

974.905 P750



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

September 11, 2015

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



Dear Mr. Lupp:

Enclosed are the Pinelands Commission meeting minutes for August 14, 2015 for your information.

Sincerely,

A handwritten signature in blue ink that reads "Melody Wood".

Melody A. Wood,
Receptionist

PC1
Enclosure: Minutes

PC2-60

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

MINUTES

August 14, 2015

Commissioners Present

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

Gary Quinn and D'Arcy Rohan Green.

Chairman Lohbauer called the meeting to order at 9:33 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. (Thirteen Commissioners participated in the meeting.)

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

Re-Organization

Chairman Lohbauer said the Committee assignments will remain the same, except he will serve as an alternate on the Personnel and Budget Committee and Commissioner Barr has agreed to serve on that Committee as well.

Minutes

Chairman Lohbauer presented the minutes from the July 10, 2015 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Barr seconded the motion.

Commissioner DiBello said that the economic monitoring program discussed during the budget presentation at the July meeting also includes environmental monitoring.

The minutes of the July 10, 2015 Commission meeting were adopted by a vote of 12 to 0, with Commissioner Avery abstaining.

Committee Chairs' Reports

Agriculture Committee

Commissioner McGlinchey provided an update on the July 31, 2015 Agriculture Committee meeting:

The Committee adopted the minutes of the June 16, 2015 meeting.

The Committee received a presentation from Ms. Susan Payne, Executive Director, State Agriculture Development Committee (SADC), on its Agricultural Management Practice for On-Farm Direct Marketing.

Commissioner McGlinchey said SADC provided a lot of useful information on pilot programs. He said the main point is that if a farm owner is holding a special event, it must be directly related to the agricultural activity.

The Committee will conduct its next meeting in October.

Policy & Implementation Committee

Chairman Lohbauer provided an update on the July 31, 2015 Policy & Implementation Committee meeting:

The Committee adopted the minutes of the June 26, 2015 meeting.

The Committee recommended Commission certification of Galloway Township Ordinance 1909-2015, Adopting a Redevelopment Plan for a Portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area.

PC2-62

The Committee recommended that the Commission deem a 0.57 acre parcel of land in Medford Township as eligible for acquisition pursuant to the Limited Practical Use land acquisition program.

The Committee received a briefing on the Department of Environmental Protection's proposed Flood Hazard Area Control Act rules and discussed the comment letter being developed by Ms. Stacey Roth, the Commission's Senior Counselor.

Personnel & Budget Committee

Chairman Lohbauer said the August 4, 2015 P&B meeting was canceled.

MOA ad hoc Committee

Commissioner Ashmun said the Committee's next meeting will be held on September 25, 2015, immediately following the P&I Committee meeting.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following

- The Municipal Officials Orientation was held as part of the Pinelands Municipal Council meeting on July 31. More than 50 officials attended the event, which featured several staff presentations.
- A Certificate of Filing was issued for the South Jersey Gas (SJG) pipeline application. The Certificate of Filing is not an approval but allows the applicant to proceed through the application process. She said, in this instance, the applicant will be continuing on to the Board of Public Utilities (BPU) for the equivalent of "local approvals." Staff will review the application one final time through the coordination process to ensure consistency with the Comprehensive Management Plan (CMP). She said the BPU will hold a public hearing and staff will look at the comments raised at the hearing for relevancy to CMP standards.

Commissioner Ashmun requested a copy of the Certificate of Filing issued for the South Jersey Gas application.

Commissioner Lloyd asked if Commissioners would have any future involvement with the application.

Ms. Wittenberg said the application would only be reviewed by staff.

Mr. Larry Liggett updated the Commission on the following:

- The State's Water Supply Advisory Committee has contracted with Dan Van Abs to look at water supply in the year 2040. Mr. Van Abs is currently mining data from the permit level. The study may look at groundwater recharge.
- Staff will meet with Winslow Township next month to discuss a major rezoning plan.
- A meeting has been scheduled with the New Jersey Builders Association to review future enhancements to the Pinelands Development Credits (PDC) Program.

PC2-63

- Staff has been working with multiple municipalities to explain the Commission's Rapid Landfill Assessment Study.

Mr. Chuck Horner provided an update on the following:

- Staff continues to work with Hammonton officials and the Federal Aviation Administration regarding a tree clearing issue at the municipal airport.
- On July 23, staff attended a meeting with both the U.S. Army Corps of Engineers and the New Jersey Department of Environmental Protection (NJDEP) about a mitigation site in Bass River Township. The site in question is a salt marsh that has become invaded with the invasive species phragmites.
- Staff continues to have discussions with the North Hanover School District on their proposal to demolish three existing schools at Joint Base McGuire-Dix-Lakehurst and construct a new one.
- Staff met with the Mayor of Shamong Township on July 29. At that meeting a proposal to construct a cell tower for emergency services was discussed. The project site is in a Rural Development Area. The applicant must demonstrate consistency with the Commission's Cellular Plan.

Mr. Horner asked Ms. Jean Montgomerie to introduce a summer intern who is assisting Regulatory Programs staff.

Ms. Montgomerie said Ryan Coughlan, a senior at Temple University, helped enter 25 new Threatened and Endangered species records into the GIS layer that is used to review development applications.

Mr. Horner commended Mr. Coughlan's dedication as an unpaid internship.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending approval of four public development applications in Pemberton Township.

Commissioner Prickett recused himself and left the room.

Commissioner Avery moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1983-9616.003, 1984-0606.004, 1984-0606.005 & 1991-1108.010)(See Resolution # PC4-15-18). Commissioner Earlen seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0, with Commissioner Prickett not participating in the vote.

Commissioner Prickett returned to the dais.

Chairman Lohbauer presented a resolution recommending the approval of a solar facility at Joint Base McGuire-Dix-Lakehurst.

PC2-64

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1991-1149.063) (See Resolution # PC4-15-19). Commissioner Earlen seconded the motion.

