



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

### THE PINELANDS COMMISSION

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(609) 894-7300  
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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
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January 12, 2018

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

Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for December 12, 2017 for your information.

Sincerely,

Teri Melodick  
Principal Clerical Assistant

PC1

Enclosure: Minutes

PINELANDS COMMISSION MEETING

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

MINUTES

**December 12, 2017**

Commissioners Present

Alan W. Avery Jr., Bob Barr, Giuseppe Chila, Paul E. Galletta, Ed Lloyd, Mark Lohbauer, Richard Prickett and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Candace Ashmun.

Commissioners Absent

Jane Jannarone, Ed McGlinchey, Gary Quinn and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:34 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

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

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

### Minutes

Chairman Earlen presented both the minutes from the November 3, 2017 Commission meeting and the November 17, 2017 (open and closed session) Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Barr seconded the motion.

The November 3, 2017 and the November 17, 2017 Commission meeting minutes were adopted by a vote of 9 to 0.

### Honoring Commissioner William Brown

Chairman Earlen read a resolution into the record outlining Commissioner Brown's long history of work on the Commission. The resolution also noted Bill's career in local government and as an engineer at the Woodbine Developmental Center.

Commissioner Lloyd moved the adoption of a resolution Expressing the Commission's appreciation to William J. Brown for his service as a member of the Commission between March 1982 and October 2017 (See Resolution # PC4-17-44). Commissioner Lohbauer seconded the motion.

Commissioners voiced their appreciation for Commissioner Brown's public service on the Commission.

The Commission adopted the resolution by a vote of 9 to 0.

### Committee Chairs' Reports

Chairman Earlen provided an update on the November 17, 2017 Policy and Implementation Committee meeting:

The Committee adopted the minutes of its October 24, 2017 meeting.

The Committee recommended Commission certification of Galloway Township Ordinance 1971-2017, adopting revised sign standards.

The Committee recommended the Commission approve an amended Memorandum of Understanding among Winslow Township, the Camden County Municipal Utilities Authority and the Pinelands Commission regarding water use in the Great Egg Harbor River watershed.

The Committee reviewed the public comment received to date on the proposed Comprehensive Management Plan (CMP) amendments.

The Committee received updates on the four current Pinelands Conservation Fund projects and granted extensions until May 1, 2018 for two that have completed appraisals but are unable to meet the December 1, 2017 deadline for other obligations. Of the two remaining

projects, one anticipates closing by the end of November and the other is seeking additional funding and has until September 5, 2018 to complete the transaction.

Commissioner Avery said the Fiscal Year 2016 Audit report will be issued any day. He said the report identified two findings, one of which noted that the Commission needs to improve the monthly reconciliation process and the other finding dealt with testing the Commission's disaster recovery plan. He said the findings are the same as those identified in the FY 2015 Audit report. He said because of the back-to-back audits staff could not resolve the findings in time for the fiscal year 2016 audit.

Executive Director Wittenberg added that a server has been purchased to host the new accounting software that will assist staff in producing financial and other business services reports more efficiently. She said staff is working on procuring software necessary to test the disaster recovery plan.

#### Executive Director's Reports

ED Wittenberg said that she had a conference call with Mark Texel, who is the Director of the New Jersey Division of Parks and Forestry. She said Director Texel told her the New Jersey Department of Environmental Protection (NJDEP) plans to host a new round of stakeholder meetings in early 2018. She said the next steps regarding the use of the map approved by the Commission will be discussed with NJDEP soon. She said that at a future Commission meeting staff from the Commission science office will present data from a joint effort with the NJDEP and the Pinelands Preservation Alliance regarding a survey of ponds to identify the extent of off-road vehicle damage.

Commissioner Lohbauer and Commissioner Lloyd both expressed their interest in discussing maps for other state parks in the Pinelands.

Director Larry Liggett said the Long-Term Economic Monitoring report will be delayed. Staff has met with a users group and an experts group to discuss improvements that would enhance the report. He said the next LTEM report will include two years of data when it is complete.

Director Charles Horner updated the Commission on the following three items:

- Staff is reviewing an application to place a solar facility on top of a capped landfill. He said the application raises an issue with a threatened plant. He said staff is working with the applicant to determine the best approach.
- A progress report for the Right-of-Way Vegetation Management Plan will be distributed in January. He said the rights-of way are managed by Atlantic City Electric, Public Service Electric & Gas and Jersey Central Power & Light.
- He reminded Commissioners that staff continually works with Pinelands towns on municipal court issues, related to applicants who have violations on their property or have established structures without application.



Paul Leakan updated the Commission on the following items:

- The 2018 Pinelands National Reserve calendars have been distributed to Batsto, Brendan Byrne State Forest and Bass River State Forest. He said the calendars were also sent to all Pineland National Reserve municipalities and to state and federal legislators.
- The 2018 Pinelands Short Course has a total of 42 presentations lined up, 30 of them being new. John Bunnell and Marilyn Sobel both of the Science office will be presenters at the Short Course.
- He said the Commission's contractor and the state continue to work out the permitting requirements for the Visitor Center. He said the fabricator has been working on the actual exhibit. An image of the Jersey Devil that has been produced by the fabricator was displayed on the SmartBoard.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the construction of a 194.5 foot high wireless communication tower and associated equipment in Jackson Township.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1989-1126.007) (See Resolution # PC4-17-45). Commissioner Lohbauer seconded the motion.

Director Liggett said this is the first application that has been reviewed under Ocean County's amended safety tower plan.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Earlen presented a resolution recommending the approval for the demolition of a single family dwelling in Winslow Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2017-0167.001) (See Resolution # PC4-17-46). Commissioner Barr seconded the motion.

Commissioner Prickett thanked staff for the picture of the structure to be demolished.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Earlen presented a resolution recommending approval for the replacement of 110 existing lattice towers with 110 monopoles in multiple southern Pinelands towns.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions Pinelands Development Application Number 1981-0479.011 (See Resolution # PC4-17-47). Commissioner Chila seconded the motion.

Commissioner Lohbauer said the removal of the large steel lattice structure to be replaced with a single monopole, although taller than a lattice pole, is an improvement to the right-of-way.

Commissioner Lloyd said he hopes the replacement is a trend for other electric companies.

ED Wittenberg said the project is an upgrade for Atlantic City Electric and she did not know if other utilities would be proposing the same type of system upgrade.

Commissioner Lloyd suggested that maybe as part of the vegetation maintenance review process we can raise the issue.

The Commission adopted the resolution by a vote of 9 to 0.

#### Planning Matters

Chairman Earlen presented a resolution recommending approval of Galloway Township's ordinance 1971-2017.

Commissioner Galletta moved the adoption of a resolution Issuing an Order to Certify Ordinance 1971-2017, Amending Chapter 233 (Land Management) of the Code of Galloway Township (See Resolution # PC4-17-48). Commissioner Barr seconded the motion.

Chief Planner Susan R.Grogan said this ordinance will permit digital signs in the following management areas in Galloway: Regional Growth Area, Pinelands Town and Pinelands Village.

She said next the resolution on the agenda, the adoption of CMP Amendments, will authorize municipalities to allow digital technology in all management areas.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Earlen presented a resolution to revise and adopt a number of amendments to the Comprehensive Management Plan (CMP).

Commissioner Avery moved the adoption of a resolution To Revise and Adopt Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Application Fees; Escrows; Application Procedures; Landfills; Water Quality; Signs; Alternate Design Wastewater Treatment Systems Pilot Program) (See Resolution #PC4-17-49). Commissioner Galletta seconded the motion.

ED Wittenberg stated that the Commission has been discussing the amendments now under consideration for adoption for many years. A detailed review of the public comments received on the amendments was provided at the November P&I Committee meeting. Three significant issues were raised. First, a number of commenters, including NJDEP, the

NJ Farm Bureau, several Pinelands farmers and homeowners associations, raised concerns with the revised exemption for maintenance and creation of fire breaks. The original intent of the amendment was to clarify a terminology issue that was raised in working with NJDEP. The staff learned from the public comments that a great deal of clearing for fire management purposes is occurring in the Pinelands, on both public and private lands. Staff is recommending that adoption of this amendment be postponed until the Commission has had an opportunity to meet with all stakeholders and consider appropriate revisions. ED Wittenberg stated that the second issue raised by many commenters involves the change in definition from "interested person" to "interested party." She said the Commission has needed to make this change for many years in light of the 1993 amendments to the Administrative Procedure Act. She said that the amendment does not change who has the right to appeal the Commission's decisions; rather, it just aligns the CMP with current law. She stated that this had been confirmed with the Attorney General's office.

DAG Velzy confirmed ED Wittenberg's interpretation of the amendment. Commissioner Lloyd stated that he has a serious problem with the amendment because he believes it represents a significant change. He stated that at this point in time, he was not convinced the Commission needs to amend the CMP in response to the 1993 Administrative Procedure Act amendments. He indicated his preference was not to adopt this amendment because the Commission should not limit public participation. Commissioner Lloyd also stated that the Federal statute may affect what the Commission can do.

DAG Velzy stated that the courts have construed the 1993/1994 amendments to the Administrative Procedure Act very narrowly. Third-party hearing rights are very limited. He stated that the proposed amendment merely implements case law.

Ms. Roth reiterated that the amendment does not represent a substantive change. She stated that the amendment affects only adjudicatory hearings, not public hearings. A 2004 Appellate Court decision says that agencies do not have the right to grant appeals to people who don't qualify as "interested parties," no matter what the agency's regulations may say. The amendment merely renders the CMP consistent with existing law.

Commissioner Lloyd acknowledged that the amendment would only affect adjudicatory hearings. He questioned whether the amendment was necessary if it would not result in any substantive changes. He stated that he would like the Attorney General's office to investigate the Federal statute to determine what it might require. If the Federal statute supersedes state law, the Commission needs to know.

Ms. Roth stated that it is always best if regulations are consistent with existing law so as not to confuse the regulated community. She stated that concerns have been raised on several occasions recently about what the current language in the CMP means. Commissioner Lloyd stated that while he understands State law, he believes the Federal statute also governs. He said he prefers to keep opportunities for public participation as broad as possible.

ED Wittenberg stated that staff has been advised that the amendment does not limit public participation.

Commissioner Lloyd stated that the Commission's federal mandate needs to be examined. The Commission should be promoting public participation and allowing challenges to its decisions.

