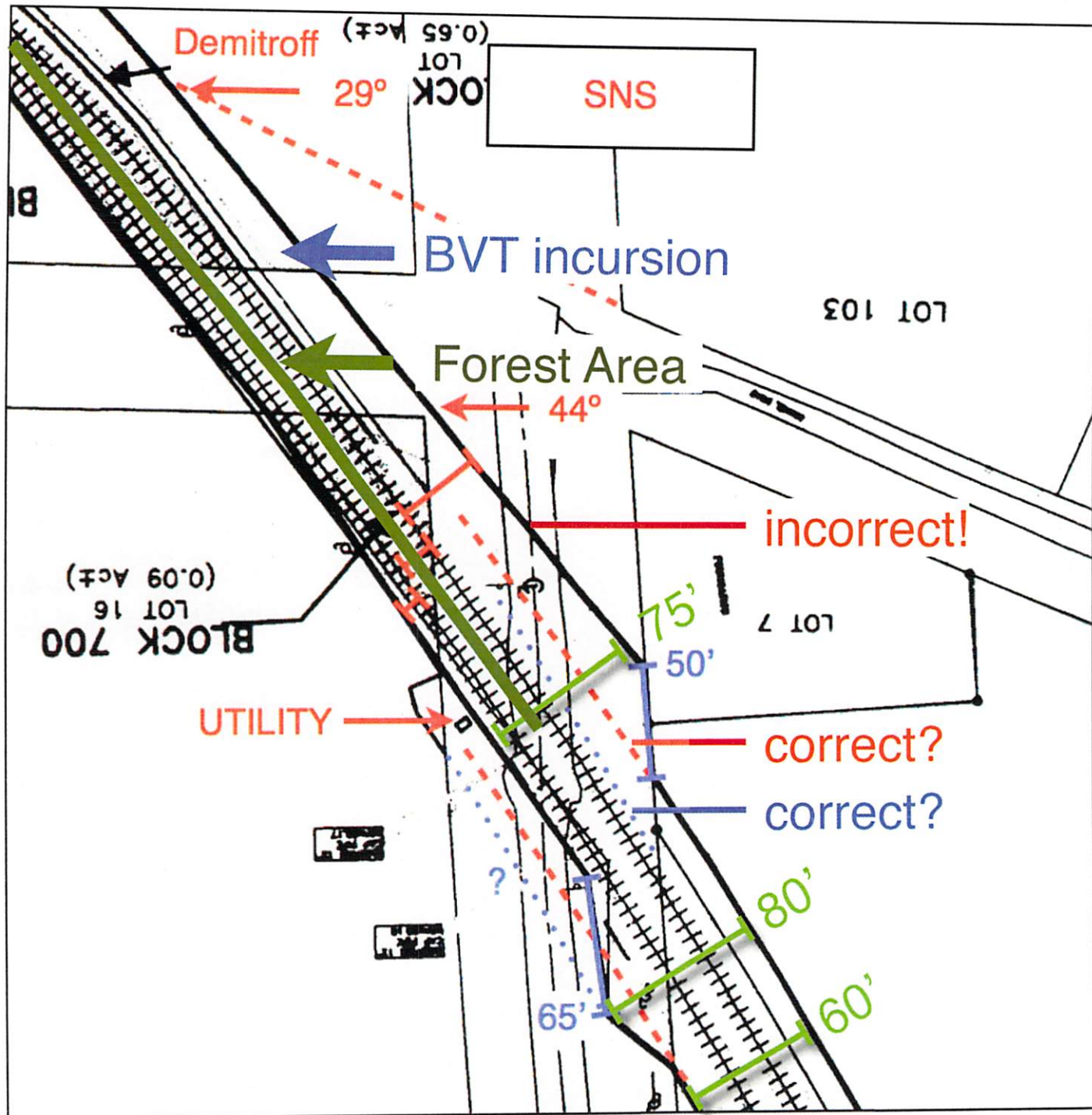
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 City, State, ZIP+4  
 Buena NJ 08310

PS Form 3800, July 2014 See Reverse for Instructions



**Subject:** Fwd: Attn Ms Roth, Mr Horner – credible evidence that there are major flaws in the ROW as depicted in BVT's submission of 2009-0089.001

**From:** Mark Demitroff <mark@buckhorn-gsi.com>

**Date:** 5/7/15 1:54 PM

**To:** Nancy Wittenberg <Nancy.Wittenberg@njpines.state.nj.us>

**CC:** AppInfo <appinfo@njpines.state.nj.us>

Ms. Wittenberg,

I forward this to you as Ms. Roth has not acknowledged receipt of my messages. This is an important issue, and may have high legal implications. Basically the way the application survey is shown, BVT is legislating land use on my property, redevelopment in Forest area no less where it is not allowed under Pinelands agreement with BVT or under State Redevelopment statute. Forcing an illegal land use onto my property as depicted undermines basic rights that go all the way back to King John and the Magna Carta. To say that I have no standing here would mean that no one has standing.

It is not credible that you, a graduate of Duke University with an engineering Masters and a published author in an engineering journal, can't see the folly in BVT's application survey where match points are off by as much as 65-feet. That flawed survey is knowingly being used to unjustly deny me standing and thus deprives me access the Office of Administrative Law for redress. It conceals the fact that my land use is being changed without my consent by the government. This is not a hypothetical, as the damage has already been done.

Kind regards,  
Mark Demitroff

----- Forwarded Message -----

**Subject:**Attn Ms Roth, Mr Horner – credible evidence that there are major flaws in the ROW as depicted in BVT's submission of 2009-0089.001

**Date:**Mon, 04 May 2015 12:12:03 -0400

**From:**Mark Demitroff <[mark@buckhorn-gsi.com](mailto:mark@buckhorn-gsi.com)>

**To:**AppInfo <[appinfo@njpines.state.nj.us](mailto:appinfo@njpines.state.nj.us)>

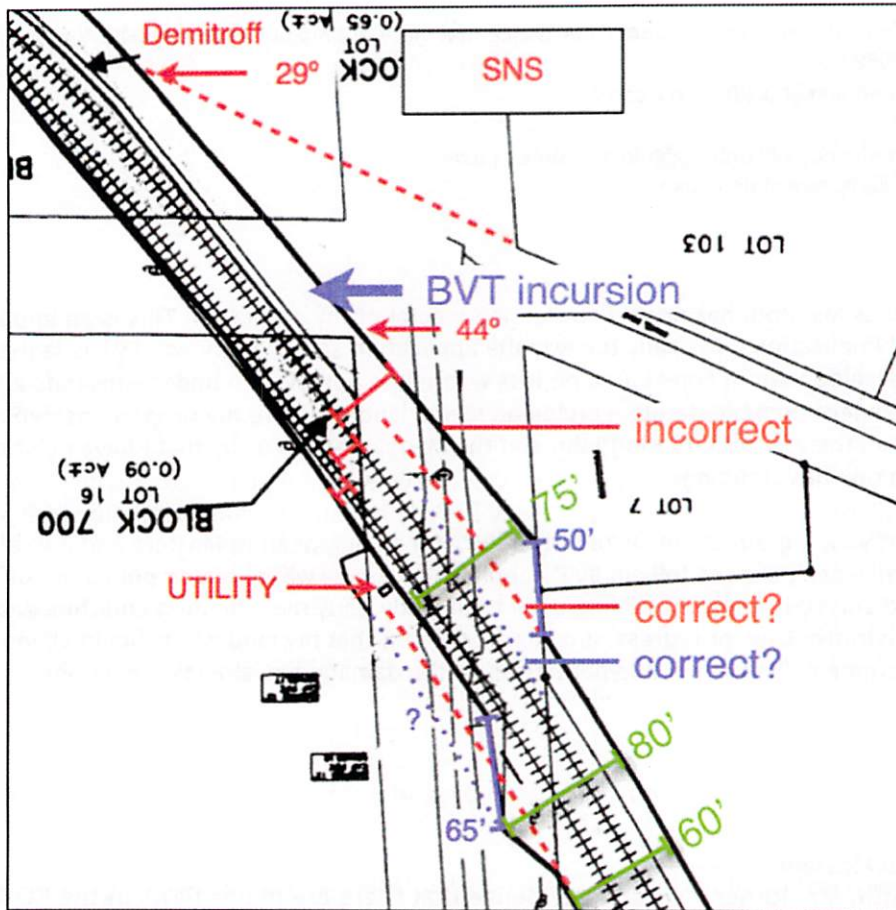
Ms. Roth,

Please acknowledge receipt of this email, and that of April 30 & May 02.