Commissioner Ashmun said she was happy to see that the Department of the Army would be purchasing the .50 PDC.

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

Resolutions Relating to Municipal Ordinances

Commissioner Avery moved the resolution Issuing an Order to Certify Galloway Township Ordinance 1909-2015, Adopting a Redevelopment Plan for a Portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area (See Resolution # PC4-15-20). Commissioner Earlen seconded the motion.

Commissioner Ashmun prefaced her comments by stating that unfortunately she missed the discussion on this ordinance at the P&I Committee meeting. She said she would be voting no today because changing the height limitation in a Pinelands Village is the type of precedent the Commission should not be setting.

She said a lot of effort went into planning the Villages. She said the Commission should not be deviating from the CMP to approve a redevelopment plan. She said she understands the arguments but does not support this resolution.

Commissioner Prickett said he also had concerns over the precedent this ordinance would be setting.

Chairman Lohbauer said he respects Commissioner Ashmun's and Commissioner Prickett's views on this ordinance. He said this is an exception for a project not an authorization to overturn the height limitation in Pinelands Villages. He said he believes the change is consistent with surrounding development. He said this is a unique circumstance and this is the type of discretion we should allow.

Mr. Liggett said mixed-use development is somewhat rare in the Pinelands. He said we typically split the uses but, in this instance, retail development is proposed on the ground level and age-restricted apartments will be on the three stories above. He added that the White Horse Pike is a developed highway.

Commissioner Galletta asked if the development's proposal of age-restricted housing, would help fulfill Galloway's affordable housing commitment.

Mr. Liggett said the development of the units associated with the project will satisfy a portion of the Township's affordable housing obligation.

PC2-65

Commissioner Earlen said we should be thinking about developing up rather than out.

Commissioner Ashmun said if the CMP needs to be changed, then we should change it.

The Commission adopted the resolution by a vote of 10 to 2, with Commissioner Ashmun and Commissioner Prickett voting no. Commissioner Lloyd abstained from the vote.

Other Resolutions

Commissioner Prickett moved the adoption of a resolution Determining the Eligibility of a Parcel of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program (See Resolution # PC4-15-21). Commissioner Ashmun seconded the motion.

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

Public Comment on Agenda Items and Pending Public Development Applications

Arnold Fishman of Medford Lakes, NJ, asked about the SJG application. He wanted to make sure he understood what the Executive Director reported on this morning and the next steps for the application.

Ms. Wittenberg said staff determined that the SJG application was consistent with the CMP. She said the application will move on to the BPU. The Commission will be part of that process to guarantee that the application remains consistent with the CMP.

Georgina Shanley of Ocean City, NJ, said it was a sad day for the Pinelands and was disappointed with the issuance of the Certificate of Filing for the SJG application.

Ordinances Not Requiring Commission Action

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

- Barnegat Township Ordinance 2015-03
- Monroe Township Ordinance O:15-2015 and O:23-2015
- Shamong Township Ordinance 2015-4

No members of the Commission had questions.

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

Georgina Shanley asked about the status of the New Jersey Natural Gas (NJNG) application.

Mr. Horner said staff issued a letter to the applicant requesting additional information. He said the application remains incomplete.

PC2-66

Margit Meissner-Jackson of the Ocean County chapter of the Sierra Club said that the power generated by BL England will go into the grid. She said a recent editorial in the Asbury Park Press indicated that the proposed NJNG pipeline and the SJG pipeline will create a surplus of a gas in the state. She said that allowing off-road vehicles at Wharton State Forest is a mistake.

Jeff Tittel of the Sierra Club raised concerns that the South Jersey Gas application process has not been open and transparent. He raised concerns over South Jersey Gas being a private development application. He said there seems to be conflicting arguments about who is being served by the plant. He said the power supplied by BL England is not going to Atlantic City Electric. He said the energy generated at BL England will be sold on the spot market to the highest bidder. He said electric use in New Jersey is declining. He urged the Commission to hire independent experts to provide information on this matter. He said the pipeline will increase air pollution and there is no evidence that the electric generated at BL England will serve the Pinelands. He closed by stating that the BL England plant is not necessary to the grid.

Doug O'Malley said we are in the current process because South Jersey Gas failed to apply for a Waiver of Strict Compliance. He said it is unclear what the Commissioners' role and the public's participation for the SJG application will be. He said the BL England plant is not necessary to the PJM grid. He suggested that the Commission bring in PJM or another independent analyst and not rely on the BPU. He said he hopes the Commission asserts its authority under the CMP to ensure that this matter ends appropriately.

Arnold Fishman of Medford Lakes asked members of the Commission to investigate whether staff's determination of the Certificate of Filing is proper.

Bob Filipczak of Linwood, NJ, said the press inaccurately quoted him as saying Oyster Creek should remain open and BL England should be closed. He said he never said shut BL England. He said Oyster Creek is destroying the Barnegat Bay. He said burning compressed gas creates micro-pollutants that are more harmful than burning coal. He said the repowering of BL England from coal to gas does not make sense.

Commissioner Ashmun asked about the future role of the Commissioners and staff regarding the SJG pipeline application.

Ms. Wittenberg said staff would re-engage through the State agency coordination process. She said staff will review the BPU-issued document to ensure consistency with the Commission's rules.

Commissioner Lloyd asked if there is a hearing at BPU and whether it will be the appropriate place for the public to comment on CMP related issues.

Ms. Wittenberg said yes. She added that at the last BPU hearing, members of the public raised CMP-related topics.

PC2-67

Commissioner Lloyd asked if a public hearing on the application could be held at the Commission.

Ms. Wittenberg said there is nothing in the rules regarding the process for a private application or state coordination that allows the Commission to conduct a public hearing.