Commissioner Avery stated that the rules need to be clear and straightforward. He questioned what process the Commission should follow moving forward with the amendments.

ED Wittenberg said that amendments can be removed upon adoption. Doing so should not represent a substantive change to the proposal. She suggested that the amendment could be adopted today, with an analysis of the Federal statute to follow.

Ms. Roth stated that the Commission was established by the State Pinelands Protection Act and is therefore a state entity governed by state law.

Commissioner Lohbauer stated that if the amendment flies in the face of the Federal statute, that is of significant concern.

Ms. Roth stated that the Federal statute does discuss public participation but does not speak to third-party appeals or adjudicatory hearing rights.

Commissioner Lloyd suggested that Ms. Roth's interpretation of the Federal statute was too narrow.

Commissioner Avery said that removing the amendment does not convey any additional rights to interested parties. He asked how a determination would be made about the applicability of the Federal statute.

Ms. Roth stated that the Commission would need to direct the Executive Director to consult with the Attorney General's office and obtain an opinion.

Commissioner Galletta stated that given Commissioner Lloyd's strong feelings on the matter, it might be best to remove the amendment for now.

ED Wittenberg reminded the Commission that we are currently in court on this very issue. The Federal statute has not been raised as part of those matters. It is a new issue that the Attorney General's office would need to investigate.

DAG Velzy stated that the court has determined that as long as people have the ability to participate at some point in the process, usually at the local level, that is sufficient. On matters such as the CMP amendments, people have the ability to submit written comments.

Commissioner Lloyd stated that the Federal statute was raised in the public comments and should be analyzed.

Commissioner Barr stated that this was a new issue he had not been aware of before.

Chairman Earlen asked whether the resolution could be amended. ED Wittenberg said yes, but she did not think it should. The amendment merely renders the CMP consistent with state law. If it turns out that there's an issue with the Federal statute, the Attorney General's office will identify it and then the Commission would be required to adhere to those requirements.

Ms. Roth stated that upon adoption, the amendments will be forwarded to the Department of Interior. If there are federal issues, the Secretary of the Interior can decline to sign off on the amendments. She stated that the amendment deals only with quasi-judicial matters. She noted the currently pending appeals involving denial of third-party appeal rights.

Commissioner Lohbauer suggested that the Commission should not act on the amendment while those appeals are pending.

Commissioner Chila stated the CMP should be amended to reflect the standards established by the courts and used since 2003.

Commissioner Lloyd moved to strike the change in definition from "interested person" to "interested party" from the amendments. Commissioner Prickett seconded the motion.

Commissioner Avery asked for clarification on the most efficient process moving forward with the amendments.

Ms. Grogan stated that the Commission should not sacrifice the substance of the amendments. If the "interested party" amendment needs to be removed in order for the remainder of the amendments to move forward, that's what the Commission should consider doing.

Chairman Earlen agreed. Commissioner Lloyd also indicated agreement, stating that the other important amendments in the proposal should go forward.

The Commission approved the motion to strike the definition of "interested party" from the amendments by a vote of 8 to 1.

ED Wittenberg stated that the third issue raised in the public comments involves elimination of the requirement that applicants and municipalities provide the Commission with the names and mailing addresses of individuals who participate at municipal planning board meetings on applications for development in the Pinelands Area. She stated that there are ample opportunities for individuals concerned with development projects to obtain information about applications, register their concerns directly with the Commission and receive copies of the Executive Director's determinations. The Commission's website

includes a status report on all active applications; it is updated weekly. Anyone concerned about an application can call or email the Commission for details or to receive notice of future Commission actions. There is no need to drive to the Commission office, speak at a Commission meeting or convey concerns through testimony at a municipal planning board meeting.

ED Wittenberg stated that staff will make all Pinelands municipalities aware of the change in notice procedures and the alternative measures already in place to ensure that information on applications is readily available directly through the Commission.

Commissioner Lohbauer stated that he originally had questions about this amendment but now understands that the Commission would not be curtailing public notice. He stated the amendment seems reasonable.

Ms. Grogan provided a detailed explanation of the normal private development application process.

Commissioner Lloyd stated that while he was not entirely comfortable with the amendment, he believes it was acceptable to move forward with adoption.

The Commission adopted the resolution, with the "interested party" definition removed from the amendments, by a vote of 9 to 0.

#### Other Resolutions

Chairman Earlen presented a resolution recommending approval of an amendment to an existing Memorandum of Understanding (MOU) with Winslow Township and the Camden County Municipal Utilities Authority.

Commissioner Lohbauer moved the adoption of a resolution Authorizing the Executive Director to Enter into an Amendment to an Existing Memorandum of Understanding Among the Pinelands Commission, Winslow Township, and the Camden County Municipal Utilities Authority Regarding the Winslow Township Wastewater Treatment Plant and Its Infiltration/Percolation Facility (See Resolution # PC4-17-50). Commissioner Galletta seconded the motion.

Director Liggett said that the original Memorandum of Understanding (MOU) came about because of the closure of the Winslow Township Wastewater Treatment Plant in Sicklerville. The Commission was asked to comment on the Water Quality Management Plan amendment that was required for the closure of the treatment plant. He said that staff had concerns that the closure of the treatment plant would have negative impacts on the Great Egg Harbor River. Through the original MOU, measures stipulated that Winslow Township would no longer use Kirkwood-Cohansey water for future development and the Town would purchase 1.5 million gallons of water a day from New Jersey American. He said the Township's water use declined and the Town wanted credit for its measures to conserve water. After many meetings and discussions between the Commission and the Township of Winslow the MOU was revised and edited. He said the Policy and

Implementation Committee supported the amendment to the MOU. Lastly, he said the Pinelands Preservation Alliance and the Great Egg Harbor Water Association support the First Amendment to the MOU.

Public Comment on MOU

Rich Bizub with the Pinelands Preservation Alliance, said the Alliance supported the original MOU and it supports the amendment to the MOU before the Commission today. He said the amendment will place monthly and annual caps on Kirkwood-Cohansey water usage. He said Winslow Township has done an excellent job conserving water over the last 10 years.

Mayor Barry Wright of Winslow Township thanked Commission staff for its effort on making the amendment to the MOU come to fruition. He said Winslow has spent a lot of money on water conservation and will continue those efforts.

Commissioner Prickett said he was curious if the Commission was able to recognize Communities or individuals or municipal government who have made efforts to significantly reduce water usage.

The Commission adopted the resolution by a vote of 9 to 0.

Chairman Earlen left the meeting at 11:06 a.m.

Public Comment on Public Development Applications

No members of the public spoke

Ordinances Not Requiring Commission Action

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

- Mullica Township Ordinance 9-2017
- South Toms River Borough Ordinance 9-17

No members of the Commission had questions.

Other Resolutions

Vice Chairman Galletta presented a resolution recommending approval of the 2018 Commission meeting dates.

Commissioner Avery moved the adoption of a resolution Setting Pinelands Commission meeting dates for 2018(See Resolution # PC4-17-51). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0.

General Public Comment

Micah Rasmussen of Upper Freehold Township, NJ raised questions regarding Commissioner McGlinchey's residency in Atlantic County and his ability to vote on the New Jersey Natural Gas Southern Reliability Link application. He provided a copy of the Declaration of Covenants signed by Edward McGlinchey required for a grant to elevate his home in Longport, NJ.

Rich Bizub with the Pinelands Preservation Alliance asked the Commission to make a resolution to propose and adopt CMP amendments related to the Kirkwood-Cohansey study. He reminded Commissioners that the discussion about the study began 33 years ago.

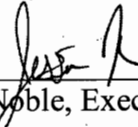
Commissioner Lloyd said he left the room because he recused himself from the New Jersey Natural Gas matter. He said that he hopes the Commission can move forward with the rule-making process regarding the Kirkwood-Cohansey study.

Georgina Shanley of Ocean City, N, said that the Commission should include amendments to the CMP related to climate change. She said the World Bank announced that it will no longer fund projects related to oil and gas extraction starting in 2019.

Adjournment

Commissioner Avery moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:24 a.m.

Certified as true and correct:

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

Date: December 20, 2017





## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-

44

**TITLE:** Expressing the Commission's appreciation to William J. Brown for his service as a member of the Commission between March 1982 and October 2017

Commissioner

Lloyd

moves and Commissioner

Lohbauer

seconds the motion that:

**WHEREAS**, William J. Brown served as Cape May County's representative on the Pinelands Commission from March 1982 until October 2017; and

**WHEREAS**, Mr. Brown's tenure on the Commission is the second longest in the agency's history; and

**WHEREAS**, Mr. Brown logged more than 75,000 miles traveling to and from Commission meetings and while serving on the agency's Personnel and Budget Committee, Public and Governmental Programs Committee, Intergovernmental Committee, By-Laws Committee and Work Plan Committee; and

**WHEREAS**, during his tenure, the Commission certified the master plans and land use ordinances of all 53 municipalities and seven counties in the Pinelands. It also adopted 43 amendments to the Pinelands Comprehensive Management Plan and completed four in-depth reviews of the Plan; and

**WHEREAS**, Mr. Brown is a longtime, licensed insurance agent, and he provided important advice regarding the Commission's insurance policies; and

**WHEREAS**, Mr. Brown served as a Petty Officer in the U.S. Navy during World War II and he retired from 25 years of service as an engineer at the Woodbine Developmental Center; and

**WHEREAS**, Mr. Brown exemplified the spirit of volunteerism in his community for more than 50 years. He is a former Mayor of Upper Township. He served on the Township's Planning Board, and he is a former member and past President of the Cape May County Board of Taxation; and

**WHEREAS**, the members of the Commission want to recognize Mr. Brown'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 12th day of December, 2017, do hereby express our appreciation to our colleague and friend, William J. Brown, for his commitment to the Pinelands and for his service as a member of the Commission between March 1982 and October 2017.

### Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun	X			Jannarone		X		Quinn			X
Avery	X			Lloyd	X			Rohan Green			X
Barr	X			Lohbauer	X			Earlen	X		
Chila	X			McGlinchey		X					
Galletta	X			Prickett	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg  
Executive Director

Date:

December 12, 2017

Sean W. Earlen  
Chairman



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 45

**TITLE:** Approving With Conditions an Application for **Public Development** (Application Number 1989-1126.007)

**Commissioner** Galletta moves and **Commissioner** Lohbauer 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:

**1989-1126.007**

**Applicant:** Ocean County Engineering Department  
**Municipality:** Jackson Township  
**Management Area:** Pinelands Village  
**Date of Report:** November 15, 2017  
**Proposed Development:** Construction of a 194.5 foot high wireless communication tower and associated 3,600 square foot equipment compound.

