



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, May 8, 2015

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order

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

2. Adoption of Minutes

- April 10, 2015 (open and closed session)

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration Where the Record is Closed

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions Applications for Public Development (Application Numbers 1984-1062.004 & 1997-0045.009)
 - Approving With Conditions an Application for Public Development (Application Number 2009-0089.001)

B. Planning Matters

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

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

6. Other Resolutions

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

7. Ordinances Not Requiring Commission Action

- Little Egg Harbor Township Ordinances 2013-4 and 2014-16
- Medford Lakes Borough Ordinance 509
- South Toms River Borough Ordinance 2-15
- Stafford Township Planning Board Resolution 2015-11

8. Other Agenda Items

- *Presentation:* The Commission's new website

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

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

11. Adjournment

Events of Interest

May 6, 2015- Pinelands Research Series-Lauretta Bushar- New Lisbon, NJ
Physiographic and Anthropogenic Structure of the timber rattlesnake population- 10:00 a.m.

Upcoming Meetings

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

Fri., May 29, 2015	Policy & Implementation Committee Meeting (9:30 a.m.)
Tue., June 2, 2015	Personnel & Budget Committee Meeting (9:30 a.m.)
Fri., June 12, 2015	Pinelands Commission Regular Monthly Meeting (9:30 a.m.)

Upcoming Office Closures

Monday, May 25, 2015 Memorial Day



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Disclaimer

These minutes reflect the actions taken by the Commission during its May 8, 2015 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on May 19, 2015

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

MINUTES

May 8, 2015

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Richard Prickett, Ed Lloyd, Gary Quinn, D'Arcy Rohan Green (via telephone), Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Ed McGlinchey and Jane Jannarone.

Chairman Lohbauer called the meeting to order at 9:36 a.m.

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 13 Commissioners present.)

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

Minutes

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

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

Other

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

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

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

Committee Chairs' Reports

MOA *ad hoc* Committee

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

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

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

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

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

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

Personnel & Budget Committee

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

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

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

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

The Committee met in Closed Session.

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

Agriculture Committee

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

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

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

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

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

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

Policy & Implementation Committee

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

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

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

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

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

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

Mr. Larry Liggett updated the Commission on the following:

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

Mr. Chuck Horner provided an update on the following:

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

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

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

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

Public Development Projects and Other Permit Matters

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

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

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

Mr. Horner said yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolutions Relating to Municipal Ordinances

There were no resolutions on this month's agenda

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comment.

Other Resolutions

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

Chairman Lohbauer read the resolution into the record.

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

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

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

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

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

Ordinances Not Requiring Commission Action

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

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

- Stafford Township Planning Board Resolution 2015-11

No members of the Commission had questions.

Presentation

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

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

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

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

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

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

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

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

Chairman Lohbauer said the matter was voted on today.

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

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

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

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

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

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

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

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

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

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

Commissioner Ashmun asked about the status of wastewater planning.

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

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

Closed Session Resolution

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

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

Return to Open Session

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

Other

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

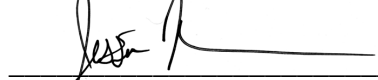
The Commission adopted the resolution by a vote of 13 to 0.

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

Adjournment

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

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: May 15, 2015



State of New Jersey

THE PINELANDS COMMISSION

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
Executive Director

Date: April 29, 2015

Subject: Summary of the May 8, 2015 Meeting Packet

Minutes

The April 10, 2015 Commission meeting minutes (open and closed) are included in your packet.

Public Development Applications

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

1. **NJDEP NJ STATE FORESTRY SERVICES**, Preservation Area District, road restoration activities, forestry and a forest fire fuel break.
2. **LENAPE REGIONAL HIGH SCHOOL DISTRICT**, Regional Growth and Rural Development Area, construction of a 485 square foot building addition.
3. **BUENA VISTA TOWNSHIP**, Pinelands Village & Forest Area, development of a tourist railroad station.

Waiver of Strict Compliance

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

Letter of Interpretation

There were two Pinelands Development Credit (PDC) Letters of Interpretation (attached) issued since the last Commission meeting allocating 2.0 PDCs to 127.3 acres.

Off-Road Vehicle Event Route Map Approval

There were three Off-Road Vehicle Event Route Map Approvals (attached) issued since the last Commission meeting.

Superfund Groundwater Remediation Cleanup

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

Other Resolutions

A resolution has been crafted by staff to recognize Robert Jackson's service as a Commissioner.

Ordinances Not Requiring Commission Action

We have also included a memorandum on four ordinance amendments and one master plan that we reviewed and found to raise no substantial issues with respect to Comprehensive Management Plan standards. The amendments were submitted by Little Egg Harbor Township, Medford Lake Borough and South Toms River Borough. The master plan was submitted by Stafford Township.

Closed Session

The Commission may need to convene into closed session.

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

/ PC1



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PC2-24

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

MINUTES

April 10, 2015

Commissioners Present

Candace Ashmun, Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Jane Jannarone, Richard Prickett, Ed Lloyd, D'Arcy Rohan Green, and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Helene Chudzik.

Commissioners Absent

Alan W. Avery Jr., Ed McGlinchey, Gary Quinn and Fran Witt.

Chairman Lohbauer called the meeting to order at 9:32 a.m.

DAG Chudzik read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners present.)

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

DAG Chudzik administered the Oath of Office to Mr. Bob Barr.

Commissioner Barr thanked Commissioners, staff and members of the public for the warm welcome. He said it was an honor to be here. He thanked the Governor for the nomination and those who helped the nomination through. He said he has no preconceived notions or ill will for those who did not support his nomination. He said he looks forward to working with everyone.

Minutes

Chairman Lohbauer presented the minutes from the March 13, 2015 Commission meeting (open and closed session). He thanked Vice Chairman Avery for chairing that meeting. Commissioner Ashmun moved the adoption of the minutes. Commissioner Earlen seconded the motion.

The minutes of the March 13, 2015 Commission meeting were adopted by a vote of 10 to 0.

Commissioner Jannarone joined the meeting at 10:38 a.m.

Committee Chairs' Reports

Commissioner Ashmun said that the *ad hoc* Committee to review the Memorandum of Agreement process will meet after the April 24, 2015 Policy & Implementation Committee meeting.

Policy & Implementation Committee

Chairman Lohbauer provided an update on the March 27, 2015 Policy & Implementation Committee meeting.

The Committee adopted the minutes (open and closed sessions) of the January 30, 2015 meeting.

Chairman Lohbauer created an *ad hoc* Committee to evaluate policy related to Memoranda of Agreement, and he initiated discussion of the creation of an Agriculture Committee.

The Committee recommended that the Commission conditionally approve Franklin Township Ordinance O-6-14, a comprehensive sign ordinance. The conditions require that changeable message signs/light emitting diode signs be prohibited in the Pinelands Area portion of the Township, which includes only Rural Development and Agricultural Production Areas.