I again forward credible evidence that there are major flaws in the ROW as depicted in BVT's submission.

Let me know if you disagree with any of the following points 1-3.

1. There cannot be ~50' and ~65' offset match-points where the ROW boundary lines meet on the west side of Main Avenue, as currently shown on the SNS submission.
2. The ROW boundary lines on the east side of Main Avenue are curved as per the 1895 survey, not straight as currently shown on the SNS submission.
3. The ROW boundary line width varies between 60' and 80' as currently shown on the SNS submission.



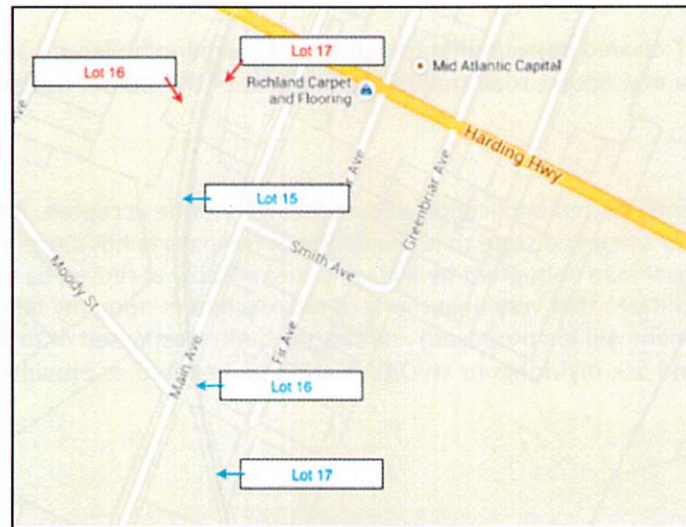
I argue that the BVT-incursion boundary (blue arrow above) is wrong, noted **incorrect** above. The true project boundary is likely either depicted above as the red dashed line (**correct**) or the dotted purple line (**correct**).

Please answer questions A-B.

A. Do you still contend that the submitted application "correctly depicts" all of "the width of Block 700, Lot 17" as used in part to deny me access to the OAL?

B. Which Block 700, Lot 17 are you referring to in your determination?

Confusion remains as to which lots are the real Block 700, Lots 16 & 17, as duplicate labels exist for separate, discrete parcels of land - an obvious error.



The only impacts raised by you that pertain directly to your property and are related to the development proposed in the subject application, have to do with the alleged clearing of 3,000 square feet of your property by the applicant in 2007, without your permission; the strewing of creosote railroad ties, although there is no indication this occurred on your property; the dumping of 60 feet of old asphalt some 60 feet back onto your property; alleged inaccuracies concerning the width of Block 700, Lot 17<sup>4</sup> (the railroad right-of-way) on Sheet 1 of the site plans for the proposed development allegedly evidencing that the development will encroach on your property; and your request for remediation of

<sup>3</sup> Although your property is located adjacent to a portion of the proposed railroad tracks, your lot is more than ¼ mile from the vast majority of the development delineated in Application 2009-0089.001 and 2004-0319.001. Specifically, the proposed stormwater basin is approximately 1/5 of a mile from your lot, the proposed switch tower is almost ¼ mile and all other development (with the exception of the railroad tracks, are more than ¼ mile for your lot.

<sup>4</sup> The site plans submitted by the applicant as part of its application, correctly depicts the width of Block 700, Lot 17as 60 feet.

your property for these action. These impacts, however, although they may have occurred as a result of the construction of a portion of the 1,900 linear feet of railroad track, are not included in the proposed development application and would not be authorized by an approval of same by the Commission. Actions taken by another without your permission or consent that result in damage to your property, although potentially creating a cause of action against the trespasser, does not give rise to a right to a hearing.

Above you indicate that the construction of 1900 feet of railroad track are not included in this application. Your April 8 report indicates otherwise"

Land Use (N.J.A.C. 7:50-5.23(a)15 & 5.27(a))

Approximately 13.39 acres of the parcel is located in the Pinelands Village of Richland and approximately 0.43 acres is located in a Pinelands Forest Area. All proposed development, except for an approximately 350 linear foot portion of the proposed railroad track, is located in a Pinelands Village Management Area. An approximately 350 linear foot portion of the 1,900 linear feet of proposed railroad track is located in a Pinelands Forest Area. The proposed development is a permitted land use in a Pinelands Village Management Area and Pinelands Forest Management Area.

To build that siding track BVT cleared surrounding forest, dozed surrounding land, added railroad ballast, put in a rail switch, and developed a new access road running to the west of the siding. Development strayed onto my land.

Denial of OAL access on patently flawed application documents will not be accepted. Additionally, you are on extremely shaky legal grounds when you state that development trespass is not a grounds for injury, especially when the development proposal map submitted by BVT, and inexplicably accepted by the capable Pinelands staff review due diligence facilitates that very unauthorized encroachment upon my land. This is not a hypothetical. Siding development will (as proposed) and has (as built) trespassed onto my property. In plan and in reality I am duly harmed and ask my rights to an OAL hearing be honored as provided by law.

Sincerely,  
Mark Demitroff



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-\_\_\_\_\_

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1985-0619.013 & 2015-0047.001)

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ 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 applications for Public Development be approved with conditions:

**1985-0619.013**

**Applicant:** **Evesham Township**  
 Municipality: Evesham Township  
 Management Area: Pinelands Regional Growth Area  
 Pinelands Rural Development Area  
 Date of Report: May 22, 2015  
 Proposed Development: Installation of a synthetic turf athletic field and sidewalk; and

**2015-0047.001**

**Applicant:** **Hamilton Township**  
 Municipality: Hamilton Township  
 Management Area: Pinelands Forest Area  
 Date of Report: May 22, 2015  
 Proposed Development: Demolition of a single family dwelling, 50 years old or older.

**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 1985-0619.013 & 2015-0047.001 for public development are 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				Earlen				Prickett			
Avery				Galletta				Quinn			
Barr				Jannarone				Rohan Green			
Brown				Lloyd				Witt			
DiBello				McGlinchey				Lohbauer			

Adopted at a meeting of the Pinelands Commission Date: \_\_\_\_\_

\_\_\_\_\_  
 Nancy Wittenberg  
 Executive Director

\_\_\_\_\_  
 Mark S. Lohbauer  
 Chairman



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

May 22, 2015

Nancy Jamanow, P.E., C.M.E., P.P., Director of Community Development  
Evesham Township  
984 Tuckerton Road  
Marlton, NJ 08053

Re: Application # 1985-0619.013  
Evesham Township Memorial Park Complex  
Block 44, Lot 6  
Evesham Township

Dear Ms. Jamanow:

The Commission staff has completed its review of this application installation of a synthetic turf athletic field and sidewalk. 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 June 12, 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, Evesham Township Planning Board (via email)  
Evesham Township Construction Code Official (via email)  
Evesham Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Trevor Taylor, CME





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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

May 22, 2015

Nancy Jamanow, P.E., C.M.E., P.P., Director of Community Development  
Evesham Township  
984 Tuckerton Road  
Marlton, NJ 08053

Application No.: 1985-0619.013

Location: Evesham Township Memorial Park Complex  
Block 44, Lot 6  
Evesham Township

This application proposes installation of a synthetic turf athletic field and sidewalk at the Evesham Township Memorial Park Complex located on the above referenced 65.27 acre parcel in Evesham Township.

This application proposes an 81,600 square foot synthetic turf athletic field in the location of an existing grassed athletic field. This application also proposes the installation of 1,338 linear feet of sidewalk ranging between six and twenty 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. 7:50-5.28(a)1)**

The parcel is located partially in a Pinelands Regional Growth Area (40.57 acres) and partially in a Pinelands Rural Development Area (24.7 acres). The proposed development will be located on the portion of the parcel located in a Regional Growth Area. Intensive recreational facilities are a permitted land use in a Pinelands Regional Growth Area.

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

There are wetlands located on the above referenced parcel. All proposed development will maintain a 175 foot buffer to wetlands.

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

The proposed development will be located within an existing grassed 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. To stabilize the disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct a stormwater management basin.