**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 1989-1126.007 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

## Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun	X			Jannarone		X		Quinn		X	
Avery	X			Lloyd	X			Rohan Green		X	
Barr	X			Lohbauer	X			Earlen	X		
Chila	X			McGlinchey		X					
Galletta	X			Prickett	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Chairman



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

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

November 15, 2017

John N. Ernst, P.E.  
Ocean County Engineering Department  
P.O. Box 2191  
Toms River, NJ 08754

Re: Application # 1989-1126.007  
Block 16701, Lot 7  
Jackson Township

Dear Mr. Ernst:

The Commission staff has completed its review of this application for construction of a 194.5 foot high wireless communication tower and associated 3,600 square foot equipment compound. 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 December 8, 2017 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, Jackson Township Planning Board (via email)  
Jackson Township Construction Code Official (via email)  
Jackson Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
Robin Kuri (via email)  
Brad Lanute (via email)





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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

November 15, 2017

John N. Ernst, P.E.  
Ocean County Engineering Department  
P.O. Box 2191  
Toms River, NJ 08754

Application No.: 1989-1126.007  
Block 16701, Lot 7  
Jackson Township

This application proposes construction of a 194.5 foot high wireless communication tower and an associated 3,600 square foot equipment compound on the above referenced 2.07 acre parcel in Jackson Township. The proposed tower will be utilized for public safety communications. An Ocean County road maintenance garage is located on the parcel.

### **STANDARDS**

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

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

The CMP height limitation standard requires that no structure in a Pinelands Village, including wireless communication towers, shall exceed a height of 35 feet unless a comprehensive plan for siting such towers in the Pinelands Area has been certified (approved) by the Pinelands Commission. The proposed 194.5 foot high tower will be located in the 3 mile search area associated with Site #42 as identified in the Commission certified "Comprehensive Public Safety Tower Plan for Pinelands." As required by the height limitation standard of the CMP, the applicant has demonstrated that the proposed tower minimizes visual impacts.

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

The proposed development is located in the Pinelands Village of Vanhiseville. The proposed development is a permitted land use in a Pinelands Village.

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

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

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant 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 application was designated as complete on the Commission's website on October 24, 2017. The Commission's public comment period closed on November 3, 2017. 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 13 sheets, prepared by Advantage Engineers, all sheets dated July 11, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

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



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

### THE PINELANDS COMMISSION

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



Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [ApplInfo@njpines.state.nj.us](mailto:ApplInfo@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 the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on December 4, 2017 and include the following information:

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

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



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 46

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 2017-0167.001)

Commissioner Avery moves and Commissioner Barr seconds the motion that:

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

**2017-0167.001**

**Applicant:** Winslow Township  
**Municipality:** Winslow Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** November 15, 2017  
**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 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 2017-0167.001 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

## Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun	X			Jannarone			X	Quinn			X
Avery	X			Lloyd	X		X	Rohan Green			X
Barr	X			Lohbauer	X		X	Earlen	X		
Chila	X			McGlinchey			X				
Galletta	X			Prickett	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

Nancy Wittenberg  
 Executive Director

Sean W. Earlen  
 Chairman



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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

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

November 15, 2017

John Iannaco, Construction Office  
Winslow Township  
125 South Route 73  
Braddock, NJ 08037

Re: Application # 2017-0167.001  
Block 4506, Lot 14  
Winslow Township

Dear Mr. Iannaco:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. 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 December 8, 2017 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, Winslow Township Planning Board (via email)  
Winslow Township Construction Code Official (via email)  
Winslow Township Environmental Commission (via email)  
Secretary, Camden County Planning Board (via email)







Chris Christie  
Governor  
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Lt. Governor

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Sean W. Earlen  
Chairman  
Nancy Wittenberg  
Executive Director

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

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

November 15, 2017

John Iannaco, Construction Office  
Winslow Township  
125 South Route 73  
Braddock, NJ 08037

Application No.: 2017-0167.001  
Block 4506, Lot 14  
Winslow Township

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 1.25 acre parcel in Winslow Township. The Township owns the parcel.

### **STANDARDS**

The Commission staff has reviewed the proposed demolition 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. 7:50-5.21)**

The parcel is located in a Pinelands Regional Growth Area. The demolition of a dwelling is permitted in the Pinelands Area.

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

The evidence of cultural activity on the parcel, including the existing dwelling, lacks any potential for designation as a historic resource. Based upon this determination, 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 October 18, 2017. The Commission's public comment period closed on November 3, 2017. 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 demolition, the applicant shall obtain any other necessary permits and approvals.

### 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.



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

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### PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on December 4, 2017 and include the following information:

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

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



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-47

**TITLE:** Approving With Conditions Pinelands Development Application Number 1981-0479.011

Commissioner Lohmeyer  
seconds the motion that:

moves and Commissioner Chila

WHEREAS, the Pinelands Commission has reviewed the Executive Director's recommendation Report, which recommends that the following application to replace 110 existing, 100-foot-tall electric transmission line lattice towers with new steel monopoles 105-to 125-feet in height, depending on the location, be approved with conditions:

1981-0479.011

Applicant:

Atlantic City Electric Company

Municipality:

Buena Vista Township  
Egg Harbor Township  
City of Estell Manor  
Hamilton Township  
Weymouth Township

Management Area:

Pinelands Agricultural Production Area  
Pinelands Forest Area  
Pinelands Regional Growth Area  
Pinelands Rural Development Area

Date of Report:

November 17, 2017

Proposed Development:

Replacement of 110 existing lattice towers with 110 monopoles.

WHEREAS, in accordance with Pinelands Resolution No. PC4-17-34, the Pinelands Commission provided an opportunity for the public to present oral comments at its meeting on November 3, 2017 and accepted written comment until the close of business on that same date; and

WHEREAS, no comments were submitted by the public, either verbally or in writing, concerning this application; and

WHEREAS, the Pinelands Commission has had the opportunity to review the application file and the Executive Director's Recommendation Report, dated November 17, 2017; and

WHEREAS, the Pinelands Commission hereby finds that there is ample evidence in the record demonstrating that the proposed development with the conditions recommended by the Executive Director conforms to the minimum standards of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Pinelands Commission hereby finds that the proposed development with the conditions recommended by the Executive Director is consistent with the intent and objectives of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., and the Pinelands Comprehensive Management Plan, N.J. A.C. 7:50; 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 the Pinelands Commission Adopts the recommendation of the Executive Director, including the conditions contained within the Executive Director's Recommendation Report dated November 17, 2017; and

BE IT FURTHER RESOLVED that the Pinelands Commission hereby **determines** that the development proposed in the Pinelands Development Application No. 1981-0479.011 is **consistent** with the minimum standards of the Pinelands Comprehensive Management Plan.

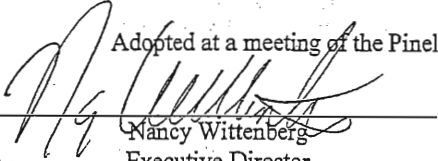
### Record of Commission Votes

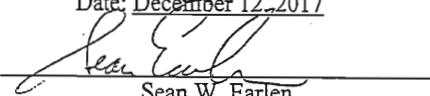
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*				
Ashmun	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jannarone	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Quinn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Avery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lloyd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rohan Green	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Barr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lohbauer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Earlen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chila	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	McGlinchey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Galletta	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prickett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

  
Nancy Wittenberg  
Executive Director

  
Sean W. Earlen  
Chairman



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

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

## EXECUTIVE DIRECTOR'S RECOMMENDATION REPORT

November 17, 2017

Ms. Christine Melillo  
Atlantic City Electric  
5100 Harding Highway  
Mays Landing, New Jersey 08330

Application No.: 1981-0479.011

Location: Upper Pittsgrove to Lewis Transmission Right-Of-Way  
Buena Vista Township  
Egg Harbor Township  
City of Estell Manor  
Hamilton Township  
Weymouth Township

This application proposes the replacement of 110 existing 100 foot tall electric transmission line lattice towers with new steel monopoles 105 to 125 feet in height, depending on the location. Atlantic City Electric (ACE) is also proposing the replacement of a double-circuited 138 kilovolt (kV) transmission line with a 238 kV transmission line (hereinafter the "proposed electric transmission tower replacement project".) The entire project crosses four counties and ten municipalities in southern New Jersey.

Approximately 19 miles of the overall approximately 40 mile proposed electric transmission tower replacement project will occur in the Pinelands Area. All of the work will occur within an existing electric transmission right-of-way. The right-of-way, which is 200 feet wide, is currently cleared to a width of 100 feet. The proposed electric transmission tower replacement project will be located within four Pinelands Management Areas: a Rural Development Area (3.9 miles); a Forest Area (7.1 miles); an Agricultural Production Area (2.3 miles); and a Regional Growth Area (5.7 miles).

### BACKGROUND

ACE is an electric service public utility, regulated by the Board of Public Utilities (BPU) pursuant to N.J.S.A. 48:2-23, that supplies electricity to over 545,000 customers in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem Counties. On February 18, 2016, ACE submitted



a Pinelands Development Application to the Pinelands Commission for the proposed electric transmission tower replacement project.

Because ACE is a private entity, Commission staff review normally would have proceeded in accordance with the regulatory process specified in the Pinelands Comprehensive Management Plan (CMP) for private development. Specifically, once the application was deemed complete in accordance with N.J.A.C. 7:50-4.2(c), staff would have issued a Certificate of Filing (COF) pursuant to N.J.A.C. 7:50-4.34. Although not an approval, the COF authorizes a local permitting agency (municipality or county) to begin its review of the proposed development. In addition, once the local permitting agency issues its approval for the private development, that approval must be submitted to the Commission's Executive Director for a determination as to whether it raises a substantial issue with respect to its conformance with the CMP. Only if the Executive Director finds that the local approval raises a substantial issue, does the application go before the full Commission for a vote, following the development of the record before the Executive Director or the OAL. N.J.A.C. 7:50-4.37 & 4.42.<sup>1</sup>

However, in this instance, ACE petitioned the BPU pursuant to the New Jersey Municipal Land Use Law at N.J.S.A. 40:55D-19 to preempt municipal review of its proposed electric transmission tower replacement project. As a result, the application was reviewed by Commission staff under the coordinated state agency permitting provisions of the CMP at N.J.A.C. 7:50-4.81 through 4.85, which required the issuance of a COF to accompany the applicant's submission to the BPU.