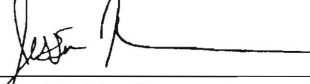
Chairman Lohbauer said the BPU issued an order on July 22, 2015. He said in that order the CMP issue of "primarily serve only the needs of the Pinelands" was raised. He said a lot of public comment surrounded that issue, and he said he is interested to see how the BPU will address it.

Chairman Lohbauer said the P&I Committee will not meet this month.

Adjournment

Commissioner Barr moved to adjourn the meeting. Commissioner Earlen seconded the motion. The Commission agreed to adjourn at 10:51 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: August 21, 2015



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 18

TITLE: Approving With Conditions Applications for **Public Development** (Application Numbers 1983-9616.003, 1984-0606.004, 1984-0606.005 & 1991-1108.010)

Commissioner Avery moves and Commissioner Earlen seconds the motion that:

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

1983-9616.003

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 22, 2015
Proposed Development:	Demolition of a 2,386 square foot commercial office building, 50 years old or older;

1984-0606.004

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 22, 2015
Proposed Development:	Demolition of a single family dwelling, 50 years old or older;

1984-0606.005

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 22, 2015
Proposed Development:	Demolition of a 3,599 square foot commercial building, 50 years old or older; and

1991-1108.010

Applicant:	Pemberton Township Board of Education
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 14, 2015
Proposed Development:	Construction of a 145 square foot building addition to the Harker-Wylie 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

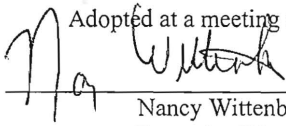
WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

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.

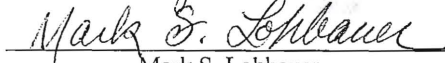
NOW, THEREFORE BE IT RESOLVED that Application Numbers 1983-9616.003, 1984-0606.004, 1984-0606.005 & 1991-1108.010 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date: August 14, 2015


 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

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1983-9616.003
Block 553, Lot 37
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a 2,386 square foot commercial office building, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 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, 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)





Chris Christie
Governor

Kim Guadagno
Lt. Governor

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1983-9616.003

Location: Block 553, Lot 37
Pemberton Township

This application proposes demolition of a 2,386 square foot commercial office building, 50 years old or older, located on the above referenced 0.26 acre parcel in Pemberton Township. The Township has obtained the permission of the property owner to demolish the privately owned building.

STANDARDS

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

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

The parcel is located in a Pinelands Regional Growth Area. The demolition of a commercial office building is permitted in the Pinelands Area.

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

Based on a review of information available to the Commission staff, it was determined that a cultural resource survey was not required for the proposed demolition.

PUBLIC COMMENT

The CMP defines the proposed demolition as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on June 9, 2015. The Commission's public comment period closed on July 10, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. This application is for the proposed demolition only. Any other future development of the above-referenced parcel shall be governed by Pemberton Township's certified land use ordinance and the Pinelands Comprehensive Management Plan (CMP).
3. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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

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

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1984-0606.004
Block 553, Lot 28
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 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, 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)





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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1984-0606.004

Location: Block 553, Lot 28
Pemberton Township

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 0.16 acre parcel in Pemberton Township. The Township has obtained the permission of the property owner to demolish the privately owned dwelling.

STANDARDS

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

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

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

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

Based on a review of information available to the Commission staff, it was determined that a cultural resource survey was not required for the proposed demolition.

PUBLIC COMMENT

The CMP defines the proposed demolition as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on June 10, 2015. The Commission's public comment period closed on July 10, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. The reconstruction of the single family dwelling, within five years of its demolition, does not require an application to the Pinelands Commission.
3. This application is for the proposed demolition of the dwelling only. Any future development of the parcel, other than the reconstruction of the single family dwelling within five years of its demolition, shall be governed by Pemberton Township's certified land use ordinance and the CMP.
4. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

PINELANDS COMMISSION APPEAL PROCEDURE

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

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

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1984-0606.005
Block 553, Lot 51
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a 3,599 square foot commercial building, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 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, 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)





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1984-0606.005

Location: Block 553, Lot 51
Pemberton Township

This application proposes demolition of a 3,599 square foot commercial building, 50 years old or older, located on the above referenced 0.15 acre parcel in Pemberton Township. The Township has obtained the permission of the property owner to demolish the privately owned building.

STANDARDS

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

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

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

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

Based on a review of information available to the Commission staff, it was determined that a cultural resource survey was not required for the proposed demolition.

PUBLIC COMMENT

The CMP defines the proposed demolition as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on June 10, 2015. The Commission's public comment period closed on July 10, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. This application is for the proposed demolition only. Any other future development of the above-referenced parcel shall be governed by Pemberton Township's certified land use ordinance and the Pinelands Comprehensive Management Plan (CMP).
3. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed demolition conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed 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@npjines.state.nj.us
Application Specific Information: AppInfo@npjines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

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

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

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

July 14, 2015

Pat Austin
Pemberton Township Board of Education
One Egbert Street
Pemberton, NJ 08068

Re: Application # 1991-1108.010
Block 773, Lot 3
Pemberton Township

Dear Ms. Austin:

The Commission staff has completed its review of this application for construction of a 145 square foot building addition to the Harker-Wylie 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 August 14, 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".

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Angelo P. Butera





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 14, 2015

Pat Austin
Pemberton Township Board of Education
One Egbert Street
Pemberton, NJ 08068

Application No.: 1991-1108.010

Location: Block 773, Lot 3
Pemberton Township

This application proposes construction of a 145 square foot building addition to the Harker-Wylie School located on the above referenced 31.07 acre parcel in Pemberton Township.

STANDARDS

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

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

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. Based upon the size and location of the proposed development, this application does not propose revegetation.