There are multiple existing stormwater management basins on the parcel. These basins were constructed so that prior recreational development on the parcel, approved by the Commission, would meet the stormwater management standards of the Township land use ordinance and the CMP. One of the existing basins located immediately south of existing tennis courts on the parcel is not functioning properly. To address this issue, the applicant proposes to drain the concerned basin and conduct a soil investigation. The applicant has indicated that the soil investigation and a remediation plan will be completed and submitted to the Commission staff by June 30, 2015. Upon Commission staff approval, the remediation plan will be implemented no later than by December 31, 2015.

**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 February 27, 2015. Newspaper public notice was completed on March 2, 2015. The application was designated as complete on the Commission's website on April 27, 2015. The Commission's public comment period closed on May 8, 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 10 sheets, prepared by CME Associates and dated as follows:  
  
Sheets 1-10 - February 27, 2015; last revised April 10, 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.

5. Any discharge from dewatering of the existing stormwater basin that will be subject of the remediation plan shall not occur in wetlands or the required 175 foot buffer to wetlands.
6. The applicant shall submit a report to the Commission staff detailing the results of the soil investigation and a proposed remediation plan for the existing stormwater basin by June 30, 2015. Upon Commission staff approval, the applicant shall implement the remediation plan no later than by December 31, 2015.

### **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

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[www.nj.gov/pinelands](http://www.nj.gov/pinelands)

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Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)



Mark S. Lohbauer  
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 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.



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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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

May 22, 2015

Philip C. Sartorio, Director of Community Development  
Hamilton Township  
6101 Thirteenth Street  
Mays Landing, NJ 08330

Re: Application # 2015-0047.001  
Block 611, Lot 17  
Hamilton Township

Dear Mr. Sartorio:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older, on the above referenced parcel. 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 June 12, 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, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)





Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

May 22, 2015

Philip C. Sartorio, Director of Community Development  
Hamilton Township  
6101 Thirteenth Street  
Mays Landing, NJ 08330

Application No.: 2015-0047.001

Location: Block 611, Lot 17  
Hamilton Township

This application proposes the demolition of a single family dwelling, 50 years old or older, located on the above referenced 1.91 acre parcel in Hamilton Township.

#### **STANDARDS**

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

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

The parcel is located in a Pinelands Forest Area. The demolition of a single family dwelling is permitted in the Pinelands Area.

##### Cultural Resource Standards (N.J.A.C. 7:50-6.155)

The application proposes the demolition of a dilapidated single family dwelling constructed in 1961. A cultural resource survey was not required.

#### **PUBLIC COMMENT**

The CMP defines the proposed demolition 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 April 27, 2015. The Commission's public comment period closed on May 8, 2015. No public comment was submitted to the Commission regarding this application.

### **CONDITIONS**

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
3. In accordance with the CMP (N.J.A.C. 7:50-4.1(a)1), the reconstruction of this single family dwelling, within five years of its demolition, does not require application to the Commission.

### **CONCLUSION**

As the proposed demolition 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 demolition subject to the above conditions.



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Chairman

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Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission 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.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-\_\_\_\_\_

**TITLE:** Approving With Conditions an Application for **Public Development** (Application Number 1995-1659.003)

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ 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:

**1995-1659.003**

<b>Applicant:</b>	<b>Buena Vista Township</b>
Municipality:	Buena Vista Township
Management Area:	Pinelands Forest Area
Date of Report:	May 22, 2015
Proposed Development:	Recreational improvements at the Michael Debbi Park.

**WHEREAS**, the recreational improvements subject of this application occurred without application to, and approval by, the Commission and constitute a violation of the application requirements of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, completion of this application is intended to address this violation; and

**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 1995-1659.003 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				Earlen				Prickett			
Avery				Galletta				Quinn			
Barr				Jannarone				Rohan Green			
Brown				Lloyd				Witt			
DiBello				McGlinchey				Lohbauer			

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Mark S. Lohbauer  
Chairman



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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

May 22, 2015

Chuck Chiarello, Mayor  
Buena Vista Township  
890 Harding Highway  
Buena Vista Township, NJ 08310

Re: Application # 1995-1659.003  
Block 5102, Lots 12 & 13  
Buena Vista Township

Dear Mayor Chiarello:

The Commission staff has completed its review of this application for recreational improvements at the Michael Debbi Park. This application also proposes to develop two stormwater management basins. 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 June 12, 2015 meeting.

**Other than the two proposed stormwater management basins, the recreational improvements subject of this application occurred without application to, and approval by, the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address that violation.**

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the 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

- c: Secretary, Buena Vista Township Planning Board (via email)
- Buena Vista Township Construction Code Official (via email)
- Atlantic County Department of Regional Planning and Development (via email)





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### **PUBLIC DEVELOPMENT APPLICATION REPORT**

May 22, 2015

Chuck Chiarello, Mayor  
Buena Vista Township  
890 Harding Highway  
Buena Vista Township, NJ 08310

Application No.: 1995-1659.003

Location: Michael Debbi Park  
Block 5102, Lots 12 & 13  
Buena Vista Township

This application is for recreational improvements at the Michael Debbi Park located on the above referenced 36.45 acre parcel in Buena Vista Township.

The recreational improvements consist of the paving of a 36,000 square foot parking lot, the installation of 2,431 linear feet of sidewalk and paved pedestrian path, the construction of a car port, four storage sheds and a 720 square foot restroom facility, the placement of a 306 square foot storage trailer and gazebo and the installation of field lighting. This application also proposes to develop two stormwater management basins.

**Other than the two proposed stormwater management basins, the recreational improvements subject of this application occurred without application to, and approval by, the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address that violation.**

On September 13, 2002, an application for the development of an 820 linear foot woodchip walking trail on the above referenced parcel was approved by the Commission (App. No. 1995-1659.002). The applicant constructed a portion of the approved woodchip walking trail at a location other than that approved by the Commission. The concerned portion of the walking trail was constructed in wetlands in violation of the wetland protection standards of the Buena Vista Township land use ordinance and the CMP. As part of the current application, it is proposed to relocate the walking trail outside of wetlands.

### **STANDARDS**

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

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

The development is located in a Pinelands Forest Area. The park existed prior to January 14, 1981, the date the CMP was adopted. The park is a pre-existing nonconforming use in a Forest Area. The CMP (N.J.A.C. 7:50-5.2(b)) permits a fifty percent expansion of a nonconforming use in a Forest Area provided the area of the expansion does not exceed fifty percent of the area of the use or the capacity of the use, whichever is applicable, existing on January 14, 1981. Prior to January 14, 1981, the park occupied approximately 19 acres of the 36.45 acre parcel. The development subject of this application will be located in the 19 acre portion of the parcel that was developed as a park as of January 14, 1981 and constitutes a less than fifty percent expansion of the area of the use as of January 14, 1981. The area of the development subject of this application meets this fifty percent expansion provision and is a permitted land use.

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

There are wetlands located on the above referenced parcel. Development and clearing were located immediately adjacent to the wetlands prior to the adoption of the CMP in 1981. The development that has occurred is maintaining an appropriate buffer to the wetlands.

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

The development subject of this application was, and will be, located over existing stone and grassed areas. The clearing and soil disturbance was, and will be, limited to that which is necessary to accommodate the development. No clearing is proposed for the relocation of the walking trail.

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

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

The park is serviced by onsite septic system. The applicant has demonstrated that the development is 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 development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct two stormwater infiltration basins on the parcel.

**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 October 20, 2014. Newspaper public notice was completed on October 17, 2014. The application was designated as complete on the Commission's website on April 15, 2015. The Commission's public comment period closed on May 8, 2015. The Commission received one written public comment letter dated October 1, 2010 regarding this application.

**Public Comment One:**

This commenter raised concerns that a proposed athletic field would be located within wetlands and the required buffer to wetlands. The commenter was also concerned that the athletic field would be located in Barred owl habitat. Lastly, the commenter was concerned that development, resulting in two acres of additional impervious surfaces, has already occurred on the parcel without completion of an application with the Commission.

**Response to Public Comment One:**

The proposed athletic field subject of the public comment was eliminated from the application. The additional development subject of the public comment that occurred on the parcel without application to the Commission is subject of the current application.

**CONDITIONS**

1. Except as modified by the below conditions, the development shall adhere to the plan, consisting of five sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC and dated as follows:  
  
Sheets 1-4 - June 21, 2011; revised to March 17, 2015  
Sheet 5 - December 14, 2010; revised to March 17, 2015
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. Any 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.