On November 22, 2016, the Commission staff issued a COF for the application pursuant to N.J.A.C. 7:50-4.34 and 4.82. Commission staff reviewed the proposed electric transmission tower replacement project for compliance with all applicable CMP standards, specifically permitted land uses, wetlands, threatened or endangered plants and wildlife, and cultural resources. The staff made an initial determination that the proposed electric transmission tower replacement project was consistent with all of these standards.

By letter dated June 21, 2017, the Executive Director transmitted a copy of the COF to the BPU. In that letter, the Executive Director requested that BPU provide the Commission with copies of documents issued and filed with BPU as part of its N.J.S.A. 40:55D-19 petition proceedings, including copies of the petition; notice of any hearing, public meetings or other formal proceedings pertaining to that petition; copies of any written reports or comments that the BPU received that raised issues concerning the standards of the CMP and copies of any Orders issued by the BPU concerning the petition. BPU subsequently submitted its record to the Commission staff, including all public comments and documents submitted as part of its public and evidentiary hearings.

On June 30, 2017, the BPU issued an Order Adopting Initial Decision approving, among other things, ACE's petition for preemption of municipal review in accordance with N.J.S.A. 40:55D-19 for the totality of the tower replacement project, including the portion to be constructed within the Pinelands Area. Consequently, and in light of the Appellate Division's decision in an unrelated matter, Matter of Petition of South Jersey Gas Co., 447 N.J. Super. 459, 478 (App. Div. 2016), the Commission at its October 13, 2017 meeting passed Resolution PC4-17-34 which articulates the process by which the

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<sup>1</sup> If the Executive Director determines the local approval does not raise issue of CMP conformance, the approval may go into effect. However, if further review ("call-up") is necessary, an adjudicatory hearing is conducted by either the Executive Director or the Office of Administrative Law, followed by a vote of the Commission. Conversely, with regard to public development applications, which typically do not include a corresponding local permitting approval, the determination of CMP compliance is made by vote of the Commission.

Commission would review the proposed tower replacement project in order to render a final decision as to its compliance with the standards of the CMP.

On October 13, 2017, the Commission posted notice on its website and sent its officially designated newspapers notice of the public's opportunity to provide oral comment regarding the ACE application at the Commission's regularly scheduled meeting on November 3, 2017 and through submission of written comments until the close of business on November 3, 2017.

The Commission received no public comments on the application either at the November 3, 2017 meeting or in writing.

### STANDARDS

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

#### Land Use (N.J.A.C. 7:50-5.28(a), 7:50-5.26(b)10 and 7:50-5.29(a))

As indicated in the Commission's November 22, 2016 COF, the portion of the project to be constructed within the Pinelands Area consists of the replacement of 110 lattice towers with 110 monopoles within an existing electric transmission line right-of-way located in Buena Vista, Egg Harbor, Hamilton and Weymouth Townships and the City of Estell Manor.

The proposed electric transmission tower replacement project will be located in a Rural Development Area (3.9 miles), a Forest Area (7.1 miles), an Agricultural Production Area (2.3 miles), and a Regional Growth Area (5.7 miles). The CMP defines electric transmission utilities as "public service infrastructure" at N.J.A.C. 7:50-2.11. Public service infrastructure is a permitted use<sup>2</sup> in a Regional Growth Area (N.J.A.C. 7:50- 5.28(a)) and a Rural Development Area (N.J.A.C. 7:50-5.26(b)10).

The continuation and expansion of existing public service infrastructure is also a permitted use in an Agricultural Production Area and Forest Area provided the development meets certain conditions contained in N.J.A.C. 7:50-5.2. These conditions stipulate that the use was not abandoned or terminated subsequent to January 14, 1981, that the expansion or alteration of the use is in accordance with the minimum standards of N.J.A.C. 7:50-6, and that the area of expansion does not exceed 50 percent of the floor area, the area of the use or the capacity of the use, whichever is applicable, in existence on January 14, 1981. Commission staff has determined that the proposed development meets these conditions and therefore is a permitted use in the Agricultural Production Area and Forest Area.

#### Wetlands Protection Standards (N.J.A.C. 7:50-6.7 & 6.13)

The CMP prohibits most development in wetlands and requires a 300 foot buffer to wetlands unless it is demonstrated that a lesser buffer will not result in a significant adverse impact to the wetland. ACE's proposed electric transmission tower replacement project is to be constructed entirely within an existing electric transmission right-of-way.

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<sup>2</sup> A permitted use is a land use authorized by the CMP in a particular Pinelands management area pursuant to Subchapter 5, Minimum Standards for Land Uses and Intensities.



Portions of the existing right-of-way are located in and within 300 feet of wetlands. The proposed development will result in the permanent disturbance of approximately 218 square feet (0.05 acres) of wetlands.

The CMP (N.J.A.C. 7:50-6.13) permits the installation of utility transmission and distribution facilities in wetlands provided the following five conditions are met: 1) there is no feasible alternative route for the linear improvement that does not involve development in a wetland, or, if none, that another feasible route which results in less significant adverse impacts on wetlands does not exist; 2) the need for the proposed linear improvement cannot be met by existing facilities or modification thereof; 3) the use represents a need which overrides the importance of protecting the wetland; 4) development of the linear improvement will include all practical measures to mitigate the adverse impact on the wetland; and 5) the resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances.

The information submitted as part of ACE's Pinelands Development Application, which was verified by the Commission staff, demonstrates compliance with the five conditions of N.J.A.C. 7:50-6.13. Specifically, based upon the staff's review, there is no feasible alternative route for the proposed existing electric transmission line that does not involve development in wetlands or another feasible route which results in an impact to less than 218 square feet of wetlands. The proposed development will increase the reliability and resiliency of the overall electricity distribution system, the need for which cannot be met by existing facilities or modifications thereof. The improved reliability represents a need which overrides the importance of protecting 218 square feet of wetlands. Development of the project will include all practical measures, including matting and the use of silt fence, to avoid earth disturbance in the wetland and minimal cutting of trees, to mitigate any adverse impact on the wetland. The permanent disturbance of the 218 square feet of wetland will not result in the resources of the Pinelands being substantially impaired.

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

The proposed electric transmission tower replacement project will be located entirely within an existing electric transmission line right-of-way. A total of nine trees will be removed to accommodate the proposed activity, three of which are in wetlands. In accordance with N.J.A.C. 7:50-6.23(a), the proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP (N.J.A.C. 7:50-6.26) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. N.J.A.C. 7:50-6.26 lists grass species that meet this standard. To stabilize the disturbed areas associated with the transmission line pole replacement, the applicant should utilize a seed mixture which meets that recommendation.

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

The applicant completed a habitat suitability assessment and accompanying surveys for Pinelands designated threatened and endangered (T&E) animal species, and surveys for Pinelands designated T&E plant species. Suitable habitat for the local populations of two T&E animal species, Barred owl and Pine Barrens tree frog, was identified in portions of the wetlands located in the vicinity of the project. To avoid irreversible adverse impacts on habitats that are critical to the survival of known local populations of Barred owls and Pine Barrens tree frogs, the applicant proposes to prohibit development in and within 300 feet of those wetlands where critical habitat for these populations has been identified for the period

between March 1 and August 31. Critical habitat for known populations of Northern pine snakes was identified in the vicinity of, but not within, the existing right-of-way. To avoid impacts to individual Northern pine snakes during construction, the applicant proposes to utilize qualified professionals to monitor the development activities between April 1 and October 31. The proposed development activities therefore have been designed to ensure that there will be no irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 *et seq.*

With regard to T&E plant species, the survey identified local populations of numerous threatened and endangered plant species within the existing right-of-way. The development and all activities necessary to accommodate the development, including access drives and work areas, have been designed so that the proposed project will not result in irreversible adverse impact on the survival of these local populations of these T&E plant species.

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

A cultural resource survey was completed for the application. The survey identified significant cultural resources below the ground surface in seven areas within the right-of-way. Construction matting is proposed to be installed in six of those areas to avoid potential impacts to these significant cultural resources. Impacts to the seventh area will be unavoidable and will be disturbed due to the placement of one of the monopoles. In accordance with the provisions of the CMP (N.J.A.C. 7:50-6.156(a)2), the submitted cultural resource survey accomplished the recordation of the significant cultural resource in the seventh area. The proposed development is consistent with the CMP cultural resource standards.

#### PUBLIC COMMENT

As noted above, the Commission provided an opportunity for the public to provide comment in person at its regularly scheduled meeting on November 3, 2017, and through the submission of written comments until the end of business the same day. Notice of these public comment opportunities was provided on the Commission's website and sent to the Asbury Park Press, Press of Atlantic City, Burlington County Times and Cherry Hill Courier Post on October 13, 2017, announcing the opening of the public comment period. No member of the public spoke concerning the application at the November 3, 2017 Commission meeting, and no written comments were received.

#### EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director concludes that the proposed ACE electric transmission tower replacement project, Application No 1981-0479.011, conforms to the standards of the CMP. The Executive Director therefore recommends that the Pinelands Commission **APPROVE** it subject to the following conditions:

#### CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the following plans:

Site Plan, consisting of 37 sheets, prepared by Paulus, Sokolowski and Sartor, LLC and dated as follows:

Sheets 1-37, dated 3/4/2016, last revised 10/12/2016

Site Plan, consisting of 13 sheets, prepared by Gannett Fleming Inc. and dated as follows:  
Sheets 1-13, dated 6/30/2016

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 found at N.J.A.C. 7:50-6.21 et. seq. 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 the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and said measures shall be maintained in place until all development has been completed and the area has been stabilized.
6. To maintain consistency with the CMP cultural resource standards, the applicant shall install matting and fencing in the six areas identified in the applicant's Executive Summary and Phase III Archaeological Mitigation report, dated October 27, 2016, as containing significant cultural resources. The applicant shall submit to the Commission photo-documentation of pre-construction, in-progress and end of project conditions for the six locations.
7. To avoid irreversible adverse impacts on habitats that are critical to the survival of known local populations of Barred owls and Pine Barrens tree frogs, development in wetlands and the required 300 foot buffer to those wetlands that have been identified as critical habitat for these local populations is prohibited between March 1 and August 31 of any given year.
8. Prior to any development, the applicant shall obtain any other necessary permits and approvals.