PUBLIC COMMENT

The CMP defines the proposed development as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on June 16, 2015. The Commission's public comment period closed on July 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 Regan Young England Butera and dated April 28, 2015.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

PINELANDS COMMISSION APPEAL PROCEDURE

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 19

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1991-1149.063)

Commissioner Galletta moves and Commissioner Earlen seconds the motion that:

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

1991-1149.063

Applicant: Dix Solar, LLC on behalf of Joint Base McGuire-Dix-Lakehurst
Municipality: Pemberton Township
Management Area: Pinelands Military/Federal Installation Area
Date of Report: July 27, 2015
Proposed Development: Construction of a 50 acre solar facility at Joint Base McGuire-Dix-Lakehurst (JBMDL) on the above referenced 1,885 acre lot.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1991-1149.063 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: August 14, 2015

Nancy Wittenberg
 Nancy Wittenberg
 Executive Director

Mark S. Lohbauer
 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

July 27, 2015

Bradford T. Nordholm
Dix Solar, LLC
20 Park Plaza, Suite 320
Boston, MA 02116

Re: Application # 1991-1149.063
Block 942, Lot 1
Pemberton Township

Dear Mr. Nordholm:

The Commission staff has completed its review of this application for construction of a 50 acre solar facility at Joint Base McGuire-Dix-Lakehurst (JBMDL) on the above referenced 1,885 acre lot in Pemberton Township. The proposed solar facility will be located on an existing 126 acre closed landfill. 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 August 14, 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, 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)
Jamie Fordyce
Michael J. Gross, Esq.





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 27, 2015

Bradford T. Nordholm
Dix Solar, LLC
20 Park Plaza, Suite 320
Boston, MA 02116

Application No.: 1991-1149.063

Location: Block 942, Lot 1
Pemberton Township

This application proposes construction of a 50 acre solar facility at Joint Base McGuire-Dix-Lakehurst (JBMDL) on the above referenced 1,885 acre lot in Pemberton Township. The proposed solar facility will be located on an existing approximately 126 acre closed landfill on the Fort Dix portion of JBMDL. The application also proposes to install 4,040 linear feet of electrical utility line and 18 utility poles to interconnect the proposed solar facility to an existing electric utility line located on Juliustown Road. That existing electrical utility line provides service to the Fort Dix portion of JBMDL.

On September 9, 1994, the Commission acted on a Report on an Application for a Waiver of Strict Compliance and Public Development (Report) proposing an impermeable cap on an approximately 50 acre portion of the 126 acre landfill. The Waiver of Strict Compliance was from the wetlands protection standards of the Pinelands Comprehensive Management Plan (CMP). By acting on the Report, dated September 1, 1994, the Commission determined that the proposed capping was consistent with all other standards of the CMP (App. No.1991-0820.001). One of the conditions of the September 1, 1994 Report required the applicant, the Department of the Army, to submit documentation to the Pinelands Commission that 0.50 Pinelands Development Credits (PDCs) were acquired by September 9, 1995. To date, that condition has not been met.

Approximately 48 acres of the proposed 50 acre solar facility will be located on the impermeable cap. The remaining approximately two acres of the proposed solar facility will be located on the portion of the landfill that the above referenced Report indicates was closed prior to 1970.

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. 7:50-5.29)

The lot is located in a Military and Federal Installation Area. The CMP permits any proposed use associated with the function of a Federal Installation in a Military and Federal Installation Area. Where feasible, the CMP requires that development associated with a proposed use shall be located in a portion of the Military and Federal Installation Area located within the Pinelands Protection Area. In addition, the CMP provides that the proposed use shall not require any development, including public service infrastructure, in the Preservation Area District or in a Forest Area.

The proposed solar facility will generate approximately 20 million kilowatt hours of electricity per year. The annual electricity consumption at Fort Dix is over 60 million kilowatt hours per year. The proposed solar facility will be associated with the function of Fort Dix. The proposed development is located in that portion of the JBMDL located in the Pinelands Protection Area. The proposed solar facility will not require any development in the Preservation Area District or in a Forest Area.

Wetlands Standards (N.J.A.C. 7:50-6.13 & 6.14)

There are wetlands located on the above referenced lot. The existing landfill is located immediately adjacent to those wetlands. The proposed solar facility will be located on the landfill.

The CMP requires up to a 300 foot buffer to wetlands for proposed development. Of the 18 proposed electric utility poles, four poles will be located in the required buffer to wetlands. Electric utility poles (linear improvements) are a permitted use in the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the location of the proposed utility poles that does not involve development in a required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed utility poles will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has demonstrated that the need to interconnect the proposed solar facility to the existing electric utility line located on Juliustown Road overrides the importance of protecting 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 an existing grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant completed a threatened and endangered animal species habitat assessment for the proposed development. That assessment determined that suitable habitat for Grasshopper sparrow, a threatened species, was present in the area subject of the proposed development. The applicant subsequently performed a threatened species survey for Grasshopper sparrow. No Grasshopper sparrows were found and it was determined that critical habitat necessary for the survival of a local population of Grasshopper sparrow was not present.

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet these standards, the application proposes to utilize an existing stormwater infiltration basin that was constructed to manage stormwater runoff from the impervious landfill cap. The existing infiltration basin has sufficient capacity to accommodate stormwater runoff from the proposed development.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on May 18, 2015. The application was designated as complete on the Commission's website on June 30, 2015. The Commission's public comment period closed on July 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 following plans:

"Proposed Solar Development Plan", prepared by ACT Engineers, dated June 12, 2015 and revised to July 14, 2015.

"Soil Erosion and Sediment Control Plan", consisting of two sheets, prepared by ACT Engineers, and dated as follows:

Sheet 1 - dated June 12, 2015; revised to July 15, 2015
Sheet 2 - dated June 12, 2015; revised to July 14, 2015
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. By December 31, 2015, the Department of the Army shall submit documentation to the Pinelands Commission that the 0.50 Pinelands Development Credits required by the September 1, 1994 Report on an Application for a Waiver of Strict Compliance and Public Development have been acquired and submitted to the Pinelands Development Credit Bank for redemption.