**CONCLUSION**

As the 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 development subject to the above conditions.



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### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission 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.

App # 1995-1659.003  
DocType 110

OCT - 5 2010

Checked  
✓ VIO reported 9/28/10

MARK DEMITROFF  
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

**RE: PROPOSED ATHLETIC FIELDS  
MICHAEL DEBBI PARK**

October 1, 2010  
Ms. Rhonda Ward  
NJ Pinelands Commission  
PO Box 359  
15 Springfield Road  
New Lisbon, NJ 08064

Application #8000.24, Richland Village,

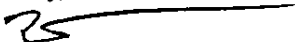
Rhonda,

I am writing in response to a letter from David Scheidegg to Ernest Deman dated September 16, 2010 (*addenda*). Within, the Township expressed interest in developing an additional athletic field upon the site of the Environmental Commission's nature trail. Please be aware that:

- 1) the proposed field expansion location is primarily classified as hydric soils (Figure 1), requires a 300-foot wetlands buffer from the Debbi Pond and Abbott's Branch of the South River (Figure 2), and that its terrain ranks 3 on the NJDEP Landscape Project for barred owl occurrence (Figure 3); and
- 2) I estimate that over 2 acres of impervious surface has been added when projects A-G were built (Figure 5; Table 1). Please provide evidence that A-G have been Pinelands approved.

There appears to be a pattern of blatant disregard for the Pinelands Comprehensive Management Plan rules and the Pinelands Commission's authority. Buena Vista Township has little incentive to break old habits if your response is passive at best, enabling at worst. I await your response.

Sincerely,



Mark Demitroff

cc: Candace Ashmun, Acting Chair Commissioner  
cc: Theresa Lettman, Pinelands Preservation Alliance

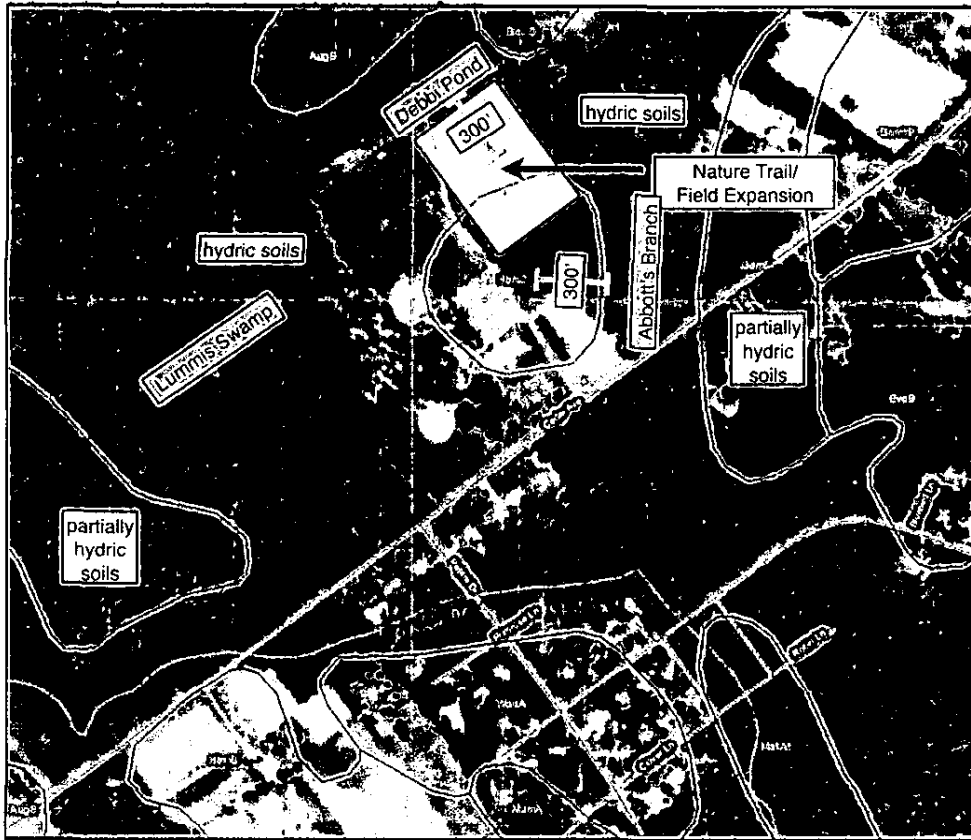


Figure 1 Diagram indicating that the proposed field expansion (yellow rectangle) will be on hydric soils (NRCS, 2008). Even if the soil were suitable for development, 300-foot buffers to the Debbi Pond and Abbot's Branch will leave insufficient room for practical use (see Figure 2).

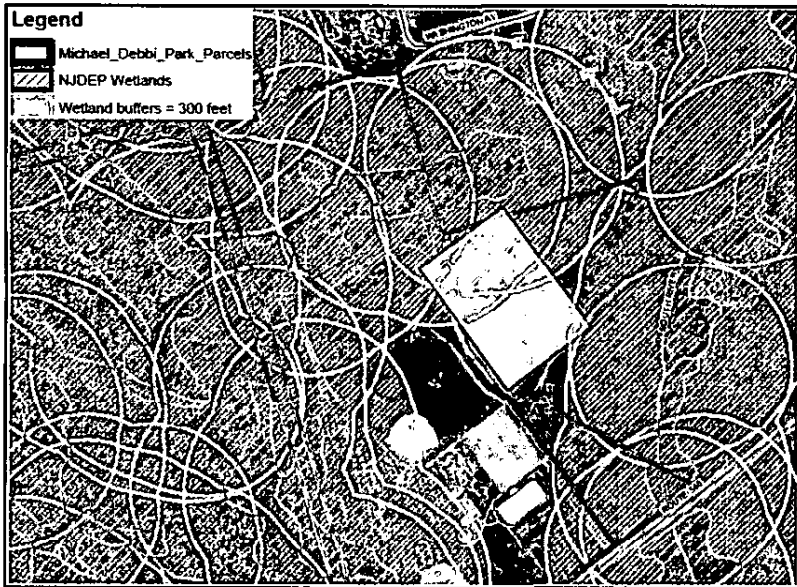


Figure 2 Diagram showing 300-foot buffers to NJDEP designated wetlands (courtesy Great Egg Harbor Watershed Association) with field expansion in yellow rectangle.

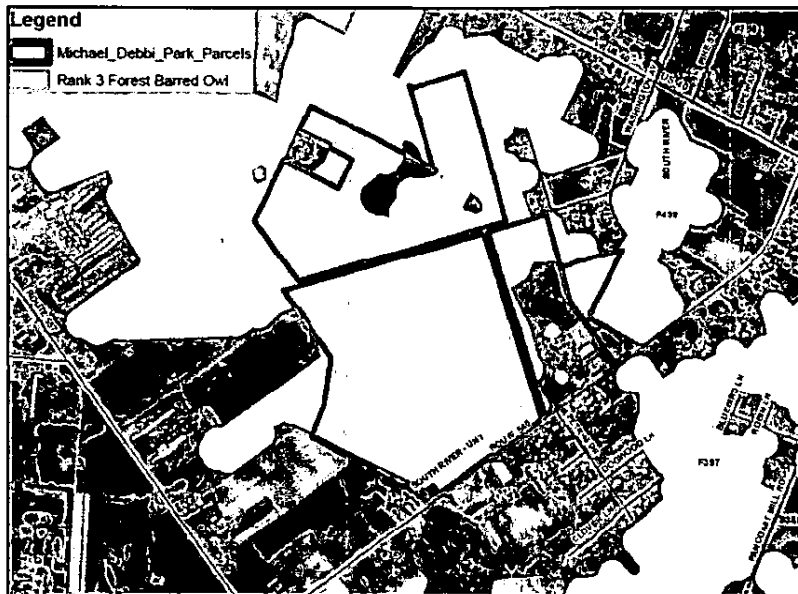


Figure 3 Additional diagram showing the presence of Barred Owl on NJDEP designated wetlands (courtesy Great Egg Harbor Watershed Association) on NJDEP Landscape Project images.