The Committee received a presentation on the Black Run watershed, an environmentally sensitive area in the Rural Development Area of Evesham Township. Protection of this area was addressed in the 2006 report A Sub-regional Resource Protection Plan for Southern Medford/Evesham Townships and included in the Fourth Progress Report on Plan Implementation. Among the options included in the 2006 report are a rule proposal that would re-designate a 4,000-acre Forest Area in Evesham and Medford townships and an

off-site clustering pilot program to direct development away from these ecologically valuable lands. A follow up discussion will be held at the next P&I Committee meeting.

The Committee reviewed a schedule for a pilot program for special events and expanded economic opportunities in the Agricultural Production Area. Ms. Wittenberg will be providing an update on these efforts to State Senator Ray Lesniak, Chair of the Senate Economic Growth Committee, in June.

The Committee learned that the New Jersey Conservation Foundation has combined funds from a variety of sources including the final remaining Pinelands Conservation Funds, allowing it to purchase a 475 acre portion of the Zemel property in Woodland Township. Closing is anticipated for May 2015.

Commissioner Galletta said he spoke with Commissioner McGlinchey this week and he asked about the status of the Agriculture Committee.

Commissioner Galletta asked for clarification as to what Commissioners will be on the Agriculture Committee.

Commissioners Earlen, Prickett, Lloyd, McGlinchey and Galletta will serve on the Committee. Chairman Lohbauer said he would serve as an alternate. The Committee needs one more alternate.

Chairman Lohbauer said he would ask Commissioner McGlinchey (who will Chair that Committee) to discuss a schedule with its members and Director Wittenberg.

Commissioner Ashmun clarified that the Agriculture Committee would be composed only of Commission members.

Executive Director's Reports

Mr. Larry Liggett updated the Commission on the following:

- Last month Mr. Liggett advised the Commission that Hammonton had to discharge treated wastewater into Hammonton Creek. Currently, Hammonton is back to completely using ground recharge. The overland/surface drip irrigation should be operational by the end of May. The underground/ subsurface drip irrigation should be completed by this fall.
- About five years ago, the Commission and the New Jersey Department of Environmental Protection (NJDEP) agreed to share threatened and endangered (T&E) species data. The Commission's T&E data has been updated electronically. Now the NJDEP and the Commission can work from the same maps.

Ms. Wittenberg noted that as part of Hammonton's Long Term Comprehensive Wastewater Plan, no additional flow is permitted until both the overland and underland drip irrigations systems are operational.

Mr. Chuck Horner provided an update on the following:

- The Commission has received an appeal of the Buena Vista Township application (application # 2009-0089.001) originally on today's agenda. Ms. Stacey Roth is in the process of reviewing the appeal. The Mayor of Buena Vista Township has requested that the application be postponed until the May Commission meeting.
- Staff will be meeting with the Burlington County Engineer's office on April 29 to discuss the Taunton Lakes Road widening project.
- A pre-application meeting was held with Atlantic City Electric to discuss an electric transmission line that would cross the Mullica River in the vicinity of the Garden State Parkway and on through New Gretna. The poles have already been installed as part of another project.

Commissioner Ashmun asked if the line would be attached to the bridge across the Mullica River.

Mr. Horner said that the line will be attached to poles that were previously installed for another transmission line.

- Staff continues to meet with the owners of a large mining operation in Maurice River Township to discuss a habitat conservation plan in order to address the threatened and endangered species standards of the Comprehensive Management Plan (CMP).

Commissioner Earlen said he read the article in the newspaper about a New Jersey Natural Gas (NJNG) pipeline proposed through Burlington County. He asked Ms. Wittenberg if our staff has had any conversations with representatives from NJNG.

Ms. Wittenberg said some time ago NJNG advised the Commission of its plans. At this time no application has been submitted.

Commissioner Earlen asked about the status of Jackson Township's rezoning.

Ms. Wittenberg said the issue is ongoing. She said Jackson Township is evaluating the best option for a specific portion of the Regional Growth Area.

Commissioner Lloyd said he had heard that the NJNG application was filed with the Board of Public Utilities this week.

Ms. Roth reminded Commissioners it is time to file Financial Disclosure Statements. The deadline is May 15.

Public Development Projects and Other Permit Matters

Chairman Lohbauer said Buena Vista Township has requested that its public development application that was on today's agenda be postponed until the May Commission meeting.

Resolutions Relating to Municipal Ordinances

Commissioner Earlen moved the adoption of a resolution Issuing an Order to Conditionally Certify Ordinance O-6-14, Amending Chapter 253 (Land Development) of the Code of Franklin Township (See Resolution # PC4-15-07). Commissioner Brown seconded the motion.

Commissioner Galletta said that there are about 10 businesses that could be affected by this ordinance and he will be voting no. He said the CMP needs to be amended to address electronic signs.

The Commission adopted the resolution by a vote of 9 to 2. Commissioner Galletta and Commissioner Jannarone voted no.

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comment.

Ordinances Not Requiring Commission Action

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

- Shamong Township Ordinance 2014-5
- Tabernacle Township Ordinance 2015-2

No members of the Commission had questions.

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

Chairman Lohbauer requested that the public focus their comments on issues rather than judge members of the staff and the Commission.

Denise Garner of Jackson Township congratulated Commissioner Barr on his appointment. She said she was here to provide comments on Jackson's rezoning proposal from residential to commercial that the Town Council did not vote to approve. She said commercial development would not be a good idea because of the area's close proximity to the base. She said many residents are upset about the rezoning possibility. She said that keeping the area as open space would be ideal.

Tim Mead, a Winslow Township resident, provided comment about youth soccer at Tuckahoe Turf Farms. See attached comments.

Allen Carter of Tuckahoe Turf Farms provided comment on marketing his turf. See attached comments.

Josephine Sienkiewicz of Jackson Township said that she and her husband own a small farm in Jackson in the area proposed for rezoning. She said she does not support changing the zone from residential to industrial.

Fran Brooks of Tabernacle Township welcomed Commissioner Barr. She requested an explanation of the pilot project connected to the Tuckahoe Turf matter.

Ms. Wittenberg said the CMP allows for pilot programs. She said the program would be independent of the Tuckahoe Turf matter. She said the pilot would allow the Commission to evaluate non-agriculture activities on agricultural lands. Depending on the outcome of the pilot, the Commission might propose rule changes.

Ms. Roth added that the CMP at 7:50-10.1 authorizes the Commission to go through a rule making process if the pilot warrants such a decision. The Commission has received a number of applications for “events” on agricultural lands that are not currently addressed in the CMP. She said rather than deal with these types of applications on a case-by-case basis, the pilot would address them as a whole.

Commissioner Earlen said the Pilot Programs sounds like something the Agricultural Committee should work on.

Fred Akers of the Great Egg Harbor Watershed Association said he attended the Pinelands Short Course and it was great. He referred to the process of Buena Vista Township applying to the Commission after development occurred as a charade. He said the Commission should find a mechanism to retain a licensed engineer to review certain types of development. He also recommended an independent, third-party peer review so there is some certainty that the proposed stormwater system will work.