7. In accordance with the CMP (N.J.A.C. 7:50-5.36 (a)4), the proposed solar energy facility shall be removed and the site restored within 12 months of termination of its use.

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@npjines.state.nj.us
Application Specific Information: AppInfo@npjines.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 the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission 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- 20

TITLE: Issuing an Order to Certify Galloway Township Ordinance 1909-2015, Adopting a Redevelopment Plan for a Portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area

Commissioner Avery moves and Commissioner Frank seconds the motion that:

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

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

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

WHEREAS, on May 12, 2015, Galloway Township adopted Ordinance 1909-2015, approving a redevelopment plan for a portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area, now referred to as the Pomona Road Heritage Village Redevelopment District; and

WHEREAS, the Pinelands Commission received a certified, adopted copy of Ordinance 1909-2015 on May 29, 2015; and

WHEREAS, by letter dated June 18, 2015, the Executive Director notified the Township that Ordinance 1909-2015 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony concerning the Township's application for certification of Ordinance 1909-2015 was duly advertised, noticed and held on July 15, 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 1909-2015 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending the issuance of an order to certify that Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for that portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area known as the Pomona Road Heritage Village Redevelopment District, 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 recommended that Ordinance 1909-2015 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 1909-2015 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

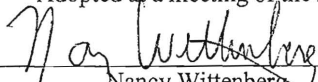
1. An Order is hereby issued to certify that Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for that portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area known as the Pomona Road Heritage Village Redevelopment District, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to the 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.

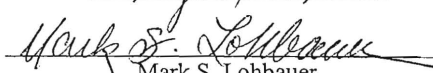
Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: August 14, 2015


 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

**REPORT ON GALLOWAY TOWNSHIP ORDINANCE 1909-2015, ADOPTING A
REDEVELOPMENT PLAN FOR THAT PORTION OF THE WHITE HORSE PIKE
CORRIDOR – POMONA ROAD REDEVELOPMENT AREA KNOWN AS THE
POMONA ROAD HERITAGE VILLAGE REDEVELOPMENT DISTRICT**

July 31, 2015

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

FINDINGS OF FACT

I. Background

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

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

On May 12, 2015, Galloway Township adopted Ordinance 1909-2015, approving a redevelopment plan for a portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area, now referred to as the Pomona Road Heritage Village Redevelopment (PRHV) District. The new PRHV District is located in the Pinelands Village of Pomona. The Pinelands Commission received a certified, adopted copy of Ordinance 1909-2015 on May 29, 2015.

By letter dated June 18, 2015, the Executive Director notified the Township that Ordinance 1909-2015 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 1909-2015, adopting a redevelopment plan for the Pomona Road Heritage Village Redevelopment District in Galloway Township, introduced on April 28, 2015 and adopted on May 12, 2015.

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 1909-2015 adopts a Redevelopment Plan for a portion of the White Horse Pike Corridor, Phase II – Pomona Road Redevelopment Area in Galloway Township. The new Redevelopment Area, known as the Pomona Road Heritage Village Redevelopment (PRHV) District, encompasses eight lots (Block 526, Lots 4-11) and approximately six vacant acres. Permitted uses in the PRHV District are limited to mixed use development, consisting of affordable age-restricted multi-family housing and community commercial/office uses in the same building. Maximum residential density is 23.1 units per acre, and a minimum of 10,000 square feet of commercial/office space is required. A maximum height of 50 feet (four stories) is permitted. According to Ordinance 1909-2015, any development that occurs within the PRHV District must comply with all other municipal application requirements and development regulations, as well as the Pinelands Comprehensive Management Plan.

As depicted on the map attached as Exhibit #1, the new PRHV District is located at the intersection of Pomona Road and the White Horse Pike, within the Pinelands Village of Pomona. It is situated within the Township's HC-2 (Highway Commercial) Zone and is bounded by the White Horse Pike to the north and Atlantic Avenue (and the Atlantic City Rail Line) to the south. Another small redevelopment area (the PR-1 Pomona District) is located immediately across the White Horse Pike. Permitted uses in the PR-1 Pomona District are limited to convenience stores with fueling service dispensing facilities, while in the HC-2 District, a wide variety of nonresidential uses is permitted, including restaurants, hotels, shopping centers, offices, car dealerships, gas stations, grocery stores and funeral homes. As noted above, commercial uses will continue to be permitted in the PRHV District but must be developed as part of a mixed use building, with commercial development on the first floor and apartments above. By allowing this mixed use development to occur at the intersection of the White Horse Pike and Pomona Road, the Township hopes to attract additional commercial development to the area, thereby revitalizing the White Horse Pike corridor. The anticipated development of 100 apartment units

in the new PRHV District will also satisfy a portion of the Township's affordable housing obligation.

The Comprehensive Management Plan (N.J.A.C. 7:50-5.27(a)) authorizes any use within a Pinelands Village, provided public service infrastructure is available and the character and magnitude of the use is compatible with existing structures and uses in the Village. In terms of public service infrastructure, the mixed use development permitted in the new PRHV District will be served by sewer. Pomona is one of the few Pinelands Villages with existing sewer service. In terms of compatibility with other structures and uses, the anticipated mixed use building will contain both commercial and residential uses, fully consistent with existing land uses in Pomona. The Village currently contains a significant amount of single-family residential development on small (0.30 acre) lots, along with a mixture of residential, commercial and institutional uses fronting on the White Horse Pike. Existing and proposed uses in the immediate vicinity of the new redevelopment area include a new WaWa with a gas station, several older commercial buildings, a handful of single family dwellings and a large church with a convent and school playground. A maximum site coverage of 65% is permitted in the PRHV District, which is generally consistent with the 70% impervious coverage permitted in the surrounding HC-2 District and entirely appropriate within a sewerred Pinelands Village. Based on the street elevations contained in the redevelopment plan (see Exhibits #2 and 3), the anticipated mixed use building will not be incompatible with existing uses in Pomona.