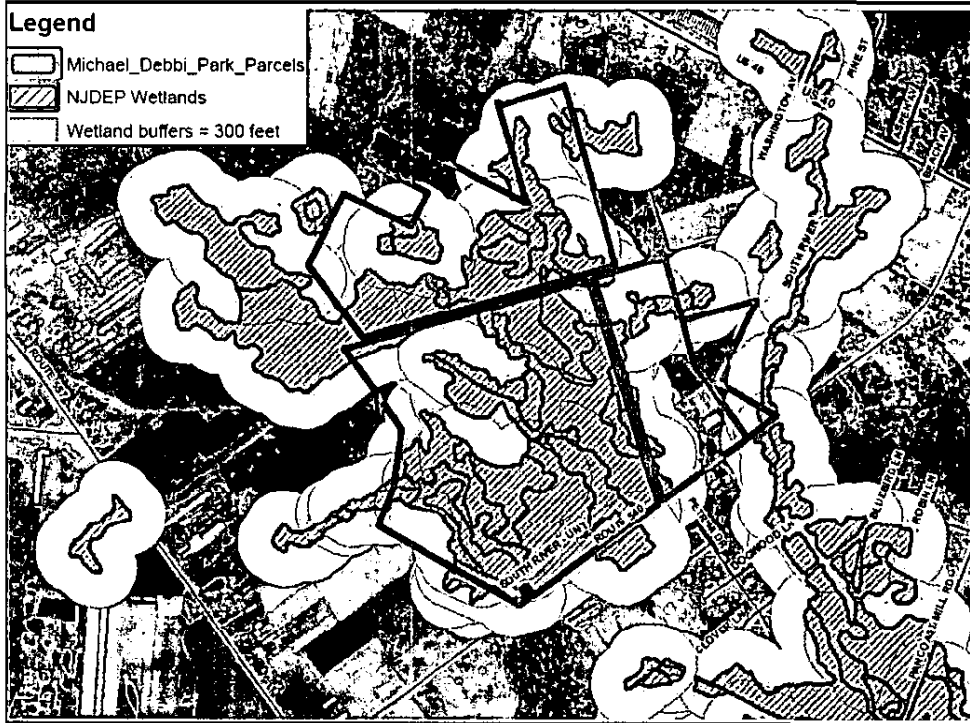


Figure 4 Additional diagram showing 300-foot buffers to NJDEP designated wetlands on Landscape Project images (courtesy Great Egg Harbor Watershed Association).

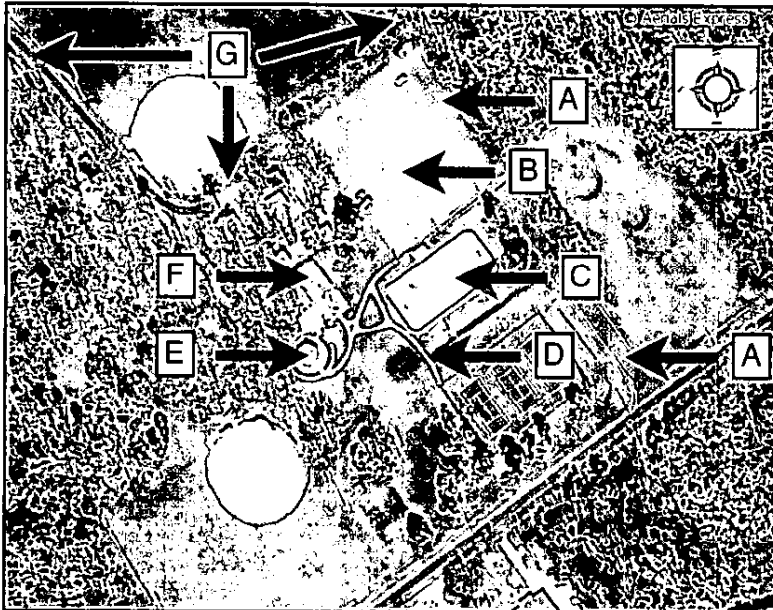


Figure 5 Aerial image of Michael Debbi Park showing items of inquiry explained in Table 1 below.. Image Date: 3/15/2007 Resolution: 0.3 meters Provider: AerialsExpress Meters/Pixel: 0.5 meters.

ADDED IMPERVIOUS SURFACE - MICHAEL DEBBI PARK			
ID	Description	Material	Sq. Ft.
A	Driveway	asphalt	19,860
B	Parking Lot (#4 of Scheidegg @ 36,000 sq. ft.)	asphalt	38,976
C	Hockey Rink	concrete/ asphalt	13,600
D	Sidewalks	concrete	3,120
E	Gazebo	concrete	1,820
F	Pavilion	concrete	1,961
G	Walkway (#9 of Scheidegg)	asphalt	20,585

Table 1 As-is list of questioned impervious surfaces built at Michael Debbi Park (cf. Scheidegg, September 16, 2010, *addenda*).



Rami N. Nassar, PE, PP, CME  
 David S. Scheidegg, PE, PP, CME  
 Andrew F. Schaeffer, PE, PP  
 Daniel F. Kwapinski, PE, PP  
 Howard A. Transue, PLS

September 16, 2010

Mr. Ernest Deman, Environmental Specialist  
 New Jersey Pinelands Commission  
 P. O. Box 359  
 New Lisbon, NJ 08064

**RECEIVED**  
 SEP 20 2010  
 BUENA VISTA TWP.  
 CLERK'S OFFICE

**RE: Buena Vista Township  
 Proposed Athletic Field  
 Mike Debbie Park  
 Block 5001, Lot 2  
 Block 5101, Lot 16 and 20  
 Block 5102, Lot 12,13 and 14  
 Buena Vista Township, Atlantic County, NJ  
 Application #95-1659.02  
 Our File: 8000.24**

Dear Mr. Deman:

On July 22, 2010, our office, on behalf of Buena Vista Township, submitted an application for a proposed additional athletic field at the existing Mike Debbie Park in Buena Vista Township.

It has come to our attention that several improvements to this park have occurred over the past many years since our last application. Attached you will find a plan depicting all improvements to this park in an effort to have your file on the Mike Debbie Park be as current as possible.

Since our last submission in 2001, which was for the proposed Nature Trail, the following activities have taken place:

1. The existing restroom facility, which was in poor condition, was removed and replaced with a new structure. The new facility provides for some storage area and is approximately 60 square feet larger than the old facility. No changes to the servicing septic system or well were performed.
2. An existing 10' x 10' shed was relocated from the existing basketball court area to the concession stand area near the existing pavilion.
3. The existing tennis courts were reconstructed and relined.
4. The existing 36,000 sf parking area, which was previously constructed of compacted crushed stone/gravel/PAP, has been surfaced with asphalt. It is our opinion that the stormwater runoff from the 20+ year old compacted parking area is equivalent to the runoff from the recently paved parking lot and therefore, no additional stormwater management is necessary.
5. Buena Vista Township Public Works, over the past 10+ years has installed several small sheds to accommodate the storage of park maintenance equipment. Four (4) sheds with measurements of 8' x 6', 8' x 12', 10' x 10' and 14' x 30' have been placed at Mike Debbie Park between unpaved Debbie Drive and the existing baseball field.
6. The existing basketball court was reconstructed and relined.

\* #4. If you accept that a "20+ year old compacted parking area is equivalent to the runoff from the recently paved parking lot" than I wish to add a whole lot more impervious area to my list at the park and in Richland Village!

7. An 18' x 20' temporary aluminum carport has been installed adjacent to the existing concession area.
8. A 7'8" x 40' temporary storage trailer has been placed on site by the Buena Regional football teams to store athletic equipment. This temporary storage shelter is located adjacent to the existing concession stand and announcer's booth by the existing football field.
9. The Township installed a paved pedestrian path approximately 1,800 lineal feet long around the existing baseball and football fields as a safe exercise area for Township residents.
10. A small pedestrian "bridge" was installed over a portion of the existing stormwater management area.
11. A sign was recently constructed identifying the "Aldo Falasca Field", which is adjacent to the proposed football field area.
12. The existing nature trail, which was constructed by volunteers, is proposed to be removed in the area of the proposed football field.

The previous application was for Block 5102, Lots 12 and 13, which contains approximately 36.45 acres. Over the past several years, the municipality has acquired Block 5102, Lot 14, Block 5101, Lots 16 and 20 and Block 5001, Lot 2 to enlarge the Mike Debbie Park. These lands encompass an additional 180.75 acres. These areas are not slated for development and have been purchased as open space area.

Considering the overall size of the recreation area (217+ acres) and the limited area of activity (15 acres), we believe that no additional stormwater management is necessary for the recently constructed and proposed improvements.