Chairman Lohbauer said there is almost always no guarantee.

Margit Meissner-Jackson said that there are three pipelines making their way into New Jersey: New Jersey Natural Gas, South Jersey Gas and Pilgrims. She said she is not in favor of pipelines in the Pinelands or elsewhere in the state.

Carol Gay of the New Jersey State Industrial Union Council thanked the Commissioners for voting against the South Jersey Gas pipeline. She said she is against any pipelines in the Pinelands. She said it is imperative that we move away from fossil fuels and turn to renewable resources. She said fracking is a dangerous and harmful process that needs to end.

Marianne Clemente welcomed Commissioner Barr. She asked if there was any new information regarding the South Jersey Gas litigation matter.

Chairman Lohbauer said there is nothing to report.

Bill Wolfe of Bordentown welcomed Commissioner Barr. He said planning and regulatory rules need to be based on the CMP, science and law, not compelling personal interests. He said some of the public comment offered today was outside of the Commission's realm. He said he received a response from the Chairman on climate change and how it relates to the Commission. He reviewed the reasons why he was disappointed with the Chairman's response.

Paul Dietrich of Dennis Township said that his daughter has been playing with the Barons at Tuckahoe Turf Farm for many years. He said there is a need for the fields and there is support for the continued soccer activities there.

Jim Rapp of Jackson Township said he was happy with the outcome of the South Jersey Gas matter and, if it returns to the Commission, he hopes for the same conclusion. He welcomed Commissioner Barr. He said he was in Trenton and rallied against the nomination. He thanked Commissioner Jackson for his service on the Commission. He said that President Obama has endorsed natural gas as the petroleum of choice. He said this is a national issue. He offered Commissioner Barr support.

Jeff Tittel, Director of the NJ Sierra Club, thanked Robert Jackson for his dedication to the Pinelands. He said Boards go through cycles, Commissioners come and go and it is important to remember why we are here. He said the Pinelands are unique, home to plant species only found in this area and the largest freshwater aquifer on the eastern seaboard. He said the Commission, staff and public need to work together to deal with MOAs, sewer plants, climate change, the southern pine beetle, political pressure and large scale housing developments.

Lee Rosenson of Pinelands Preservation Alliance (PPA) and New Jersey Audubon Society commended former Commissioner Jackson for his work at the Commission and welcomed Commissioner Barr. He said the flow of information between staff and Commissioners has room for improvement. He said that every year he raises his concern over T&E consultants, and every year nothing is done. He said it is a conflict of interest when an applicant pays a T&E consultant to do a study on their property. He believes the Commission should hire the consultant in order to get unbiased results.

Chairman Lohbauer said staff would add the T&E discussion to the next P&I agenda.

Michael Gross, environmental counsel to the New Jersey Builders Association, said he appreciated hearing the Chair's request to keep personal attacks out of the public comment portion. He said after reviewing minutes from the last couple of meetings he was shocked to read the negative comments about staff. He said he has worked with numerous staff members through the years and has the utmost respect for them. He asked

Commissioners to keep in mind that interactions between the applicant and staff are essential to achieve a compliant application. He said in every regulatory process that he has been involved in there has always been conversations that took place between the two.

Doug O'Malley of Environment New Jersey welcomed Commissioner Barr and thanked Bob Jackson for his service. He thanked Chairman Lohbauer for looking at the MOA process. He said the relationship between staff and the applicant during the South Jersey Gas pipeline matter was not typical, as portrayed through emails obtained by PPA. He said the Commission needs to work more on climate change-related issues such as the Southern Pine Beetle.

Closed Session Resolution

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

Commissioner moved to retire into closed session. Commissioner seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0, beginning at 11:15 a.m.

Return to Open Session

Commissioner Lloyd made a motion to return to open session. Commissioner Earlen seconded the motion. The meeting resumed at 12:03 p.m.

DAG Chudzik said pending and anticipated litigation were discussed in closed session and no action was taken.

DAG Chudzik requested a motion to allow the Executive Director to continue to negotiate and resolve the Murphy v Medford matter consistent with the discussion that took place in closed session. The motion was moved by Commissioner Lloyd and seconded by Commissioner Earlen. All were in favor. The motion passed by a vote of 11 to 0.

DAG Chudzik requested a motion to authorize the Executive Director to continue to negotiate and settle the Tuckahoe Turf Farm matter consistent with the terms discussed in closed session. The motion was moved by Commissioner Barr and seconded by Commissioner Prickett. Commissioner Rohan Green voted no. The motion passed by a vote of 10 to 1.

Commissioner Barr thanked everyone for the warm welcome.

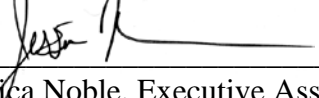
Chairman Lohbauer requested that staff craft a resolution to recognize Commissioner Jackson. He also congratulated staff on another successful Pinelands Short Course.

PC2-32

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 12:09 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: April 24, 2015



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 07

TITLE: Issuing an Order to Conditionally Certify Ordinance O-6-14, Amending Chapter 253 (Land Development) of the Code of Franklin Township

Commissioner Earlton moves and Commissioner Brown seconds the motion that:

WHEREAS, on November 5, 1982, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Franklin Township; and

WHEREAS, Resolution #PC4-82-82 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified 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 #PC4-82-82 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 July 22, 2014, Franklin Township adopted Ordinance O-6-14, amending Chapter 253 (Land Development) of the Township's Code by adopting revised standards for signs, including digital message boards and changeable message signs; and

WHEREAS, within the Pinelands Area, Ordinance O-6-14 permits digital message boards and changeable message signs in the Rural Development and Agricultural Production Areas; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O-6-14 on January 2, 2015; and

WHEREAS, by letter dated February 2, 2015, the Executive Director notified the Township that Ordinance O-6-14 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony Ordinance O-6-14 was duly advertised, noticed and held on February 25, 2015 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 O-6-14 is not fully 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 with conditions that Ordinance O-6-14, amending Chapter 253 (Land Development) of the Code of Franklin 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 O-6-14 be conditionally certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance O-6-14 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

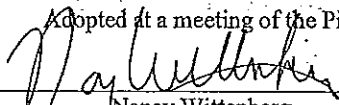
1. An Order is hereby issued to certify with conditions that Ordinance O-6-14, amending Chapter 253 (Land Development) of the Code of Franklin Township, is in conformance with the Pinelands Comprehensive Management Plan. To obtain full certification of Ordinance O-6-14 by the Pinelands Commission, Franklin Township must amend Chapter 253 in accordance with Attachment A of this Order.
2. Franklin Township shall have until August 8, 2015 to adopt and submit the revisions to Chapter 253 to the Pinelands Commission for approval pursuant to N.J.A.C. 7:50-3.45 and Attachment A hereto.
3. If the Township fails to submit the revisions to Chapter 253 pursuant to N.J.A.C. 7:50-3.45 and Attachment A hereto by August 8, 2015, or if such a submission is not fully certified by the Pinelands Commission, Ordinance O-6-14 shall be disapproved.
4. Any additional amendments to Franklin 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.