The Comprehensive Management Plan (N.J.A.C. 7:50-5.16(a)) also requires that municipal zoning plans for Pinelands Villages do not provide for "an additional increment of development which is greater than the number of non-accessory structures that currently exist in the village." More commonly referred to as the "doubling rule," this standard is intended to ensure that when the minimum lot size requirements in a Pinelands Village are applied to the vacant developable land in that Village, the potential amount of new development does not exceed that which existed in 1979. Typically, the calculation is done based on residential development potential. In the case of Pomona Village, an estimated 325 residential units existed in 1979. Future residential development potential, based on the 12,000 square foot minimum lot size permitted in the VR (Village Residential) District, is estimated to be 55 new units. Thus, even with the additional potential for 100 apartments units in the redevelopment area, the number of new units permitted in Pomona will continue to be consistent with N.J.A.C. 7:50-5.16(a).

The only remaining issue with Ordinance 1909-2015 relates to the permitted height in the new PRHV District. According to the redevelopment plan, a maximum height of 50 feet is permitted for mixed use buildings in the PRHV District. The Comprehensive Management Plan (N.J.A.C. 7:50-5.4) generally limits building height to 35 feet in all Pinelands management areas other than Regional Growth Areas and Pinelands Towns. The PRHV District is located in a Pinelands Village, where the 35-foot height limitation applies.

Pinelands municipalities have the ability to refine the various standards and provisions of the Comprehensive Management Plan and tailor them to local conditions, provided Comprehensive Management Plan goals and objectives continue to be achieved. In this case, Galloway Township has chosen to define a small (six-acre) area within Pomona Village where one mixed use building exceeding the normal 35-foot height limitation will be permitted. The area in question is located on a major highway corridor (the White Horse Pike), at the intersection with Pomona Road. The extra 15 feet in height is permitted under the newly-adopted redevelopment plan in order to allow for the development of commercial and residential uses in the same

building, at a density sufficient to produce 100 affordable age-restricted apartments. The impact on surrounding uses is negligible due to the small size of the redevelopment area and the nature of surrounding uses (a new WaWa and gas station, church and scattering of older commercial and residential uses). Additionally, it should be noted that Pomona Village is unique in that it is bordered to the east and west along the White Horse Pike by commercially-zoned Regional Growth Areas, where the Comprehensive Management Plan imposes no height limitation. Ordinance 1909-2015 allows for one four-story mixed use building, at a key intersection along a sewer high way corridor in Pomona Village. This is an appropriate exercise of municipal flexibility and one that is consistent with the objectives of the Comprehensive Management Plan.

Ordinance 1909-2015 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for the Pomona Road Heritage Village Redevelopment District, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for the Pomona Road Heritage Village Redevelopment District, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The redevelopment plan adopted by Ordinance 1909-2015 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Galloway Township's application for certification of Ordinance 1909-2015 was duly advertised, noticed and held on July 15, 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 on Ordinance 1909-2015 were accepted through July 17, 2015 and were received from the following individuals:

July 16, 2015 letter from Theresa Lettman, Director of Monitoring Programs, Pinelands Preservation Alliance (see Exhibit #4)

July 16, 2015 email from Georgina Shanley, Citizens United for Renewable Energy (see Exhibit #5)

July 16, 2015 email from Ann Kelly (see Exhibit #6)

July 17, 2015 letter from Mark Demitroff (see Exhibit #7)

EXECUTIVE DIRECTOR'S RESPONSE

Three of the commenters (Exhibits #4, 5 and 6) state that the Commission should not approve Ordinance 1909-2015 because it would allow a building height of 50 feet in a Pinelands Village, thereby permitting a density that is far greater than that planned or envisioned for Pinelands Villages by the CMP. Based on the analysis provided in section 2 of this report, the Executive Director disagrees. Ordinance 1909-2015 provides an opportunity for the development of one four-story, mixed use building on a small parcel in the middle of Pomona Village, at the intersection of two major roads (the White Horse Pike and Pomona Road). Allowing for a height of 50 feet merely provides the opportunity for the entire project (100 affordable apartments and 10,000 square feet of commercial space) to be contained within one building. Were a maximum height of 35 feet to be maintained, multiple apartment buildings would be necessary and the ability to combine residential and commercial uses in the same structure would likely be lost. The mixed use development permitted by Ordinance 1909-2015 is wholly appropriate for a sewerred village such as Pomona. It will not be incompatible with existing or future development in Pomona or, for that matter, the surrounding management areas in Galloway Township. In addition, the redevelopment plan adopted by Ordinance 1909-2015 provides the potential for just 100 new units in Pomona, which is fully consistent with the standards for designation of Pinelands Villages in N.J.A.C. 7:50-5.16. Had Ordinance 1909-2015 provided for high-density residential development throughout the entire village, the Executive Director's conclusion would be far different. Likewise, if high-density mixed use development were proposed in other Pinelands Villages, where public service infrastructure does not exist and/or the predominant land use pattern consists of single-family homes on one-to-five acre lots, such a proposal would likely be inconsistent with the Comprehensive Management Plan.

One commenter (Exhibit #6) also states that Ordinance 1909-2015 should not be approved because it will destroy the integrity of the Pinelands by encouraging "unmitigated growth" and allowing endangered species and plants to be crowded out. On the contrary, Ordinance 1909-2015 provides for one mixed-use building on a small parcel within the existing boundaries of a sewerred Pinelands Village. The ordinance does not allow for, nor does it in any way encourage, growth or sprawl outside the designated Pinelands Village area. In addition, any development that is proposed within the new redevelopment area will be required to meet Comprehensive Management Plan standards for protection of threatened and endangered plants and animals.