We trust that the plans and our explanation of the improvements to the Michael Debbie Park meet with your approval. We believe that the municipality's limited improvements to the existing park (36.5 acres) and purchase of the additional 180.75 acres of open space area to mitigate any adverse affects, is in conformance with the intent of the Pinelands Comprehensive Management Plan and our obligation to be good stewards of public lands.

Also enclosed are tax maps highlighting the lands owned by Buena Vista Township immediately adjacent to the Mike Debbie Park.

Should there be questions or you require any additional information, please do not hesitate to contact our office.

Sincerely,  
**Schaffner Nassar Scheidegg**  
 Consulting Engineers, LLC

David S. Scheidegg, PE, PP, CME  
 Buena Vista Township

Enclosures  
 cc: Mr. Charles Homer, PP, Pinelands Commission  
 Mayor Chiareto and Township Committee  
 Dawn Gorman, Township Administrator

\* The purchased lands alluded to are part of the Lummis Swamp, wetlands that have no development potential (Figure 3). It is deceitful to invoke their conservation as justification to ignore Pinelands rules. However, adding developable land to BVT's open space inventory may be a viable mitigation in this instance.



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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

List of Pending Public Development and Waiver of Strict Compliance Applications  
Accepting Public Comment at the June 12, 2015 Commission Meeting

**Public Development Applications**

***Application No. 1991-1108.009 – Pemberton Township***

Received on: January 30, 2015

Completed on: May 27, 2015

Project: Construction of a 996 square foot potable water treatment building

Municipality: Pemberton Township

Block 941, Lot 2 (application may include additional lots)

**Waiver of Strict Compliance Applications**

***Application No. 2010-0150.001 – Dominic Constantine***

Received on: September 30, 2010

Completed on: May 19, 2015

Project: Single family dwelling

Municipality: Medford Township

Block 2101, Lot 6 (application may include additional lots)



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Mark S. Lohbauer  
Chairman  
Nancy Wittenberg  
Executive Director

**AMENDED LETTER OF INTERPRETATION #315**

May 27, 2015

John & Friedel Benson  
205 W. 80th Street  
Apt. 2B  
New York, NY 10024

Re: Application # 1984-0481.001  
Block 842, Lot 44  
New Lisbon Road  
Pemberton Township

**FINDINGS OF FACT**

The applicants own the above referenced 18.13 acre lot in Pemberton Township. This acreage is based on the Township tax map. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this lot.

On August 22, 1984, the Commission issued LOI #315 allocating 0.5 PDCs to the lot. That LOI expired on August 22, 1986. The applicants have requested a new LOI for the lot. This Amended LOI #315 replaces LOI #315 issued on August 22, 1984. This LOI is based upon revised upland and wetland acreages for the lot utilizing updated mapping technology.

The lot consists of 2.48 acres of uplands and 15.65 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicants reserve the right to undertake field mapping to further refine the acreage of uplands and wetlands on the lot.

The lot is vacant. There are no easements limiting the use of the lot to nonresidential uses. No resource extraction operation or other development has been approved for this lot pursuant to the provisions of the Comprehensive Management Plan (CMP).

**CONCLUSION**

The CMP grants, with certain exceptions, to every parcel of land in the Pinelands Preservation Area District, Pinelands Special Agricultural Production Areas and Pinelands Agricultural Production Areas, a use right known as "Pinelands Development Credits," that can be used to secure a residential density



bonus for lands located in Pinelands Regional Growth Areas (N.J.A.C. 7:50 5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50 5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the Plan; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 2.48 acres of uplands, the applicants would be entitled to 0.13 PDCs. For the 15.65 acres of other wetlands, the applicants would be entitled to 0.08 PDCs.

There would be 0.21 PDCs allocated to the lot.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.25 PDCs allocated to Block 842, Lot 44.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

### **APPEAL**

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

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

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

- 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)
- Susan R. Grogan, Executive Director, PDC Bank (via email)



# 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

## LETTER OF INTERPRETATION #949

(Second Renewal)

May 22, 2015

Samuel J. & Dolores M. Henry  
28 Dogwood West  
Tabernacle, NJ 08088

Re: Application # 1994-0248.001  
Block 1601, Lot 3  
Ongs Hat Road  
Southampton Township

### FINDINGS OF FACT

The applicants own the above referenced 58.3 acre lot in Southampton Township. This acreage is based on the Township tax map. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this lot.

On January 16, 2009, the Commission issued LOI #949 (renewal) allocating 2.75 PDCs to the lot. That LOI #949 expired on January 16, 2011. The applicants have requested a new LOI for the lot. This second renewal of LOI #949 replaces LOI #949 (renewal) issued on January 16, 2009.

The lot consists of 3.84 acres of uplands and 53.38 acres of wetlands in active field agriculture. The remaining 1.08 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicants reserve the right to undertake field mapping to further refine the acreage of uplands and wetlands on the lot. The active field agriculture in wetlands was established prior to February 7, 1979. There is a single family dwelling on the lot. There are no easements limiting the use of this lot to non-residential uses. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

### CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50 5.43). None of these exceptions apply to this parcel.



The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50 5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the Plan; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 3.84 acres of uplands, the applicants are entitled to 0.20 PDCs. For the 53.38 acres of wetlands in active field agriculture currently and as of February 7, 1979, the applicants are entitled to 2.74 PDCs. For the 1.08 acres of wetlands, the applicants are entitled to 0.01 PDCs. Not considering the existing single family dwelling on the lot, the applicants would be entitled to 2.95 PDCs.

N.J.A.C. 7:50 5.43(b)3ii requires that the PDC entitlement for the lot be reduced by 0.25 PDCs for each existing dwelling unit on the lot. There would be 2.7 PDCs allocated to this lot.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 2.75 PDCs allocated to Block 1601, Lot 3.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

### **APPEAL**

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

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

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Southampton Township Planning Board (via email)
- Southampton Township Construction Code Official (via email)
- Southampton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)



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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

**LETTER OF INTERPRETATION #1350**

(Renewal)

May 13, 2015

Jerome & Rose Elston, Sr.  
123 Shady Oak Road  
Dickson, TN 37055

Re: Application # 1986-1297.002  
Block 530, Lot 1  
Estelle Avenue & Landis Avenue  
Hamilton Township

**FINDINGS OF FACT**

The applicants own the above referenced 9.3 acre lot in Hamilton Township. This acreage is based on the submitted property survey, prepared by Bernard Surveying and dated February 3, 2015. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this lot.

On November 28, 2000, the Commission issued LOI #1350 allocating 0.25 PDCs to the lot. That LOI expired on November 28, 2002. The applicants have requested a new LOI for the lot. This renewal of LOI #1350 replaces LOI #1350 issued on November 28, 2000. This LOI is based upon revised upland and wetland acreages for the lot utilizing updated mapping technology.

The parcel consists of 2.16 acres of uplands and 7.14 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicants reserve the right to undertake field mapping to further refine the acreage of uplands and wetlands on the lot. The lot is vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the CMP.

**CONCLUSION**

The CMP grants, with certain exceptions, to every parcel of land in a Pinelands Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50 5.43). None of these exceptions apply to this parcel.



The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50 5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the Plan; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 2.16 acres of uplands, the applicants would be entitled to 0.11 PDCs. For the 7.14 acres of wetlands, the applicants would be entitled to 0.04 PDCs.

There would be 0.15 PDCs allocated to this lot.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.25 PDCs allocated to Block 530, Lot 1.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

### **APPEAL**

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

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

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Hamilton Township Planning Board (via email)
- Hamilton Township Construction Code Official (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)
- David Bernard (via email)



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Chris Christie  
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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

**LETTER OF INTERPRETATION #2133**

May 21, 2015

Joseph & Maureen Varano  
585 Chatsworth Road  
Tabernacle, NJ 08088

Re: Application # 1981-0647.009  
Block 404, Lot 6.02  
Chatsworth Road  
Tabernacle Township

**FINDINGS OF FACT**

The applicants own the above referenced 60.53 acre lot in Tabernacle Township. This acreage is based on the recorded property deed. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this lot.

The entire 60.53 acre lot consists of uplands. A single family dwelling and structures accessory to an agricultural use are located on the lot. There are no easements limiting the use of this lot to non-residential uses. No resource extraction operation or other development has been approved for this lot pursuant to the provisions of the Comprehensive Management Plan (CMP).