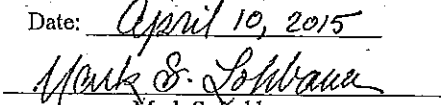
Record of Commission Votes

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Adopted at a meeting of the Pinelands Commission

Date: April 10, 2015


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman

ATTACHMENT A TO EXECUTIVE DIRECTOR'S REPORT, DATED MARCH 27, 2015,
ON FRANKLIN TOWNSHIP'S ORDINANCE O-6-14

Adoption of the following amendments will make Ordinance O-6-14 consistent with the standards and provisions of the Pinelands Comprehensive Management Plan:

§ 253-183 – Signs in R-A, ~~PR-R, PA-P, I, P-I,~~ and Medium-density Residential Zone.

The following sign regulations shall apply to single-family residential and institutional uses within R-A, ~~PR-R, PA-P, I, P-I,~~ and Medium-density Residential Zone.

§ 253-185 – Signs in Zones B, [and] ~~NC, and PN-C.~~

The following sign regulations shall apply in Zones B, [and] ~~NC, and PN-C:~~

§ 253-185.1 – Signs in HC ~~and PH-C~~ Highway Commercial Districts.

The following sign regulations shall apply in the HC ~~and PH-C~~ Highway Commercial Districts:

§ 253-185.2 – Signs in IC, [and] ~~LM, and PLM-I~~ Districts.

The following sign regulations shall apply in Zones B, [and] ~~NC, and PN-C:~~



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

**REPORT ON ORDINANCE O-6-14, AMENDING
CHAPTER 253 (LAND DEVELOPMENT)
OF THE CODE OF FRANKLIN TOWNSHIP**

March 27, 2015

Franklin Township
1571 Delsea Drive
Franklinville, NJ 08322

FINDINGS OF FACT

I. Background

The Township of Franklin is located in the southwestern Pinelands in Gloucester County. Pinelands municipalities adjacent to Franklin Township include Monroe Township, also in Gloucester County; as well as Buena Borough and Buena Vista Township in Atlantic County.

On November 5, 1982, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Franklin Township.

On July 22, 2014, Franklin Township adopted Ordinance O-6-14, amending Chapter 253 (Land Development) of the Township's Code by revising various standards related to signs, including digital message boards and changeable message signs. More specifically, Ordinance O-6-14 permits digital message boards and changeable message signs within the Township's Rural Development and Agricultural Production Areas. The Pinelands Commission received a certified copy of Ordinance O-6-14 on January 2, 2015.

By letter dated February 2, 2015, the Executive Director notified the Township that Ordinance O-6-14 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 O-6-14, amending Chapter 253 (Land Development) of the Code of Franklin Township, introduced on March 11, 2014 and adopted on July 22, 2014.

This ordinance has been reviewed to determine whether it conforms with 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 O-6-14 amends Chapter 253 (Land Development) of the Code of Franklin Township by revising various standards related to signs. Ordinance O-6-14 establishes what kinds of signs are permitted within the Township's various zoning districts as well as the number and size of signs permitted at each use. Additionally, Ordinance O-6-14 adopts standards for LED (light-emitting diode) or LCD (liquid-crystal display) digital message boards, illuminated and changeable message signs, including restrictions on their location. LED (light-emitting diode) or LCD (liquid-crystal display) digital message boards are defined by Ordinance O-6-14 as digital signs with changeable content, designed such that the content can be changed a limitless number of times. Pursuant to Ordinance O-6-14, digital message boards and changeable message signs would be restricted to the PR-R, P-I, PH-C, PN-C, and PLM-I Districts in the Township's Rural Development Area and the PA-P District in the Township's Agricultural Production Area.

The scenic management standards of the CMP include a prohibition on signs that are designed to attract attention by physical or lighting change in the Pinelands Area. However, by their very nature, changeable message signs and digital message boards involve messages and advertisements that move or change on a regular basis. This presents a potential conflict with the CMP, which also requires that the character and composition of signs in the Pinelands Area be harmonious with the scenic values of the Pinelands, to the maximum extent practical. But, it is important to note that the sign standards set forth in the CMP were written in 1980, prior to the use of digital or LCD/LED technology in advertising signs. Also noteworthy is the fact that the CMP does not dictate the type of lighting (internal or external) that signs in the Pinelands Area must use. Thus, it is not the use of LCD/LED technology (internal illumination) itself that raises an issue. Rather, it is the fact that digital or LCD/LED signs often involve the changing of one static image to another, or even the use of video, to attract attention. It is the Commission's position that municipal ordinances that adequately address scenic management in their sign ordinances can, in fact, be consistent with the CMP. Indeed, it is the Commission's position that, within development-oriented management areas (Pinelands Regional Growth Areas, Pinelands Towns, and Pinelands Villages), where virtually all types of residential and nonresidential development are permitted by the CMP, it is entirely consistent with the CMP for a municipality to permit the use of digital signs.

While Ordinance O-6-14 does prohibit scrolling, flashing, blinking, and other similar lighting effects, maximum luminance levels are not among the standards adopted by Ordinance O-6-14 to regulate changeable message signs or digital message boards. Nor, does Ordinance O-6-14 require that all changeable message signs or digital message boards be equipped with automatic

dimming controls so that the light emitted by such signs can be adjusted appropriately depending upon ambient lighting conditions. Ordinance O-6-14 also does not regulate how long each message on a changeable message sign or digital message board must remain before a different message is displayed. Although Ordinance O-6-14 incorporates some standards to control the location, size and appearance of changeable message signs and digital message board signs, the Ordinance's language, as adopted, inadequately addresses the scenic values of the Pinelands. But, even if Ordinance O-6-14 had properly addressed the CMP's scenic standards, digital signs are inappropriate within Agricultural Production Areas; they are particularly inappropriate in Rural Development Areas, where the CMP designates all public, paved roads as scenic corridors. Changeable message signs and digital message boards are simply not appropriate outside of the designated development areas of the Pinelands.