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

NO. PC4-17-48

**TITLE:** Issuing an Order to Certify Ordinance 1971-2017, Amending Chapter 233 (Land Management) of the Code of Galloway Township

Commissioner Galka moves and Commissioner Barr seconds the motion that:

**WHEREAS**, on March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of the Township of Galloway; and

**WHEREAS**, Resolution #PC4-87-19 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-87-19 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on October 10, 2017, Galloway Township adopted Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Township's Code; and

**WHEREAS**, Ordinance 1971-2017 establishes electronic message center signs as permitted uses in the Township's zoning districts within the Pinelands Regional Growth Area, Pinelands Town, and Pinelands Village Management Areas, including standards for controlling illumination levels, message duration, and message transition; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 1971-2017 on October 12, 2017; and

**WHEREAS**, by letter dated October 17, 2017, the Executive Director notified the Township that Ordinance 1971-2017 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Ordinance 1971-2017 was duly advertised, noticed and held on November 1, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

**WHEREAS**, the Executive Director has found that Ordinance 1971-2017 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 1971-2017 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 1971-2017 and has reviewed the Executive Director's report; and

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

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

**NOW, THEREFORE BE IT RESOLVED that**

1. An Order is hereby issued to certify that the Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Galloway Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

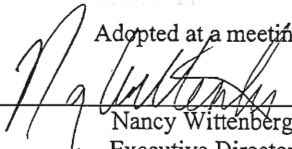
**Record of Commission Votes**

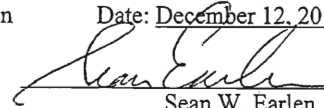
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Ashmun	X			Jannarone		X		Quinn		X	
Avery	X			Lloyd	X			Rohan Green		X	
Barr	X			Lohbauer	X			Earlen	X		
Chila	X			McGlinchey		X					
Galletta	X			Prickett	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

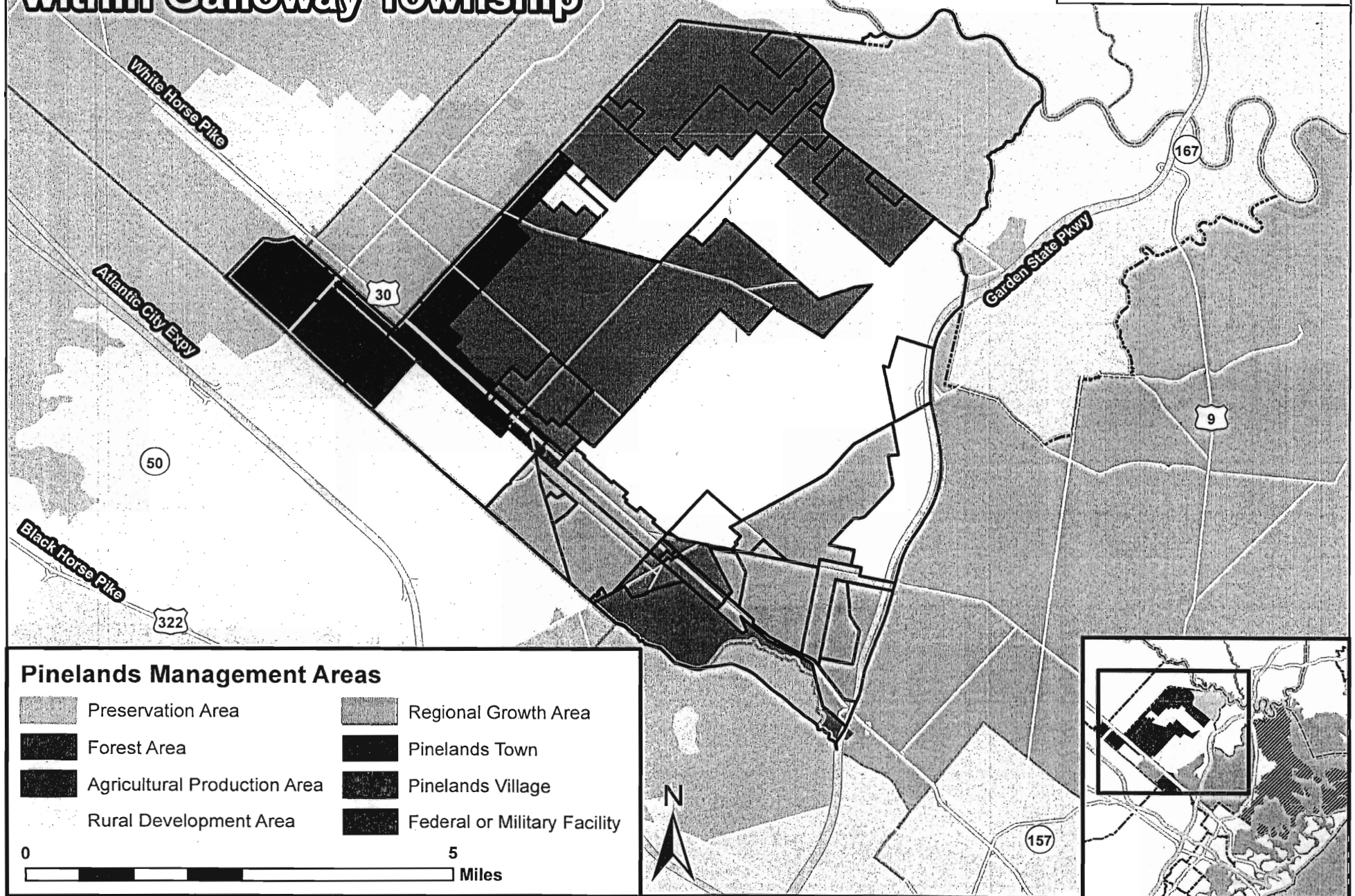
  
Nancy Wittenberg  
Executive Director

  
Sean W. Earlen  
Chairman



# Pinelands Management Areas within Galloway Township

Executive Director's Report  
Galloway Ordinance 1971-2017  
Exhibit 1  
11/17/2017





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

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

**REPORT ON GALLOWAY TOWNSHIP ORDINANCE 1971-2017, AMENDING CHAPTER  
233 (LAND MANAGEMENT) OF THE CODE OF GALLOWAY TOWNSHIP**

November 17, 2017

Galloway Township  
300 E. Jimmie Leeds Road  
Galloway, NJ 08205

**FINDINGS OF FACT**

**I. Background**

The Township of Galloway is located in the southeastern portion of the Pinelands Area, in Atlantic County. Pinelands municipalities that abut Galloway Township include Port Republic Township and Galloway Township, and the Townships of Hamilton, Egg Harbor, and Mullica in Atlantic County, as well as Washington and Bass River Townships in Burlington County.

On March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Galloway Township.

On October 10, 2017, Galloway Township adopted Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township. Ordinance 1971-2017 adopts regulations controlling electronic message center (EMC) signs. In particular, it establishes such signs as permitted uses in the zoning districts located within the Pinelands Regional Growth Area, Pinelands Town, and Pinelands Village Management Areas of the Township, and provides additional standards for controlling illumination levels, message duration, and message transition. The Pinelands Commission received a certified copy of Ordinance 1971-2017 on October 12, 2017.

By letter dated October 17, 2017, the Executive Director notified the Township that Ordinance 1971-2017 would require formal review and approval by the Pinelands Commission.

**II. Master Plans and Land Use Ordinances**

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

- \* Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, introduced on September 12, 2017 and adopted on October 10, 2017.

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

**1. Natural Resource Inventory**

Not applicable.

**2. Required Provisions of Land Use Ordinance Relating to Development Standards**

Ordinance 1971-2017 amends Chapter 233 (Land Management) Section 233-10 (Sign Regulations) of the Code of Galloway Township. In particular, it establishes regulations permitting and controlling for electronic message center (EMC) signs. These types of signs are electronically-activated, changeable-copy signs whose variable message and/or graphic presentation can be electronically programmed by a computer from a remote location and is typically illuminated by LED lights.

Ordinance 1971-2017 permits EMC signs to be used for a limited range of on-site identification sign categories including those for: institutional uses and public facilities; permitted professional offices; businesses; shopping centers; and industrial parks. In the Pinelands Area, Ordinance 1971-2017 permits EMC signs only within zoning districts that are within the Pinelands Regional Growth Area, Pinelands Town, and Pinelands Village Management Areas. Galloway Township includes two discrete Regional Growth Areas, portions of the Pinelands Town of Egg Harbor City and the entirety of the Pinelands Villages of Cologne-Germania and Pomona (see Exhibit 1).

Ordinance 1971-2017 establishes additional standards requiring that all such signs: incorporate automatic dimming controls; retain a minimum message display time of 8 seconds; shall not exceed a maximum luminance level of  $750 \text{ cd/m}^2$  between sunset and sunrise; shall not use continuous scrolling and/or traveling, flashing, blinking, twinkling, spinning, rotating, and similar moving effects; and shall turn off or display a blank screen when malfunctioning; and where residential uses are located within 200 feet of the property, the sign shall dimmed and remain steady from 11:00 pm through 6:00 am.

The amendments made by Ordinance 1971-2017 must be evaluated in terms of their consistency with the CMP's scenic management program (N.J.A.C. 7:50-6, Part X), which contains standards for signs. The scenic management standards of the CMP include a general prohibition on signs that are designed to attract attention by physical or lighting change (N.J.A.C. 7:50-6.107(a)). Additionally, N.J.A.C. 7:50-6.107(e) requires that to the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.



This ordinance presents a potential conflict with the 7:50-6.107(a) because, by design, EMC signs allow for the contents of a sign to change at relatively frequent intervals through the use of LED technology. It is noteworthy that the CMP does not provide any standards for sign lighting (e.g., internal or external lighting). Thus, it is not the use of the LED technology (internal illumination) by EMC signs that raises an issue with the CMP, but the fact that EMC signs involve the changing of one static image to another, or even the use of video, to attract attention. However, it is important to note that this particular standard of the CMP was written in 1980 at a time when such LED technology was not common, but is now in pervasive use.