**CONCLUSION**

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which PDCs are allocated in an Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 60.53 acres of uplands, the parcel would be entitled to 3.1 PDCs.



N.J.A.C. 7:50 5.43(b)3ii requires that the PDC entitlement for the lot be reduced by 0.25 PDCs for each existing dwelling unit on the parcel. Based upon the existing dwelling, there would be 2.85 PDCs allocated to the lot.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 2.75 PDCs allocated to Block 404, Lot 6.02.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

### APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

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

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Tabernacle Township Planning Board (via email)  
Tabernacle Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)  
Susan R. Grogan, Executive Director, PDC Bank (via email)



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Chris Christie  
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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

**LETTER OF INTERPRETATION #2134**

May 27, 2015

Peter & Monica Chung  
81 Beidler Drive  
Washington Crossing, PA 18977

Re: Application # 1988-0501.005  
Block 15.01, Lot 7.02  
Stokes Road  
Shamong Township

**FINDINGS OF FACT**

The applicants own the above referenced 115.33 acre lot in Shamong Township. This acreage is based Township tax map. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this lot.

The lot consists of 101.54 acres of uplands and 2.53 acres of wetland soils in active agriculture. The remaining 11.26 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicants reserve the right to undertake actual field mapping to further refine the acreage of uplands and wetlands on the lot. The active field agriculture in wetland soils was established prior to February 7, 1979. A single family dwelling and structures accessory to an agricultural use exist on the lot. There are no easements limiting the use of this lot to non-residential uses. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

**CONCLUSION**

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50 5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which PDCs are allocated in an Agricultural Production Area (N.J.A.C. 7:50 5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the



CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 101.54 acres of the lot which are uplands, the applicants would be entitled to 5.21 PDCs. For the 2.53 acres of wetland soils in active field agriculture, the applicants would be entitled to 0.13 PDCs. For the 11.26 acres of other wetlands, the applicants would be entitled to 0.06 PDCs.

Not considering the existing single family dwelling, there would be 5.4 PDCs allocated to this lot. However, N.J.A.C. 7:50 5.43(b)3ii requires that the PDC entitlement for the parcel be reduced by 0.25 PDCs for each existing dwelling unit on the parcel. There would be 5.15 PDCs allocated to this lot.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 5.25 PDCs allocated to Block 15.01, Lot 7.02.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

### **APPEAL**

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

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

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Shamong Township Planning Board (via email)
- Shamong Township Construction Code Official (via email)
- Secretary, Burlington County Planning Board (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-15-**\_\_\_\_\_

**TITLE:** To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2016 at the Same Level of Expenditures as Fiscal Year 2015 until the Adoption of the Fiscal Year 2016 Budgets

**Commissioner** \_\_\_\_\_ **moves and Commissioner** \_\_\_\_\_ **seconds the motion that:**

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

**WHEREAS,** it is anticipated that the New Jersey Legislature will appropriate \$2,469,000 to support the Commission's operations during Fiscal Year 2016; and

**WHEREAS,** the Personnel and Budget Committee recommends Commission adoption of this resolution; 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 Executive Director is authorized to continue to expend funds during Fiscal Year 2016 at the same level of expenditures as Fiscal Year 2015 until adoption of the Fiscal Year 2016 Budgets by the Commission.

**Record of Commission Votes**

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

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Mark S. Lohbauer  
Chairman

PC2-43

Disclaimer

These minutes reflect the actions taken by the Commission during its June 12, 2015 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on June 26, 2015

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

MINUTES

**June 12, 2015**

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta (via telephone), Jane Jannarone, Ed Lloyd, Ed McGlinchey, Richard Prickett, Gary Quinn, D'Arcy Rohan Green 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

Fran Witt

Chairman Lohbauer called the meeting to order at 9:34 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 14 Commissioners present.)

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

## Minutes

Chairman Lohbauer presented the minutes from the May 8, 2015 Commission meeting (open and closed session). Commissioner Ashmun moved the adoption of the minutes. Commissioner Barr seconded the motion.

The minutes of the May 8, 2015 Commission meeting were adopted by a vote of 12 to 0, with Commissioner McGlinchey and Commissioner Jannarone abstaining.

## Committee Chairs' Reports

### Personnel & Budget Committee

Vice Chair Avery provided an update on the June 2, 2015 Personnel & Budget Committee meeting:

The Committee adopted the minutes from the April 28, 2015 meeting.

The Committee reviewed and recommended Commission approval of a resolution to authorize the Executive Director to continue to expend funds for Fiscal Year 2016 at the same level of expenditures as Fiscal Year 2015 until the adoption of the Fiscal Year 2016 budgets.

Nancy Wittenberg and Jessica Lynch reviewed the April Check Registers, electronic disbursements and application fees. There was a budget update and discussion concerning the quote received for a generator to keep the Commission functioning in emergencies. Michelle Russell provided an update on employee actions. There were also discussions outlining the research into the painting and associated costs of Fenwick Manor. Computer security was also reviewed.

The Committee met in Closed Session.

### MOA *ad hoc* Committee

Commissioner Ashmun said the Committee met with staff on May 29, 2015. She said the Committee will meet next after the June 26, 2015 Policy & Implementation Committee. That meeting will be public.

### Agriculture Committee

Commissioner McGlinchey said the next meeting has been scheduled for Tuesday, June 16<sup>th</sup> at 9:30 a.m.

### Policy & Implementation Committee

Chairman Lohbauer provided an update on the May 29, 2015 Policy & Implementation Committee meeting:

The Committee adopted the minutes from the April 24, 2015 meeting.

The Committee approved payment to the New Jersey Conservation Foundation in advance of closing on the Zemel project in Woodland Township. This was the last remaining Pinelands Conservation Fund grant.

The Committee received an update on the revised application submitted by South Jersey Gas to develop a pipeline to the B.L. England electric generation plant in Upper Township.

#### Audit Committee

Chairman Lohbauer said the Audit Committee met on June 4. He said the Auditors have arrived and the FY 14 Audit is underway.

#### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- The Pinelands Orientation for newly elected officials will be held on July 30, 2015 at the Richard J. Sullivan Center. The orientation will be in lieu of the usual Pinelands Municipal Council agenda.

Mr. Larry Liggett updated the Commission on the following:

- Staff has been working with Burlington County officials on a proposal to construct a new cell tower to accommodate emergency services in Pemberton Township. The current tower cannot accommodate any new antennas; thus, the County believes a second tower is needed. The parcel on which the current tower is located is split-zoned between a Regional Growth Area and Agricultural Production Area.
- A temporary programmer has been contracted to work in the MIS office to build a database for the alternate septic system program. The database will enable staff to track the five year monitoring period more efficiently.
- Staff received an inquiry from the New Jersey Department of Environmental Protection (NJDEP) requesting information about a landfill in Winslow Township. The rapid landfill assessment database allowed staff to provide NJDEP with the pertinent information within one hour.

Mr. Chuck Horner provided an update on the following:

- Staff met with officials from Stafford Township to discuss their compelling public need waiver application. A stormwater management basin is being proposed to resolve ongoing flooding issues in the Ocean Acres residential area. He said in the next couple of months a decision will need to be rendered from Commissioners on that compelling public need waiver.
- Staff met with officials from Joint Base McGuire-Dix-Lakehurst to discuss a large solar facility proposal. He said the solar facility on Fort Dix is being proposed on an existing closed landfill. The solar facility proposed at Lakehurst will be located in a grass and wooded area.
- Staff has been working with Hammonton officials on a proposal to clear trees at the Hammonton Municipal Airport.
- Southampton Township continues to weigh its options of rehabilitating the existing public works building or finding another site.

- An application staff reviewed many years ago to expand the landfill at the Cape May County Municipal Utilities Authority (CMCMUA) determined that a threatened species, Red Headed Woodpecker, was present on the parcel. A recent application proposing a natural gas fueling station on that parcel proposed disturbance in a portion of the area preserved for Red Headed Woodpecker. Staff continues to work on a mitigation plan to resolve that issue.
- Mr. Horner said he went in the field recently with a Regulatory Programs staff member and Jackson Township officials to resolve a problem where a homeowner cleared and developed in the wetlands buffer.
- On May 21, 2015 the Commission received a revised application from South Jersey Gas (SJG) for a natural gas pipeline. On June 3<sup>rd</sup>, staff met with representatives from SJG. At that meeting, representatives from SJG asked a number of questions. The staff answered several procedural questions and was unable to answer substantive questions regarding the application as the May 21 submission is still under review.