Given the rural nature of the area in question and CMP standards and objectives for scenic management, Ordinance O-6-14 is not fully consistent with the land use and development standards of the Comprehensive Management Plan. However, with the adoption of the amendments set forth in Attachment A, or revisions comparable thereto, this standard for certification will be 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 O-6-14, amending Chapter 115 (Development Regulations) of the Code of Franklin Township, is not fully consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

With the adoption of the amendments set forth in Attachment A, this standard for certification will be met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

No special issues exist relative to the Federal Act. However, Ordinance O-6-14, amending Chapter 253 (Land Development) of the Code of Franklin Township, is not fully consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

With the adoption of the amendments set forth in Attachment A, this standard for certification will be met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Franklin Township's application for certification of Ordinance O-6-14 was duly advertised, noticed and held on February 25, 2015 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments were accepted through March 4, 2015 and were received from the following:

March 4, 2015 letter from Theresa Lettman, Director of Monitoring Programs, Pinelands Preservation Alliance (see Exhibit #1)

March 4, 2015 email from Fran Brooks (see Exhibit #2)

EXECUTIVE DIRECTOR'S RESPONSE

Both Ms. Lettman's letter and Ms. Brooks' also express the opinion that digital signs violate N.J.A.C. 7:50-6.107(a). The scenic management standards of the CMP do indeed prohibit signs that are designed to attract attention by physical or lighting change. Since digital signs involve messages or advertisements that move or change on a regular basis, this presents a potential conflict with CMP provisions that require that the character and composition of signs in the Pinelands Area be harmonious with the scenic values of the Pinelands, to the maximum extent practical. However, it is important to note that the CMP's sign standards were written in 1980, well before the advent of digital or LED/LCD technology in advertising signs. Also noteworthy is the fact that the CMP does not dictate whether signs within the Pinelands should be lighted internally or externally. So, it isn't the use of LCD/LED technology (internal illumination) itself that raises an issue. Rather, it's that digital signs often involve the changing of one static image to another, or even the use of video, to attract attention. Thus, it is the Commission's position that municipal ordinances that adequately address scenic management in their sign ordinances can be consistent with the CMP. Indeed, it is the Commission's position that, within development-oriented management areas (Pinelands Regional Growth Areas, Pinelands Towns, and Pinelands Villages), where virtually all types of residential and nonresidential development are permitted by the CMP, it is entirely consistent with the CMP for a municipality to permit the use of digital signs.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance O-6-14 does not fully comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to conditionally certify Ordinance O-6-14 of Franklin Township.

PWT/SRG/CFR
Attachments

ATTACHMENT A TO EXECUTIVE DIRECTOR'S REPORT, DATED MARCH 27, 2015,
ON FRANKLIN TOWNSHIP'S ORDINANCE O-6-14

Adoption of the following amendments will make Ordinance O-6-14 consistent with the standards and provisions of the Pinelands Comprehensive Management Plan:

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The following sign regulations shall apply to single-family residential and institutional uses within R-A, ~~PR-R, PA-P, I, P-I,~~ and Medium-density Residential Zone.

§ 253-185 – Signs in Zones B, [and] ~~NC, and PN-C.~~

The following sign regulations shall apply in Zones B, [and] ~~NC, and PN-C:~~

§ 253-185.1 – Signs in HC ~~and PH-C~~ Highway Commercial Districts.

The following sign regulations shall apply in the HC ~~and PH-C~~ Highway Commercial Districts:

§ 253-185.2 – Signs in IC, [and] ~~LM, and PLM-I~~ Districts.

The following sign regulations shall apply in Zones B, [and] ~~NC, and PN-C:~~

Exhibit #1
Executive Director's Report on
Franklin Twp. Ordinance O-6-14
March 27, 2015



PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton, NJ 08088
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

March 4, 2015

Susan Grogan
Pinelands Commission
15 Springfield Road
P.O. Box 359
New Lisbon, NJ 08064

Re: Franklin Township Ordinance - O-6-2014

Dear Ms. Grogan:

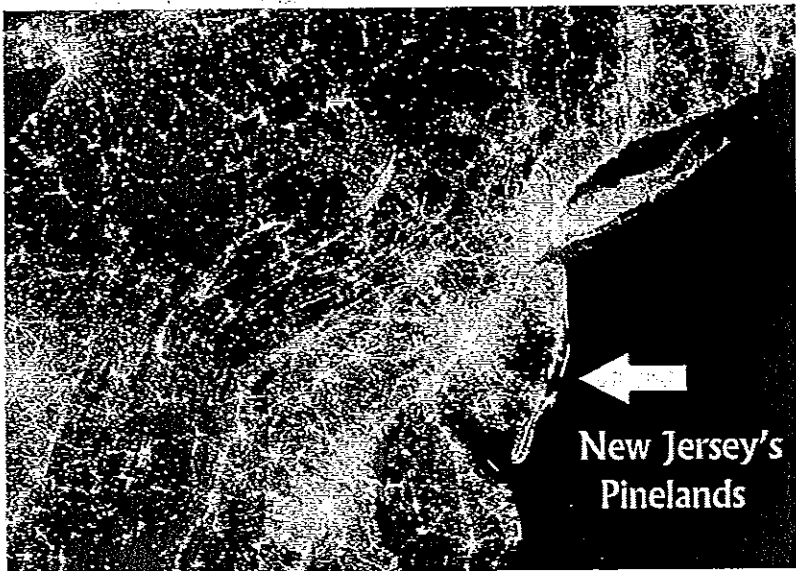
Franklin Township has passed Ordinance O-6-2014 which allows for electronic message signs in the Pinelands Rural Development and Agricultural Production Management areas of the township. PPA believes this ordinance should not be certified because it is not in conformance with the CMP. Section 7:50-3.1 (d) states:

A local authority that incorporates all of the elements of this Plan in its local plan and ordinances will be assured of certification. In contrast, municipal plans and ordinances that deviate from the essential nature of this Plan are unlikely to be certified. However, it is a policy of this Plan to allow municipalities the greatest degree of flexibility and discretion in the preparation of local plans and ordinances so long as the plans and ordinances do not conflict with the ultimate objectives and minimum requirements of this Plan.

Franklin's ordinance conflicts with the minimum requirements of Section 7:50-6.106 on signs which requires each municipality to adopt provisions in its ordinances that contain section 7:50-6.107 (a). This section states:

No sign, other than warning or safety signs, which is designed or intended to attract attention by sudden, intermittent or rhythmic movement, or physical or lighting change, shall be permitted in any area.

Applying the Pinelands Commission's EIA scores to the PR-R and PA-P zones reveals that the area is largely made up of an 80% combined score.



The dark rural areas of the New Jersey Pinelands will change quickly if these types of signs are allowed. The Comprehensive Management Plan got it right in 1980 when it wrote the sign section. The proof is the night sky of New Jersey. Allowing electronic messaging signs in the rural areas will not only allow for ecological light pollution but take away the view shed residents have of the sky.

Respectfully submitted,

Theresa Lettman

Theresa Lettman
Director of Monitoring Programs

Paul Tyshchenko - Public Comments: Franklin Township Ordinance 0-6-14

From: Fran Brooks <brks627@gmail.com>
To: Betsy Piner <betsy.piner@njpines.state.nj.us>
Date: 3/4/2015 3:53 PM
Subject: Public Comments: Franklin Township Ordinance 0-6-14

Exhibit #2 Executive Director's Report on Franklin Twp. Ordinance O-6-14 March 27, 2015
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78 Moores Meadow Road
Tabernacle, NJ 08088

Ms. Betsy Piner
Principal Planning Assistant
New Jersey Pinelands Commission
15 Springfield Road
PO Box 359
New Lisbon, NJ 08064

Dear Ms. Piner,

I am writing to oppose the certification of the Franklin Township Ordinance O-6-14. This Ordinance will permit LED or LCD digital message boards (AKA digital signs) in the PR-P, P-I, PH-C Districts within the Rural Development Area and the PA-P District within the Agricultural Production Area. My opposition is based on the following reasons:

1) The Ordinance Violates Section 7:50-6.107 (a) of the Mandatory sign provisions.