The fourth commenter (Exhibit #7) does not raise specific issues with Ordinance 1909-2015 or the Pinelands Village of Pomona but focuses instead on general concerns with the lack of oversight on redevelopment in the Pinelands Area. In response, the Executive Director offers the following information:

- The Commission is required to review and approve all land use ordinances adopted by Pinelands Area municipalities. These ordinances include those that, like Galloway Township Ordinance 1909-2015, adopt redevelopment plans governing lands in the Pinelands Area. The review process for such redevelopment ordinances is the same as that for any ordinance that enacts a zoning change in the Pinelands Area. The standards against which redevelopment ordinances must be reviewed are the same as those for all land use ordinances. All municipal zoning boundaries, permitted uses and development standards, whether established in the land use chapter of a municipal code or in an adopted redevelopment plan, must be consistent with the Comprehensive Management Plan. Without Commission approval, such ordinances and redevelopment plans are not considered to be effective in the Pinelands Area. The Executive

Director has reviewed Ordinance 1909-2015, found it to be consistent with the Comprehensive Management Plan, and is recommending its certification by the Commission on that basis.

- Applications for development in the Pinelands Area must be submitted to the Commission for review. The fact that a proposed project may qualify as redevelopment or be located in a redevelopment area does not affect the review process. All development applications are reviewed by the Commission for consistency with the minimum environmental standards set forth in the Comprehensive Management Plan.
- The Commission has the authority to review municipal ordinances and public and private development applications only in terms of their consistency with the Comprehensive Management Plan. The Commission does not have the authority to determine whether an ordinance is consistent with the Municipal Land Use Law, nor can the Commission determine whether a Pinelands municipality correctly followed the New Jersey Local Redevelopment and Housing Law in designating an area to be in need of redevelopment.
- Upon determining that an area is in need of redevelopment, municipalities in New Jersey are required to submit such determinations to the Department of Community Affairs. Galloway Township did so in 2010 after adoption of Resolution 300-2010, which found the entire White Horse Pike Corridor Phase II – Pomona Road area to be in need of redevelopment. The Department of Community Affairs responded to Galloway Township's submission by letter dated January 14, 2011 (see Exhibit #8). In that letter, the Department states that the parcels within the designated area are located in a Pinelands Village "where redevelopment is encouraged."

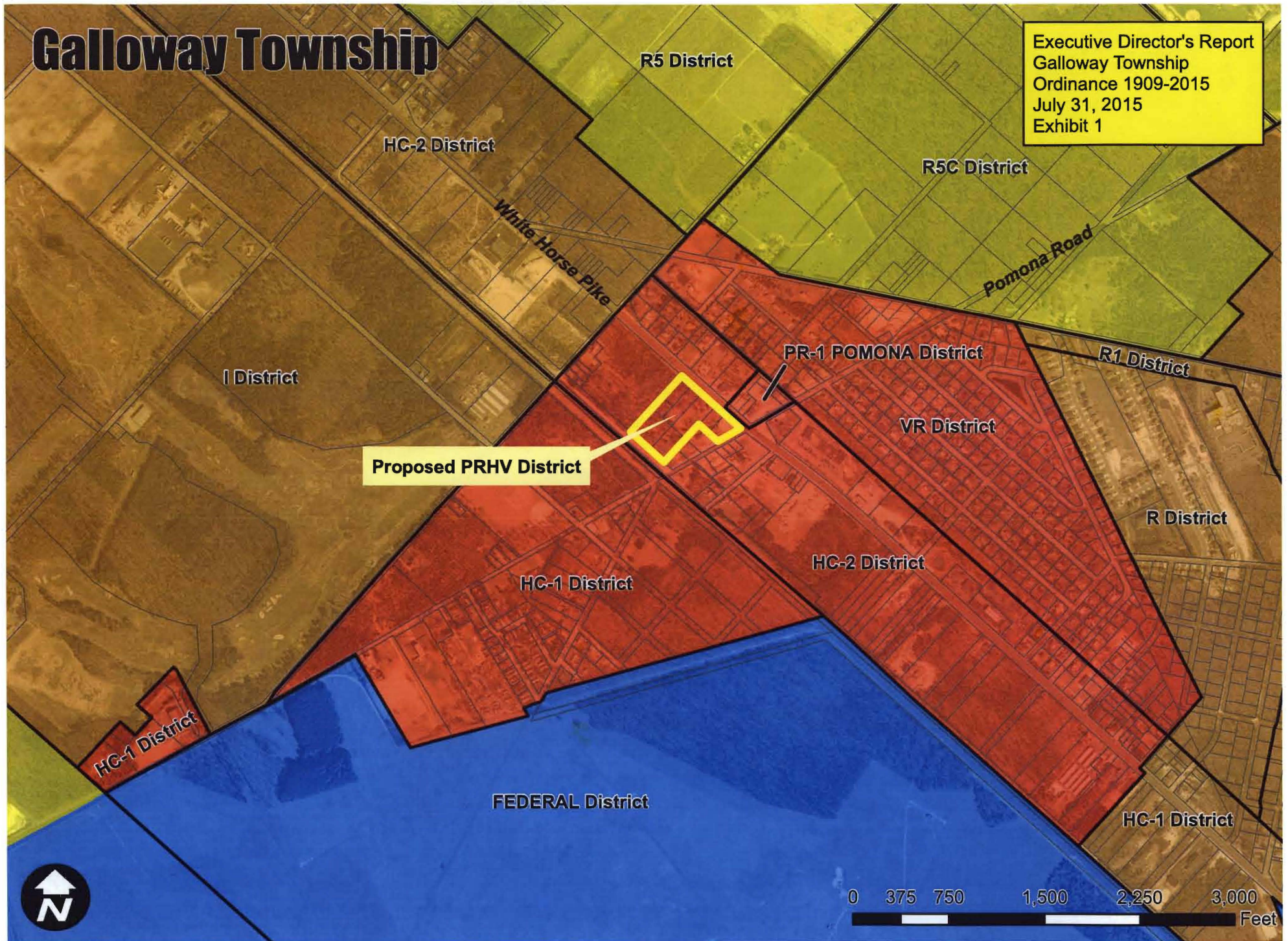
CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 1909-2015 complies 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 certify Ordinance 1909-2015 of Galloway Township.