Ordinance 1971-2017 incorporates numerous standards to control the location, size and appearance of EMC signs as outlined above. Given that these types of signs are permitted only in the Pinelands Regionals Growth Area, Pinelands Town, and Pinelands Village Management Areas of Galloway Township, where the CMP permits and encourages all types of residential and commercial development, these standards sufficiently address concerns with scenic management.

The amendments adopted by Ordinance 1971-2017 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

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

Not applicable.

**4. Requirement for Municipal Review and Action on All Development**

Not applicable.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

Not applicable.

9. **Referral of Development Applications to Environmental Commission**

Not applicable.

10. **General Conformance Requirements**

Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. **Conformance with Energy Conservation**

Not applicable.

12. **Conformance with the Federal Act**

Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. **Procedure to Resolve Intermunicipal Conflicts**

Not applicable.

**PUBLIC HEARING**

A public hearing to receive testimony concerning Galloway Township's application for certification of Ordinance 1971-2017 was duly advertised, noticed and held on November 1, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Mr. Lanute conducted the hearing, at which no testimony was received.

Written comments were accepted through November 3, 2017; however, no comments were received.

**CONCLUSION**

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 1971-2017 complies with the Comprehensive Management Plan's standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 1971-2017 of Galloway Township.

SRG/DBL/CGA  
Attachment



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-

49

**TITLE:** To Revise and Adopt Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Application Fees; Escrows; Application Procedures; Landfills; Water Quality; Signs; Alternate Design Wastewater Treatment Systems Pilot Program)

Commissioner

Avery

moves and Commissioner

Galletta

seconds the motion that:

**WHEREAS**, on July 14, 2017, the Pinelands Commission authorized the publication of proposed amendments to the Comprehensive Management Plan through adoption of Resolution PC4-17-22; and

**WHEREAS**, the proposed amendments were published in the September 18, 2017 issue of the New Jersey Register at 49 N.J.R. 3075(a); and

**WHEREAS**, the Pinelands Commission held a public hearing to elicit public comment on the proposed amendments on October 4, 2017; and

**WHEREAS**, the Pinelands Commission also solicited written comment on the proposed amendments through November 17, 2017; and

**WHEREAS**, the Pinelands Commission received both oral and written comments on the proposed amendments; and

**WHEREAS**, the Pinelands Commission has reviewed all public comments received; and

**WHEREAS**, based upon further review of the proposed amendments and public comments, the Commission has determined that the proposed amendments to N.J.A.C. 7:50-4.1(a)17, which relate to prescribed burning and the clearing and maintaining of fire breaks, should not be adopted at this time; and

**WHEREAS**, the Commission has further determined that the proposed definition of "interested party" at N.J.A.C. 7:50-2.11 should not be adopted at this time; and

**WHEREAS**, the Commission has also determined that minor technical changes to the amendments at N.J.A.C. 7:50-6.108(a)4 and 5 are necessary to correct publication errors made by the Office of Administrative Law; and

**WHEREAS**, the Pinelands Commission desires to revise and adopt the proposed amendments in accordance with the December 12, 2017 Notice of Adoption; and

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission in adopting the Comprehensive Management Plan or amendments thereto shall have force or effect until thirty (30) 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 revises the proposed Comprehensive Management Plan amendments, as published in the September 18, 2017 New Jersey Register, in accordance with the attached December 12, 2017 Notice of Adoption.

2. The Pinelands Commission hereby adopts the proposed Comprehensive Management Plan amendments, as published in the September 18, 2017 New Jersey Register, and in accordance with the attached December 12, 2017 Notice of Adoption.
3. The Executive Director shall forward the amendments and minutes of this action to the Governor of the State of New Jersey, and shall also forward these amendments to the United States Secretary of the Interior for review in accordance with Section 502 of the National Parks and Recreation Act of 1978.
4. The amendments shall take effect as provided in the Pinelands Protection Act and upon publication in the New Jersey Register.

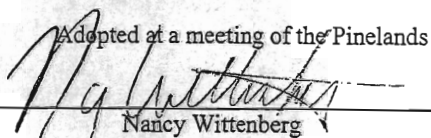
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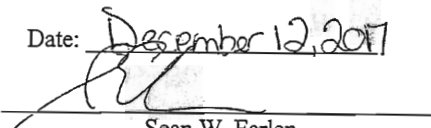
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Avery	X				Lloyd	X				Rohan Green			X	
Barr	X				Lohbauer	X				Earlen	X			
Chila	X				McGlinchey			X						
Galletta	X				Prickett	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

  
Nancy Wittenberg  
Executive Director

  
Sean W. Earlen  
Chairman



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

NO. PC4-17- 50

**TITLE:** Resolution Authorizing the Executive Director to Enter into an Amendment to an Existing Memorandum of Understanding Among the Pinelands Commission, Winslow Township, and the Camden County Municipal Utilities Authority Regarding the Winslow Township Wastewater Treatment Plant and Its Infiltration/Percolation Facility

Commissioner Lichtner  
seconds the motion that:

moves and Commissioner Galleher

**WHEREAS**, the New Jersey Pinelands Commission (the Commission) is a public body, corporate and politic which was established to prepare and administer the Pinelands Comprehensive Management Plan (the "CMP") to protect the resources of the Pinelands Area of the State of New Jersey; and

**WHEREAS**, Section 6 of the Pinelands Protection Act authorizes the Commission "to enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or endorsement of actions to be taken just outside of the Commission's jurisdiction that are nevertheless of import to the Pinelands area; and

**WHEREAS**, the Commission authorized the original Memorandum of Understanding (MOU) among the parties by Resolution PC4-09-69; and

**WHEREAS**, the MOU was fully executed on February 1, 2010; and

**WHEREAS**, the MOU provided endorsement of the Camden County Municipal Utilities Authority amendment to the Tri-County Water Quality Management Plan (WQMP); and

**WHEREAS**, the WQMP amendment allowed the Camden County Municipal Utilities Authority to decommission the Winslow Township wastewater treatment plant and infiltration lagoons at Sicklerville and replace that treatment facility with sewer connections to the Camden County Municipal Utilities Authority Delaware No. 1 water pollution control facility in the City of Camden on the Delaware River; and

**WHEREAS**, implementation of the WQMP amendment resulted in an interbasin transfer of water from the Great Egg Harbor River basin to the Delaware basin; and

**WHEREAS**, implementation of the WQMP amendment also resulted in the loss of recharge through the infiltration lagoons at the Winslow Township wastewater treatment plant to the Kirkwood Cohansey aquifer potentially affecting stream flows in the Great Egg Harbor River headwaters; and

**WHEREAS**, the CMP limits the inter-basin transfer of water between watersheds to the maximum extent practical; and

**WHEREAS**, the CMP provides that increases in water supply diversions from the Kirkwood Cohansey aquifer may be permitted only if it is demonstrated that said increases will not result in any adverse ecological impact on the Pinelands Area; and

**WHEREAS**, the original MOU established offsetting measures to address potential adverse ecological impacts due to the implementation of the WQMP amendment; and

**WHEREAS**, the offsetting measures included effluent flow monitoring and establishment of two continuous stream monitoring sites in the Great Egg Harbor River watershed by the Camden County Municipal Utilities Authority; and

**WHEREAS**, the offsetting measures included purchase of not less than 1.5 MGD of water from New Jersey American Water Company, purchase of additional non-Kirkwood Cohansey water for all new

development, as well as water use monitoring and a requirement for stream flow analysis by Winslow Township; and

**WHEREAS**, Winslow Township also instituted water conservation ordinances and has demonstrated success in reducing water use since instituting those ordinances and the offsetting measures in the year 2008; and

**WHEREAS**, Winslow Township has requested an amendment to the MOU to provide credit for water conservation and to allow the Township to withdraw a volume of water from the Kirkwood Cohansey aquifer that will not exceed the volume withdrawn in 2008, thereby delaying the purchase of additional non-Kirkwood Cohansey water; and

**WHEREAS**, the Commission wishes to recognize the successful conservation efforts of the Township but also to clarify the diversion limits of water that may be withdrawn from the Kirkwood Cohansey aquifer from Township wells and to restructure stream flow monitoring conditions; and

**WHEREAS**, the parties have developed a First Amendment of the MOU; and

**WHEREAS**, the New Jersey Water Supply Plan 2017-2022 has been issued and its recommendation of using no more than 25% of the Low Flow Margin to protect against adverse ecological impacts is considered in the cap on Kirkwood Cohansey withdrawals for the purposes of the First Amendment of the MOU; and

**WHEREAS**, the Policy and Implementation Committee has reviewed the proposed First Amendment of the MOU attached hereto and dated November 13, 2017 and recommends it for approval; and

**WHEREAS**, the Commission finds that the First Amendment of the MOU is authorized under Section 6 of the Pinelands Protection Act as referenced above, 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 expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that the Pinelands Commission agrees to enter into the First Amendment to the Memorandum of Understanding with Winslow Township and the Camden County Municipal Utilities Authority Regarding the Winslow Township Wastewater Treatment Plant and Its Infiltration/Percolation Facility dated November 13, 2017 attached, and hereby authorizes the Executive Director to execute the agreement.

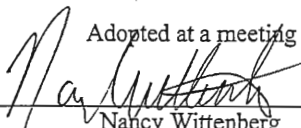
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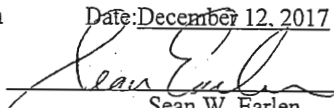
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Ashmun	X			Jannarone		X		Quinn			X
Avery	X			Lloyd	X			Rohan			X
Barr	X			Lohbauer	X			Earlen	X		
Chila	X			McGlinchey		X					
Galletta	X			Prickett	X						

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2017

  
Nancy Wittenberg  
Executive Director

  
Sean W. Earlen  
Chairman



**FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BY AND AMONGST THE  
TOWNSHIP OF WINSLOW, THE CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY AND  
THE NEW JERSEY PINELANDS COMMISSION**

This First Amendment to the Memorandum of Understanding dated November 23, 2009 (hereinafter the 2009 MOU) is made as of this \_\_\_\_\_ day of \_\_\_\_\_ in the year of 2017, by and amongst

The **Township of Winslow** (hereinafter, "Winslow"), a municipal corporation of the State of New Jersey;

The **Camden County Municipal Utilities Authority** (hereinafter, "CCMUA"), a municipal authority of the State of New Jersey; and

The **New Jersey Pinelands Commission** (hereinafter, "Pinelands Commission"), an independent political subdivision of the State of New Jersey, in but not of the Department of Environmental Protection.