The CMP recognizes the importance of a static display to the visual character of the Pinelands by expressly prohibiting moving images except to provide for public safety. The enforcement of the letter and spirit of this requirement is particularly important because of the visual and spatial characteristics that were defined by a vernacular of past generations. That vernacular was static and relied on color and physical design to identify the land use.

Contrary to the CMP provision, the Commission has approved the use of digital signs in the Regional Growth Area (RGA) in Egg Harbor Township and in the RGA in Monroe Township (Minutes, Planning and Implementation Committee, May 30, 2014). It also approved digital signs in the Pinelands Towns and Village Areas in Buena Vista Township (Pinelands Commission, November 14, 2014). These approvals violate the current CMP standards.

2) Approval of the Franklin Township Ordinance violates the decision to prohibit digital signs in Rural Development Areas.

Approval of this ordinance will continue the pattern of digital sign creep into another Pinelands management areas, the Rural Development and Agricultural Production Areas. Certification is contrary to a decision that expressly prohibited such signs in the RDA (and FA). During the discussion of the Monroe Township sign ordinance (0:19-2013), at the May 30, 2014 Planning and Implementation Committee meeting, staff expressly stated that it "has included language in the Executive Director's report to both restore the mandatory CMP sign provisions and prohibit the changeable message signs in the FA and RDA" [emphasis added] (Minutes, May 30, 2014, page 4.).

3) The Pinelands Commission has not undertaken a study of digital signs as it said it would.

The Commission should not continue to interpret and re-interpret the CMP sign provisions each time it receives an individual municipal sign ordinance application that contains digital sign provisions. At the October 10, 2014 presentation on the 4th report on the implementation of the Pinelands CMP, staff recommended that the digital sign issue should be examined. Certifying the Franklin Township ordinance is wholly inconsistent with this recommendation. It is time for the Commission to undertake a re-examination of the CMP sign provisions and develop proper standards that address digital signs before it approves another sign ordinance.

Thank you for your attention to these comments.

Sincerely,

Fran Brooks

SOUTH JERSEY ELITE BARON PARENT

Mr. Chairman and Pinelands Commissioners... My name is Tim Mead I am a resident of Winslow Township and parents of a 9 and 11 year old children who play for the ((South Jersey Elite Barons)). The Barons teams use the Tuckahoe Turf Farm for practice

Thank you for letting me speak.

I do not pretend to know about state regulations... but I do know first-hand what the events at Tuckahoe Turf Farm have meant to the Pinelands communities' children in terms of recreation and opportunity.

The South Jersey Elite Barons is a wonderful youth soccer organization and it is a great experience for Sara and Owen to be able to play on such good fields. But it is not only about recreation for our children. It is also opportunity to expose Pinelands kids to College soccer coach's. You may not think of it this way, but to college soccer coaches Pinelands kids live in the middle of nowhere.

Barons teams participate in the MSSL (mid atlantic soccer showcase)events at the farm. Those games have been a Godsend for our youth players...the college showcase and the handful of other youth soccer events a year gives our kids a chance to be noticed.

We looked it up...for our 1995 and 1996 class...our now 18, 19 or 20 year old young men and women...We have 13 boys and 20 girls playing in college. The Most from Atlantic and Burlington counties but Camden and Gloucester as well....many if not most would not have been seen without these events. Some have gotten partial scholarships...all have gotten to live their dream thanks to the Tuckahoe Turf Farm and its ideal location and the quality of the MSSL events.

Thank you and please on behalf of the soccer playing children of the Pinelands please say yes today and let us go forward.

Pinelands Commission April 10 Hearing Talking Points

Farm Representative:

Good morning Mr. Chairman and Commissioners. Thank you for the opportunity to speak today as this is vital to the survival of our farm. As the world changed in the past seven or eight years the Turf Farm has increasingly relied on sales to those looking to purchase sod for athletic playing fields.

Some of the best known stadiums in the country use Tuckahoe Turf. Our most effective marketing by far is ..."show me/feel me". What do I mean? We invite representatives of Athletic Venues such as the Pittsburgh Steelers, Washington Nationals or the University of Michigan to come and inspect the fields in Hammonton before and after a soccer tournament.

No ad, slogan or sales pitch could rival the effectiveness of this marketing. Those stadium representatives, or in other cases high school or municipal buying agents, can see the quality of our turf in action. By doing so it has directly resulted in sales we would otherwise not have had, we have kept all of our employees while other sod farms in the state have closed. Tuckahoe Turf is among the finest in the nation for growing quality turfgrass for athletic fields. Tuckahoe Turfs high quality mirrors that of our neighboring farmers who grow Blueberries, Cranberries and many types of Vegetables and specialty crops.

Over the past year, we have made many concessions and compromises to reach the interim agreement with your staff. We look forward to moving ahead in a positive manner with you as the Commission works towards a pilot program.

Thank you again.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-_____

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

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

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

1984-1062.004

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

1997-0045.009

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1984-1062.004 & 1997-0045.009 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission Date: _____

 Nancy Wittenberg
 Executive Director

 Mark S. Lohbauer
 Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

April 17, 2015

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

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

Dear Ms. Fleming:

The Commission staff has completed its review of this application for road restoration activities, forestry and a forest fire fuel break on the above referenced parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 7, 2015 meeting.

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



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

Sincerely,

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

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

Enc: Appeal Procedure

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



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
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www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 17, 2015

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

Application No.: 1984-1062.004

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

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

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

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

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

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

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

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

STANDARDS

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

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

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

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

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

The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands or that will result in a less significant adverse impact to wetlands. The proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands. The applicant has indicated that the proposed road restoration is necessary to permit the safe use of the road for access and control line during a wildfire emergency. The applicant has demonstrated that the need for the road restoration overrides the importance of protecting the wetlands.

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

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

The proposed development will be located within existing forested areas. The proposed road restoration activities and fuel break will result in the clearing of approximately 41 acres of forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

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

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

PUBLIC COMMENT

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

CONDITIONS

1. The proposed forestry activities shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands New Jersey State Forestry Services," dated February 9, 2015.
2. The Commission's approval for the approximately 745 acres of proposed forestry shall expire on May 7, 2025.
3. Except as modified by the below conditions, the proposed road restoration activities and forest fire fuel break shall adhere to the typical cross section sketch titled "Washington Turnpike Activity – NJSFS," received by the Commission on March 2, 2015.
4. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
5. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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

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



State of New Jersey

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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

April 16, 2015

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

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

Dear Mr. Hager:

The Commission staff has completed its review of this application for construction of a 485 square foot building addition at the main entrance to the existing Seneca High School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 7, 2015 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Tabernacle Township Planning Board (via email)
Tabernacle Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Dante Guzzi, P.E.