Mr. Horner detailed the review process for a private development application. He said once staff determines that the required information has been submitted by the applicant, a completeness document, known as a Certificate of Filing (CF), is issued. The CF is either consistent or inconsistent with the Commission's rules. The CF is not an approval, it merely allows an applicant to seek local approval. The applicant is required to submit any local approvals to the Commission for its review. This ensures no changes have been made to the application and if there have been changes that they remain consistent with the Commission's rules. If the local approval raises an issue with the Commission's standards, a Commission staff public hearing would be scheduled. He said internally this is referred to as a "call up" hearing.

Mr. Horner reviewed the Commission staff public hearing process at which the Executive Director presides as the hearing officer. He also indicated that an applicant has the option to proceed to the Office of Administrative Law (OAL) for the hearing. He said the applicant has the option to choose either course if they want to challenge the staff's determination. He said typically an applicant tries to resolve any issues before ever having a hearing. He said if the local approval raises no issue, the Commission staff would issue a letter stating that the permit(s) can take effect.

Both Mr. Horner and Ms. Stacey Roth answered a variety of questions asked by Commissioners.

Commissioner Ashmun asked for a definition of private and public development.

Mr. Horner referenced NJAC 7:50- 4.52 of the Comprehensive Management Plan (CMP). That section of the CMP indicates that development proposed by public agencies require approval in accordance with the CMP. Mr. Horner then read the definition of public agency as defined in the CMP.

Mr. Horner described the relevance of the SJ Gas application to this discussion. He said when the original SJG application was reviewed, staff determined it was a private application and that it was not consistent with the CMP's standards. At that point, the Memorandum of Agreement process began. He said the recently submitted SJG application is under review. Upon completion of that review, the staff will issue either an inconsistent or consistent CF.

Ms. Roth reviewed the state coordination provision in the CMP section NJAC 7:50-4.82.

Commissioner Ashmun asked what happens when there are no local approvals for the Commission to review.

Mr. Horner said there have been very few instances over the years when the Commission has issued a CF and not had any local approvals to review.

Chairman Lohbauer asked if the SJG application will require municipal permits.

Mr. Horner said he does not know the answer for certain, however, SJG may proceed to the Board of Public Utilities under a provision in the Municipal Land Use law that would exempt it from local approvals.

Ms. Roth said that after the September 11<sup>th</sup> Commission meeting, the State Ethics Commission will provide in-person ethics training.

Commissioner Avery asked Mr. Horner if Jackson Township issued permits for the development that took place at the residence with the violations that was previously mentioned.

Mr. Horner said yes, for the pool.

#### Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending approval of two public development applications. He said Evesham Township is proposing to install a synthetic turf field and Hamilton Township is proposing to demolish a dwelling.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1985-0619.013 & 2015-0047.001) (See Resolution # PC4-15-12). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

Chairman Lohbauer presented the next resolution recommending approval of improvements at Michael Debbi Park in Buena Vista Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1995-1659.003) (See Resolution # PC4-15-13). Commissioner Barr seconded the motion.

Commissioner McGlinchey asked if Buena Vista has any other outstanding violations.

Mr. Horner said that to staff's knowledge this application resolves the last of Buena Vista Township's violations.

The Commission adopted the resolution by a vote of 14 to 0.

#### Resolutions Relating to Municipal Ordinances

There were no resolutions on this month's agenda

#### Public Comment on Agenda Items and Pending Public Development Applications

Mr. Bill Wolfe suggested using a non-fossil back-up power source at the Commission. He said after listening to the discussion regarding the South Jersey Gas (SJG) application, he was troubled that there is no opportunity for the public to express their opinion on the matter. He said the Commission should conduct informal hearings on the SJG application regardless of what the rules allow. Mr. Wolfe said Mr. Horner's description of how the SJG application did not meet the permitted use standard is not consistent with the formal record for the application. Mr. Wolfe said in the revised application, SJG was alleging new information about primarily serving the needs of the Pinelands. He said in the submittal, SJG provides arguments that are outside the scope of the CMP. He said during the MOA process he provided testimony that was not considered because it was outside of the Commission's purview. He wants the Commission to use the same control on SJG as the public had to adhere to during the comment period. Mr. Wolfe said he would be submitting formal comments. He urged the Commission to request NJDEP re-open the permits previously issued for the SJG project.

Georgina Shanley of Ocean City asked what would be significant enough to deny the CF to SJG.

Chairman Lohbauer said he was not going to speculate on a private application but said the application needs to be consistent with the CMP.

Ms. Roth offered some clarification that a CF is neither an approval nor a denial, but a completeness document that is either consistent or inconsistent with the Commission's rules.

Jeff Tittel, Sierra Club, said that the MOA process for the SJG application was open and transparent. He said there needs to be the same public involvement with the revised SJG application. He said there are inconsistencies in the application, with regard to who is

paying for the resiliency and where the energy is going. He said the power produced at BL England is going into the grid. He said unit one at BL England has been closed for a year and has not caused any brownouts. Based on the PJM analysis, BL England is not needed. PJM is not projecting an increase in demand for electricity but rather a decline. He said for those reasons alone the pipeline is not necessary.

Lena Smith of Food and Water Watch said there should be a process to allow for public input and expert opinion because the SJG application is providing public service infrastructure.

Ann Kelly said there are not enough inspectors to properly check the miles of pipeline in this country. She said it would be unwise to run a pipeline through the Pinelands.

#### Other Resolutions

Commissioner Prickett moved the resolution To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2016 at the Same Level of Expenditures as Fiscal Year 2015 until the Adoption of the Fiscal Year 2016 Budgets (See Resolution # PC4-15-14). Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 13 to 0. (Commissioner Brown was not present for the vote.)

#### Ordinances Not Requiring Commission Action

Chairman Lohbauer said the Commission did not review any ordinances this past month.

At this time Commissioner Galletta signed off.

#### Presentation-2014 Annual Report- Long Term Economic Monitoring Program

Mr. Joe Sosik greeted the Commissioners and public. He said the Long Term Economic Monitoring program began in 1994 after a panel of economic and local experts suggested monitoring the Pinelands economy on a continual basis. The program is funded by the National Park Service. He said the 2014 report covers data from 2013. He said the goal of the report is to monitor the economic health of the Pinelands using 21 variables. He said the majority of the data was obtained at the municipal level. He said census housing data and point data derived from addresses were new to the report. He provided information on population, real estate, economy and municipal finance.

Link to the Presentation slides:

<http://www.state.nj.us/pinelands/home/presentations/2014LTEMPresentation.pdf>

Link to the Report: [http://www.state.nj.us/pinelands/landuse/econ/LTEM\\_Annual\\_Report-2014.pdf](http://www.state.nj.us/pinelands/landuse/econ/LTEM_Annual_Report-2014.pdf)

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

Jeff Tittel said many years ago people thought the Pinelands would hurt Atlantic City economically but it seems the opposite has occurred as the Pinelands are thriving and Atlantic City is not. He raised concerns about the new sewer service areas. He said NJDEP did not do a proper environmental analysis. He said he fears pressures will build to change the plan to conform to the infrastructure.

Bill Wolfe announced that NJDEP is proposing new stream encroachment regulations. He said the regulations could abolish the stream buffer protection program and turn it into a mitigation program. He asked if the proposed regulations would impair the Commission's ability to impose their buffer requirements.

Mr. Tittel said the public comment for stream encroachment proposal will begin in two weeks and the comment period will last 60 days. He said the regulations propose removing a 150 ft. buffer from acidic streams, which include Atlantic white cedar swamps.

Other

Commissioner Ashmun requested that all Memoranda of Understanding and Memoranda of Agreement with NJDEP be reviewed.

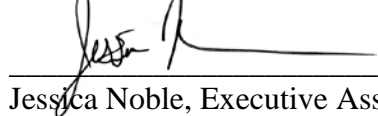
Commissioner Prickett said that today is a great day for Commissioners and members of the public to take a look at the Bog Garden. He said Paul Leakan did a great job in creating the garden.

Commissioner Prickett said that the 32<sup>nd</sup> Annual Blueberry festival will be held at Whitesbog on Saturday, June 27, 2015.

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 11:44 a.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: June 23, 2015