**WHEREAS**, through its execution of the 2009 MOU, the Pinelands Commission endorsed the CCMUA's proposal to decommission the Winslow Township Wastewater Treatment Plant (WTWTP) and its appurtenant Infiltration and Percolation Facility (I/P Facility) which had served to recharge treated wastewater to the Kirkwood Cohansey (K/C) Aquifer; and

**WHEREAS**, decommissioning the WTWTP and redirecting the wastewater to the CCMUA's Water Pollution Control Facility (WPCF) enabled the New Jersey Department of Environmental Protection (NJDEP) to lift a moratorium on new sewer connections in the Sicklerville section of Winslow Township, thereby facilitating the potential for new development and increased water demand in Winslow Township; and

**WHEREAS**, with the execution of the 2009 MOU, the Parties agreed to an inter-basin transfer of water from the Great Egg Harbor River Basin through Winslow Township's public water supply system to the Delaware River Basin via the CCMUA's WPCF; and

**WHEREAS**, the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(a) provides that to the maximum extent practical the inter-basin transfer of water between watersheds should be avoided; and

**WHEREAS**, the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(e) provides that increases in water-supply diversions from the K/C Aquifer may be permitted only if it is demonstrated that said increases will not result in any adverse ecological impact on the Pinelands Area; and

**WHEREAS**, conveying wastewater from the Sicklerville section of Winslow Township to the CCMUA's WPCF has the potential to reduce low-flows of the headwaters of the Great Egg Harbor River Basin; and

**WHEREAS**, a reduction in base-flows or low-flows of the headwaters of the Great Egg Harbor River Basin will potentially have an adverse ecological impact on the Pinelands Area; and



**WHEREAS**, without an offsetting, non-K/C Aquifer source of water, as development within Winslow increases, concomitant increases to its water-supply diversions from the K/C Aquifer will also occur; and

**WHEREAS**, appropriate offsetting measures were outlined in the 2009 MOU and are continued in this amended MOU to address potential adverse ecological impacts on the Pinelands Area that may occur as a result of a reduction in base flows or low flows of the headwaters of the Great Egg Harbor River Basin; and

**WHEREAS**, these offsetting measures are aimed at maintaining base-flows and low-flows in the streams within the Great Egg Harbor River Basin; and

**WHEREAS**, Winslow currently purchases not less than 1.5 MGD of water through annual contracts with the New Jersey American Water (hereinafter, "NJAW"); and

**WHEREAS**, offsetting measures implemented by Winslow Township pursuant to the 2009 MOU, that Winslow will continue to implement included (1.) the purchase of at least 1.5 MGD from non-K/C water sources(s) and (2.) managing/sequencing the use of its wells in accordance with a USGS-conducted Aquifer Study in order to minimize impacts to stream flow in the Great Egg Harbor River Basin; and

**WHEREAS**, paragraphs A.7 through A.8 of this First Amendment to the MOU require Winslow Township to remedy any potential adverse ecological impacts caused by the diversion of more than the annual or monthly maximums outlined in paragraphs A.3 to A.5 not later than April 1 of the calendar year following such exceedance(s); and

**WHEREAS**, without offsetting measures, a reduction in base-flows or low-flows of the headwaters of the Great Egg Harbor River Basin will potentially have an adverse ecological impact on the Pinelands Area; and

**WHEREAS**, Winslow Township has petitioned the Pinelands Commission to consider amending the 2009 MOU to credit Winslow Township for having accomplished significant reductions in K/C water usage through a variety of voluntary actions; and

**WHEREAS**, Winslow Township has demonstrated that it has achieved significant reductions in water diversions from the K/C Aquifer as a result of: (1) the 2008 adoption of a Water Conservation Program Ordinance, (2) the requirement for Water Pressure Reducing Valves on all new water connections, (3) the 2014 enhancement of a Water Conservation Program which incorporates water use rate restructuring to further discourage excessive water use, and (4) ongoing efforts to remediate losses from the K/C Aquifer due to ground water inflow and infiltration into sanitary sewer lines; and

**WHEREAS**, Winslow Township has implemented a Supervisory Control and Data Acquisition (SCADA) system to manage/sequence its potable water supply wells in a manner that is consistent with the USGS Aquifer Study; and

**WHEREAS**, Winslow has renewed its contract to purchase a minimum of 1.5 MGD from NJ American Water through the year 2047 (30 years); and

**WHEREAS**, the total K/C water use for Winslow from both the Great Egg Harbor River and Mullica River watersheds, as a result of the actions delineated above, has decreased from the base K/C Aquifer well withdrawal of 475.5 Million Gallons Yearly (MGY) in the year 2008, down to approximately 213.97 MGY, in 2016; and

**WHEREAS**, Winslow has requested that it be allowed to continue to withdraw up to 515.018 MGY from its K/C Aquifer wells which includes the water allocations previously granted to the "grandfathered" developments delineated in Paragraph A.5 below; and

**WHEREAS**, although the Pinelands Commission recognizes the water conservation efforts successfully undertaken by Winslow, it also must ensure that annual water diversions from the K/C Aquifer will not continuously increase due to increased development that may result from lifting of the sewer connection moratorium, and

**WHEREAS**, conveying wastewater from the WTWTP to the CCMUA's Delaware No. 1 WPCF obviated the discharge of any wastewater into the WTWTP's I/P Facility and thereby, eliminated a potential source of pollutant loading within the Great Egg Harbor River Basin and potentially improved its water quality; and

**WHEREAS**, if Winslow exceeds the well withdrawals provided for in this First Amendment of the 2009 MOU, then Winslow will be required to purchase additional water from a non-K/C Aquifer supplier of water in amounts sufficient to ensure that it will not divert more than 475.5 MGY plus the volume associated with development any of the grandfathered projects listed below from K/C water sources in either the Great Egg Harbor or Mullica watersheds; and

NOW, THEREFORE, Winslow, the CCMUA, and the Pinelands Commission hereby agree to amend the 2009 MOU as follows:

A. To Alleviate Impacts on Average Streamflow in the Great Egg Harbor River and Mullica River Basins

1. Winslow shall continue to purchase a minimum of 1.5 MGD of water exclusively for use within the Great Egg Harbor River Basin-portion of the Township through annual contracts with NJAW, or obtain said water amount from another non-K/C Aquifer water source, for as long as (1) Winslow's wastewater is conveyed to the CCMUA's Delaware No. 1 Water Pollution Control Facility, or anywhere else outside of the Great Egg Harbor Basin; and (2) Winslow's treated wastewater is not recharged into the K/C Aquifer.
2. In addition to the water purchased pursuant to paragraph A.1, Winslow shall purchase additional water amounts from a non-K/C Aquifer water source in accordance with the terms of paragraph A.8 below, for as long as (1) Winslow's wastewater is conveyed to the CCMUA's Delaware No. 1 Water Pollution Control Facility, or anywhere else outside of the Great Egg Harbor Basin; and (2) Winslow's treated wastewater is not recharged into the K/C Aquifer.
3. Winslow shall not increase its K/C well withdrawals above the Base K/C Well Withdrawal, which is 475.5 MGY, plus that volume associated with the specific

development projects set forth in paragraph A.5 below, which shall be considered a "grandfathered" allocated volume.

4. Winslow shall not increase its K/C well withdrawals above a monthly maximum of 85.67 million gallons MG in any month;
5. Winslow shall be allowed to exceed the Base K/C withdrawal of 475.5 MGY upon development of any of the projects listed below and then only by the volume noted as "Grandfathered". The total additional volume, if all five developments were to proceed, shall not exceed 39.518 MGY. This dedicated, grandfathered volume is not transferrable to any other projects.

NJDEP Permit Number*	Project Description	Grandfathered Number of Units	Daily Demand (@ 270 gal per unit)	permit Before MOA date	Grand- fathered (MGD)
WCP040002	Braddock Preserves	54	14580	Yes	0.01458
WCP040003	LDM Services Phase 1&2	20	5400	Yes	0.0054
WCP050002	Wiltons Corner Th-4	27	7290	Yes	0.00729
WCP060002	Cedar Brook	274	108,230	Yes	0.10823
WCP080001	Oak Leaf Estates	26	7020	Yes	0.00702
	<b>Sum</b>	<b>401</b>	<b>108,270</b>		<b>0.10827</b>

6. Winslow shall provide to the Pinelands Commission, no later than April 1 of each year, an annual report detailing the actual water usage related to the above tabulated "grandfathered" projects for the time period between March 1 of the preceding year to February 28 of the reporting year. Winslow's obligation to provide annual water usage reports, which went into effect upon execution of the 2009 MOU, shall continue in effect beyond execution of this First Amendment to the 2009 MOU.
7. Winslow shall provide to the Pinelands Commission, no later than April 1 of each year, a copy of its contract with NJAW or any other non-K/C Aquifer water source for the annual purchase of potable water or confirm that such contract remains in place. Winslow's obligation to provide copies of such annual water purchase contracts, which went into effect upon execution of the 2009 MOU, shall continue beyond execution of this First Amendment to the 2009 MOU.
8. In addition to the water obtained pursuant to paragraph A.1 of this amended MOU, Winslow shall purchase or obtain additional water amounts from a non-K/C Aquifer water source once it has exceeded the Base K/C Well Withdrawal of 475.5 MGY. The Township may only exceed the Base K/C Well Withdrawal by the amount of the grandfathered allocation, set forth in paragraph A.5, for any of the grandfathered developments that may be constructed. Winslow shall also offset any monthly use above the monthly maximum use noted in paragraph A.4 by obtaining an equivalent volume of non-K/C water for the total volume of the monthly exceedances by April 1 in the

calendar year following exceedance of the monthly maximum. Such offset will be required only for the year following the exceedance. If the monthly maximum is exceeded in successive years, the Township will continue to obtain non-K/C water equal to the yearly exceedance of the monthly maximum volume in each year. the monthly maximum equivalent volume shall be reviewed annually and may or may not become a permanent source of water in addition to the 1.5 MGD purchased from NJAW.