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 16, 2015

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

Application No.: 1997-0045.009

Location: Block 401, Lot 12.01
Tabernacle Township

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

STANDARDS

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

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

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

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

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

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

The proposed development will be located over existing impervious surfaces and within a maintained grassed area. The proposed clearing and soil disturbance is limited to that which is necessary to

accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. Due to the size and location of the proposed development, this application does not propose any revegetation.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The Commission’s public comment period closed on April 10, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of one sheet, prepared by Dante Guzzi Engineering Associates and dated March 18, 2015.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-_____

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

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

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

2009-0089.001

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2009-0089.001 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission Date: _____

 Nancy Wittenberg
 Executive Director

 Mark S. Lohbauer
 Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

April 8, 2015

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

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

Dear Mayor Chiarello:

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

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Buena Vista Township Planning Board (via email)
Buena Vista Township Construction Code Official (via email)



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



State of New Jersey

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

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

April 8, 2015

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

Application No.: 2009-0089.001

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

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

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

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

STANDARDS

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

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

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

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

The proposed development will be located in maintained grass and wooded areas. In combination, the clearing that occurred on the parcel without application to the Commission and the clearing that is currently proposed for one of the stormwater basins will result in the clearing of approximately 9.4 acres of forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The two existing commercial buildings and the existing single family dwelling are serviced by onsite septic systems. The application does not propose wastewater disposal facilities for the proposed development. The applicant has demonstrated that the existing and proposed development will be consistent with the groundwater quality (septic dilution) standard of the Buena Vista Township land use ordinance and the CMP.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to modify a small existing stormwater basin located on the parcel and construct an approximately two acre stormwater basin on the parcel.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on October 10, 2014. Newspaper public notice was completed on October 13, 2014. The application was designated as complete on the Commission's website on February 27, 2015. The Commission's public comment period closed on March 13, 2015. The Commission received comments from four members of the public regarding this application. These comments are summarized below. The Commission staff will provide copies of the public comment to any Commissioner or member of the public requesting same.

Public Commenter One:

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

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

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

Stormwater Comments from Commenter One:

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

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

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

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

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

Concerns regarding stormwater management proposed for the tourist railroad station.

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

Extensive comments regarding a soil analysis completed by the Commenter.

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

Staff Response to Stormwater Comments from Commenter One:

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

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

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

Wetland Public Comments from Commenter One:

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

Staff Response to Wetlands Comments from Commenter One:

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

Cultural Resource Public Comments from Commenter One:

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

Staff Response to Cultural Resource Comments from Commenter One:

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

Public Notice Comments from Commenter One:

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

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

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

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

Staff Response to Public Notice Comments from Commenter One:

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

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

Concerns about the extent of the proposed development.

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

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

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

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

Questions regarding the Pinelands Management Area of the proposed development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comments regarding "Redevelopment" and "Smart Growth."

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

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

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

Concerns about development occurring outside of the designated redevelopment area.

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

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

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

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

Public Comment from Commenter Two:

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

Staff Response to Commenter Two:

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

Public Comments from Commenter Three:

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

Staff Response to Commenter Three:

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

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

Public Comments from Commenter Four:

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

Staff Response to Commenter Four:

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

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Schaeffer Nassar Scheidegg, all sheets dated November 24, 2010 and revised to January 19, 2015.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
5. Prior to any development, the applicant must provide documentation that the concerned 0.16 acres, proposed to be subject of a preservation easement to meet the CMP nonstructural stormwater management standard, has been filed with the Atlantic County Clerk's office.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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

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



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

AMENDED LETTER OF INTERPRETATION #1838

March 27, 2015

Mary E. Scavelli
3381 Dutch Mill Road
Newfield, NJ 08344

Re: Application # 1996-1181.004
Block 6401, Lots 5 & 72
Dutch Mill Road
Franklin Township

FINDINGS OF FACT

The applicant owns the above referenced 119.3 acre parcel in Franklin Township. The acreage of Lot 5 is based on the submitted deed and the acreage of Lot 72 is based on the municipal tax map. The parcel is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

On September 26, 2005, the Commission issued LOI #1838 allocating 1.5 PDCs to the parcel. That LOI expired on September 26, 2007. The applicant has requested a new LOI for the parcel. The Pinelands Comprehensive Management Plan (CMP) was amended in 2014 regarding the allocation of PDCs to a parcel. This amendment (N.J.A.C. 7:50-5.43(b)4) provided that the Commission shall only consider the allocation of PDCs to the parcel subject of an LOI application and not consider any contiguous lands in common ownership since 1981. This LOI reflects this amendment to the CMP. Amended LOI #1838 replaces previously issued LOI #1838.

The parcel consists of 22.13 acres of uplands and 4.58 acres of wetlands in active field agriculture. The active agriculture was established prior to February 7, 1979. The remaining 92.59 acres are other wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel. The parcel is vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the CMP.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in a Pinelands Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a density bonus



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

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

For the 22.13 acres of uplands, the applicant would be entitled to 1.13 PDCs. For the 4.58 acres of wetlands in active field agriculture, the applicant would be entitled to 0.24 PDCs. For the remaining 92.59 acres of other wetlands, the applicant would be entitled to 0.47 PDCs.

There would be 1.84 PDCs allocated to this lot.

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

Therefore, there are 1.75 PDCs allocated to Block 6401, Lots 5 and 72.

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

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

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

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

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

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Franklin Township Planning Board (via email)
- Franklin Township Construction Code Official (via email)
- Franklin Township Environmental Commission (via email)
- Secretary, Gloucester County Planning Board (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)
- John Scavelli, Jr. (via email)



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #2131

March 27, 2015

Dorothy Lynn Abbott
17732 Fullerfarm Street
Northridge, CA 91325

Re: Application # 2015-0015.001
Block 916, Lot 5
Route 70
Pemberton Township

FINDINGS OF FACT

The applicant owns the above referenced 8.0 acre lot in Pemberton Township. This acreage is based on the municipal tax map. The lot is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this lot.

The 8.0 acre lot consists entirely of uplands. The lot is vacant. There are no easements limiting the use of this lot to non-residential uses. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the Comprehensive Management Plan (CMP).

CONCLUSION

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

The CMP establishes the ratio by which Pinelands Development Credits are allocated in the Preservation Area District (N.J.A.C. 7:50 5.43(b)1). One Pinelands Development Credit is allocated for every 39 acres of uplands, except for certain uplands which have been approved for resource extraction operations. There are 0.2 Pinelands Development Credits allocated for every 39 acres of wetlands.

For the 8.0 acres of uplands, the applicant would be entitled to 0.21 PDCs.

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



Therefore, there are 0.25 PDCs allocated to Block 916, Lot 5.

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

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

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

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

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

Sincerely,



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

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



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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

April 9, 2015

Vicki Lange
Pine Barons Enduro Riders
16 Mills Brook Lane
Shamong, NJ 08088

Re: Application # 1982-3054.056
PBER Clock Run
April 12, 2015
Shamong, Tabernacle, Washington
& Woodland Townships

Dear Mrs. Lange:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

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

Enc: Off-Road Vehicle Event Route Map Approval

c: Shamong Township Clerk (via email)
Tabernacle Township Clerk (via email)
Washington Township Clerk (via email)
Woodland Township Clerk (via email)
Robert Auermuller, Superintendent, Wharton State Forest





Chris Christie
Governor

Kim Guadagno
Lt. Governor

New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1257

Application #: 1982-3054.056

Applicant: Pine Barons Enduro Riders

Event Name: PBER Clock Run

Event Date: April 12, 2015

Municipalities: Shamong, Tabernacle, Washington & Woodland Townships

Management Area: Pinelands Village, Preservation Area District, Special Agricultural Production Area

Lands Utilized

Bass River & Wharton State Forests

Approved Route Map

Received in electronic format on April 6, 2015

A handwritten signature in black ink, appearing to read "Charles M. Horner".

April 9, 2015

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

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ Four loops beginning and ending at 1555 County Route 532 in Chatsworth
- ♦ 100 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



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

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

April 14, 2015

Mike Bradway
Tri-County Sportsmen Motorcycle Club, Inc.
1040 N. Brewster Road
Vineland, NJ 08360

Re: Application # 1988-0757.051
Greenbrier Enduro
April 19, 2015
Maurice River Township

Dear Mr. Bradway:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Horner".

for Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Off-Road Vehicle Event Route Map Approval

c: Maurice River Township Clerk (via email)





Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1258

Application #: 1988-0757.051

Applicant: Tri-County Sportsmen Motorcycle Club, Inc.

Event Name: Greenbrier Enduro

Event Date: April 19, 2015

Maurice River Township

Management Area: Forest Area, Pinelands Village, Rural Development Area

Lands Utilized

Whibco of New Jersey, Inc.

Approved Route Map

Received in electronic format on March 16, 2015

A handwritten signature in black ink, appearing to read "CH", written over a horizontal line.

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

April 14, 2015

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ One route, beginning and ending at 23 Weatherby Road in Port Elizabeth.
- ♦ 80 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

April 22, 2015

Jack O'Connor
Pine Barrens Adventure Camp, LLC
321 Osborn Avenue
Pt. Pleasant, NJ 08742

Re: Application # 1982-3054.057
Pine Barrens Adventure Camp
April 25 & 26, 2015
Bass River, Little Egg Harbor,
Mullica, Stafford
& Washington Townships

Dear Mr. O'Connor:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

for Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Off-Road Vehicle Event Route Map Approval

- c: Mullica Township Clerk (via email)
- Bass River Township Clerk (via email)
- Washington Township Clerk (via email)
- Little Egg Harbor Township Clerk (via email)
- Stafford Township Clerk (via email)
- Superintendent, Bass River State Forest
- Superintendent, Wharton State Forest





Chris Christie
Governor

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1260

Application #: 1982-3054.057

Applicant: Pine Barrens Adventure Camp, LLC

Event Name: Pine Barrens Adventure Camp

Event Date: April 25 & 26, 2015

Municipalities: Bass River, Little Egg Harbor, Mullica, Stafford & Washington Townships

Management Area: Agricultural Production Area, Forest Area, Pinelands Village, Preservation Area District, Special Agricultural Production Area

Lands Utilized

Bass River, Penn & Wharton State Forests

Approved Route Map

Received in electronic format on April 16, 2015

A handwritten signature in black ink, appearing to read "CH", written over a horizontal line.

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

April 22, 2015

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ One route beginning and ending at 3610 Nesco Road in the Village of Nesco
- ♦ 55 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

**List of Pending Public Development and Waiver of Strict Compliance Applications
Accepting Public Comment at the May 8, 2015 Commission Meeting**

Public Development Applications

Application No. 1985-0619.013 – Evesham Township

Received on: August 21, 2014

Completed on: April 27, 2015

Project: Installation of a synthetic turf athletic field

Municipality: Evesham Township

Block 44, Lot 6 (application may include additional lots)

Application No. 1995-1659.003 – Buena Vista Township

Received on: July 29, 2010

Completed on: March 20, 2015

Project: Proposed improvements at Michael Debbi Park

Municipality: Buena Vista Township

Block 5102, Lot 12 (application may include additional lots)

Application No. 2015-0047.001 – Hamilton Township

Received on: April 13, 2015

Completed on: April 13, 2015

Project: Demolition of a single family dwelling, 50 years old or older

Municipality: Hamilton Township

Block 611, Lot 17 (application may include additional lots)

Waiver of Strict Compliance Applications

None



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-_____

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

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

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

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

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

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

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

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

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

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Chairman



Chris Christie
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Kim Guadagno
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State of New Jersey

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




Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: April 29, 2015

Subject: No Substantial Issue Findings

During the past month, we reviewed one master plan amendment and four ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These amendments were:

Little Egg Harbor Township Ordinances 2013-4 and 2014-16 – establish various standards related to “small” wind energy systems and solar energy systems that apply throughout the Township. Based on these standards, “small” wind energy systems are a permitted use in all of the Township’s industrial zones. Solar energy systems are permitted as an accessory use in all zones and as a principal use in all industrial zones. Because there are no industrial zones within the Pinelands Area-portion of the Township, “small” wind energy facilities are effectively not permitted in the Pinelands Area and solar energy facilities are permitted only as accessory uses within the Pinelands Area.

Medford Lakes Borough Ordinance 509 - amends the Borough’s Zoning Map to reflect the annexation of property from Medford Township. Specifically, Ordinance 509 adds Block 20028, Lot 14 to the LR (Lakes Residential) Zone in Medford Lakes Borough. This lot was previously located in the RGD-1 (Reserve Growth) Zone in Medford Township. The affected property totals less than one acre in size. Although the zoning designation for the lot has changed, its Pinelands management area designation (Regional Growth Area) remains the same.

South Toms River Borough Ordinance 2-15 - amends Chapter 26 (Land Development Regulations) of the Borough’s Code by adding a definition for “single use retail sales & gasoline filling stations.” Such uses are then added as a permitted principal use in the Borough’s SED (Special Economic Development) Zone. The SED Zone is located in a Pinelands Regional Growth Area.

Stafford Township Planning Board Resolution 2015-11 – adopts a Strategic Recovery Planning Report as an amendment to the Township’s Master Plan. This Report evaluates the impacts of

Superstorm Sandy on the Township's housing, infrastructure and economic growth and sets forth goals, strategies and actions needed to ensure the future safety of residents and the economic recovery of the municipality. Such actions include the preparation of various documents (an Environmental Resource Inventory, Neighborhood, Public Access and Streetscape Plans and a Community Vulnerability Assessment), as well as the development of ordinance amendments to address flood prevention and design standards for elevated structures.