#### B. Well Use Impact Alleviation and Optimal Management

1. The State Water Supply Plan shows that the upper reaches of the Great Egg Harbor River basin are stressed. To mitigate the stress on this basin, the parties to this First Amendment to the 2009 MOU will initiate a collaborative effort with neighboring municipalities, the New Jersey Department of Environmental Protection, and the New Jersey Department of Agriculture to delineate specific methods and actions aimed at reducing water use in the Great Egg Harbor basin.
2. Winslow shall continue to use its SCADA system to manage/sequence the use of its K/C Aquifer wells in a manner that is consistent with this Memorandum of Understanding, and thereby minimize the impacts of the use of its K/C Aquifer wells on stream base-flow, low-flow and related water table elevations in the headwaters of the Great Egg Harbor River Basin for so long as Winslow's wastewater is conveyed to the CCMUA's Delaware No. 1 WPCF, or anywhere else outside of the Great Egg Harbor River Basin, and for so long as Winslow's treated wastewater is not recharged into the K/C Aquifer.
3. At no time shall Winslow, as it manages and sequences the use of its K/C Aquifer wells, increase the amount of its withdrawals from the Mullica River basin to the Great Egg Harbor basin or elsewhere in excess of 246.375 MGY (675,000 gallons per day.) This volume is prescribed in the Memorandum of Agreement between the Camden County Municipal Utility Authority and the Pinelands Commission, dated February 8, 1991.
4. Should the limits set forth in paragraphs A.3 through A.5 be exceeded, Winslow shall obtain water, no later than April 1 in the year following such exceedance, in an equivalent volume from a non-K/C water source. When the annual K/C volume is exceeded, Winslow shall obtain the equivalent volume from a non-K/C source and that volume will be purchased continuously going forward in addition to the 1.5 MGD purchased from NJAW.

#### C. Definition and Duration of Adverse Ecological Impact

1. This First Amendment to the 2009 MOU prevents additional adverse ecological impacts, as defined by the year of peak use (2007) cited in the report entitled "New Jersey Water Supply Plan 2017-2022" issued by the New Jersey Department of Environmental Protection in October 2017, by restricting withdrawals for all Winslow's K/C aquifer wells to a volume below the peak use in 2007.

#### D. Manage Growth Impacts to Wastewater Discharges

1. Wastewater Flows Not Exceeding 2.9 MGD: The CCMUA has constructed two parallel sanitary sewer lines which connect the Sicklerville section of Winslow to the CCMUA's regional sewerage collection system and allow for the conveyance of wastewater from such section to the Delaware No. 1 Water Pollution Control Facility. One of the two sewer lines, known as the Phase I line, has been designed to accommodate up to 2.9 MGD of wastewater flow. Only the Phase I line shall be permitted to handle wastewater, so long as the ninety-day average wastewater flow in the Phase I line does not exceed eighty percent of 2.9 (i.e., 2.32 MGD).
2. Wastewater Flows Exceeding 2.9 MGD but not exceeding 3.5 MGD: The other of the two sewer lines, known as the Phase II line, has been designed to accommodate an additional 600,000 gallons per day of wastewater flow. When the ninety-day average wastewater flow of the Phase I line has reached eighty percent of its 2.9 MGD-capacity (i.e., 2.32 MGD) the CCMUA may activate the Phase II line if, and only if, Winslow's K/C well-management practices are not causing exceedance of the annual cap or the monthly maximum described in paragraphs A.3 and A.4.
3. Wastewater Flows Exceeding 3.5 MGD (Wastewater Flows in Excess of Winslow's Anticipated Build-out): Winslow agrees that it will not seek to permit additional development to occur that would increase wastewater flow in excess of 3.5 MGD unless, at that time, Winslow Township is in compliance with the annual cap and the monthly maximum described in paragraphs A.3 and A.4. Winslow agrees that it shall obtain the CCMUA's approval prior to conveying additional wastewater flow in excess of 3.5 MGD.

#### E. Activation of Wastewater Facilities

1. The Phase II line, and any subsequent lines, shall only be activated if all of the conditions regarding their activation, set forth in Paragraph D above, of this First Amendment to the 2009 MOU regarding their activation are satisfied;
2. CCMUA shall condition all future amendments to the Camden County Wastewater Management Plan upon Winslow's continuing compliance with the terms of the 2009 MOU and this First Amendment to the 2009 MOU.

#### F. Plan Compliance/Remedies for Default

1. Should the CCMUA or Winslow fail for any reason to fulfill its obligations under the 2009 MOU or this First Amendment to the 2009 MOU, CCMUA shall not permit any additional sewer connections within the Sicklerville section of Winslow.
2. The Pinelands Commission may, by way of illustration and in no way limiting the remedies available to it at law or equity:
  - a. Seek specific performance of the defaulting party's obligations in any appropriate proceeding in law or equity in any Court or administrative tribunal having jurisdiction; and

- b. Comment negatively on all future Water Allocation Permit applications; Wastewater Management Plan amendments; and, Water Quality Management Plan amendments concerning the Winslow Township, until such time as CCMUA and/or Winslow shall resume compliance with the terms of the 2009 MOU or this First Amendment to the 2009 MOU
  - c. Call-up for review any development approval in portion of Winslow Township located within the Pinelands Area that will connect to the wastewater collection system or to the water supply distribution system.
  - d. Request the Department of Environmental Protection to issue a moratorium on new sewer or water supply connections for any new development in Winslow Township, until such time as CCMUA and/or Winslow shall resume compliance with the terms of the 2009 MOU or this First Amendment to the 2009 MOU.
3. In the event CCMUA or the Pinelands Commission intends to take any action to remedy a default, such party shall provide all parties to this First Amendment to the 2009 MOU, ten (10) calendar days written notice of its intent to take such action and a detailed plan, including milestones, of how such breach will be remedied.
  4. The forbearance of any party to this First Amendment of the 2009 MOU to enforce any of its terms or to exercise their rights hereunder in the event of any breach by one of the parties for any period of time shall in no event be deemed a waiver or estoppel of the right thereafter to enforce the same or exercise a right hereunder.

G. Effective Date & Duration

1. In accordance with N.J.S.A. 13:18A-5(h), shall take effect following the conclusion of the Governor's review period or approval of the Pinelands Commission's minutes authorizing entry of this First Amendment to the 2009 MOU and then upon approval and signature by the authorized representative of all parties; the date of execution of the last signatory shall constitute the effective date of this First Amendment to the 2009 MOU and shall be written above.
2. This First Amendment to the 2009 MOU shall remain in effect unless amended by the written consent of all parties.
3. This First Amendment to the 2009 MOU may only be terminated with the consent of the Pinelands Commission. In order to obtain such consent, the party wishing to terminate shall: (1) provide ten (10) calendar days written notice and (2) confirmation that Winslow secured a non-K/C aquifer source of water for the totality of its volume being conveyed to CCMUA's WPCF through the Phase I and II sewer lines constructed as a result of the 2009 MOU.

IN WITNESS WHEREOF, the parties have caused their duly authorized representative to execute this First Amendment to the 2009 Memorandum of Understanding on and as of the day and year first written above. This Memorandum of Understanding shall be executed in at least three original copies of which one is to be delivered to the Township of Winslow; one of which

November 13, 2017

is to be delivered to the Camden County Municipal Utilities Authority; and, one of which is to be delivered to the New Jersey Pinelands Commission.

**Township of Winslow**

**Witnessed:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Hon. Barry M. Wright

Name: \_\_\_\_\_

Title: Mayor

Title: \_\_\_\_\_

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

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

**Camden County Municipal Utilities Authority**

**Witnessed:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Michael G. Brennan

Name: \_\_\_\_\_

Title: Chair

Title: \_\_\_\_\_

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

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

**New Jersey Pinelands Commission**

**Witnessed:**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Nancy Wittenberg

Name: \_\_\_\_\_

Title: Executive Director

Title: \_\_\_\_\_

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

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





# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 51

**TITLE:** Setting Pinelands Commission meeting dates for 2018

Commissioner Avery moves and Commissioner Barr seconds the motion that:

**WHEREAS**, the Open Public Meetings Act requires that the Pinelands Commission establish an annual schedule of regular meetings prior to January 10<sup>th</sup> of each year; and

**WHEREAS**, the Pinelands Commission will use the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education in New Lisbon, Pemberton Township, as the regular site for its meetings; and

**WHEREAS**, the Pinelands Commission may need to find an alternate, temporary meeting location within the Pinelands Area for its meetings throughout the year; and

**WHEREAS**, any meeting that will be scheduled at a location other than the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, will be advertised in accordance with the requirements of the Open Public Meetings Act; and

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

**NOW, THEREFORE BE IT RESOLVED** that the Pinelands Commission shall conduct its meetings on the following dates in 2018 beginning at the specified time at the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, New Jersey, unless notice is otherwise provided in accordance with the Open Public Meetings Act:

Friday, January 12, 2018 (9:30 a.m.)	Friday, July 13, 2018 (9:30 a.m.)
Friday, February 9, 2018 (9:30 a.m.)	Friday, August 10, 2018 (9:30 a.m.)
Friday, March 9, 2018 (9:30 a.m.)	Friday, September 14, 2018 (9:30 a.m.)
Friday, April 13, 2018 (9:30 a.m.)	Friday, October 12, 2018 (9:30 a.m.)
Friday, May 11, 2018 (9:30 a.m.)	Friday, November 9, 2018 (9:30 a.m.)
Friday, June 8, 2018 (9:30 a.m.)	Friday, December 14, 2018 (9:30 a.m.)

**BE IT FURTHER RESOLVED** that the Executive Director is directed to publish notice of this schedule in the Commission's official newspapers, file copies of the schedule with the Secretary of State of the State of New Jersey and Pinelands county and municipal clerks, post a copy of the notice in the Commission's offices and to post the annual schedule on the Commission's web page ([www.nj.gov/pinelands](http://www.nj.gov/pinelands)).

## Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun	X			Jannarone		X		Quinn			X
Avery	X			Lloyd	X			Rohan Green			X
Barr	X			Lohbauer	X			Earlen			X
Chila	X			McGlinchey		X					
Galletta	X			Prickett	X						

\*A = Abstained / R = Recused

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

Date: December 12, 2017  
  
 Sean W. Earlen  
 Chairman