SRG/CGA
Attachments

Galloway Township

Executive Director's Report
Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit 1



Executive Director's Report on
Galloway Township Ordinance
1909-2015
July 31, 2015
Exhibit #2



STREET ELEVATION

C.I.S.
LAWRENCEVILLE, NJ

HERITAGE VILLAGE GALLOWAY
GALLOWAY, NJ

BARTONPARTNERS
ARCHITECTS • PLANNERS, INC.

700 E. Main Street, 3rd Floor
Norristown, PA 19401-4122
p 610.930.2800 f 610.930.2808

© 2015 BartonPartners Architects Planners, Inc. All Rights Reserved.

1 OF 2
PROJECT NUMBER:
14001
DATE:
2015.02.27

THE ABOVE ILLUSTRATION ARE REPRESENTATIVE OF THE ARCHITECTURAL STYLE. THEY ARE NOT MEANT TO ILLUSTRATE THE FINAL DESIGN OR MATERIALS BUT ARE INTENDED TO DEPICT THE SIZE, MASS, AND GENERAL MATERIALS OF THE PROPOSED BUILDING.

Executive Director's Report on
Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit #3



RESIDENTIAL ELEVATION

C.I.S.
LAWRENCEVILLE, NJ

HERITAGE VILLAGE GALLOWAY
GALLOWAY, NJ

 **BARTONPARTNERS**
ARCHITECTS ■ PLANNERS, INC.

THE ABOVE ILLUSTRATION ARE REPRESENTATIVE OF THE ARCHITECTURAL STYLE. THEY ARE NOT MEANT TO ILLUSTRATE THE FINAL DESIGN OR MATERIALS, BUT ARE INTENDED TO DEPICT THE SIZE, MASS, AND GENERAL MATERIALS OF THE PROPOSED BUILDING.

700 E. Main Street, 3rd Floor
Norristown, PA 19401-4122
p 610.930.2800 f 610.930.2808

© 2015 BartonPartners Architects Planners, Inc. All Rights Reserved.

2 OF 2

PROJECT NUMBER:
14001

DATE:
2015.02.27



PINELANDS PRESERVATION ALLIANCE

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

Executive Director's Report
on Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit #4

July 16, 2015

N.J. Pinelands Commission
15C Springfield Road
New Lisbon, NJ 08064

Re: Galloway Township Ordinance 1909-2015

Dear Sir:

The Pinelands Preservation Alliance is submitting these comments on the certification of Galloway Township's Ordinance 1909-2015.

Galloway's ordinance should not be certified. The Comprehensive Management Plan (CMP) states, Section 7:50-5.4(a), " In all Pinelands Management Areas other than Regional Growth Areas and Pinelands Towns and in the Parkway Overlay District, **no structure**, including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use, **shall exceed a height of 35 feet.**" Galloway's ordinance will permit buildings that are 50 feet.

A building 50 feet high will not "maintain" the existing character of Pinelands Villages and will allow for a density that is far greater than that planned or envisioned for Pinelands Villages in the CMP.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Theresa Lettman". The signature is fluid and cursive.

Theresa Lettman
Director of Monitoring Programs

Executive Director's
Report
on Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit #5

From: Georgina Shanley <shanleyg2001@yahoo.com>
To: <comments@njpinelands.state.nj.us>
Date: 7/16/2015 11:39 AM
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by
Georgina Shanley (shanleyg2001@yahoo.com) on Thursday, July 16, 2015 at 11:46:05

email: shanleyg2001@yahoo.com

subject: Public Comment Submissions

Name: Georgina Shanley

Affiliation: Citizens United for Renewable Energy (CURE)

Mailing Address: 2117 Bay Avenue, Ocean City, NJ 08226

Phone Number: 6093981934

Comment Topic: Galloway Township Ordinance 1909-2015

Message: Our group requests that the Galloway ordinance should not be approved. The Comprehensive Management Plan (CMP) states, Section 7:50-5.4(a), " In all Pinelands Management Areas other than Regional Growth Areas and Pinelands Towns and in the Parkway Overlay District, no structure, including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use, shall exceed a height of 35 feet." Galloway's ordinance will permit buildings that are 50 feet.

A building 50 feet high will not "maintain" the existing character of Pinelands Villages and will allow for a density that is far greater a density that is far greater than that planned or envisioned for Pinelands Villages in the CMP.

Submit: Submit

From: Ann Kelly <amerlekelly@yahoo.com>
To: <comments@njpin.es.state.nj.us>
Date: 7/16/2015 9:10 PM
Subject: Public Comment Submissions

Executive Director's Report
on Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit #6

Below is the result of your feedback form. It was submitted by
Ann Kelly (amerlekelly@yahoo.com) on Thursday, July 16, 2015 at 21:16:52

email: amerlekelly@yahoo.com

subject: Public Comment Submissions

Name: Ann Kelly

Affiliation: Citizen

Mailing Address: 2605 Rogers Walk Mount Laurel, NJ 08054

Phone Number: 856-283-3303

Comment Topic: Galloway Township Ordinance 1909-2015

Message: Galloway's ordinance should not be allowed. The Comprehensive Management Plan (CMP) states, Section 7:50-5.4(a), "In all Pinelands Management Areas other than Regional Growth Areas and Pinelands Towns and in the Parkway Overlay District, no structure, including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use, shall exceed a height of 35 feet." Galloway's ordinance will allow buildings that are 50 feet. A building 50 feet high will not be consistent with the existing character of Pinelands Villages and will increase the density that is planned or envisioned for Pinelands Villages in the CMP. These actions will destroy the integrity of the Pinelands and encourage unmitigated growth in an area that will be damaged by encroaching development and sprawl. Endangered species and plants will be crowded out if we continue to allow the Pinelands to be cut into!

Please don't allow further destruction of this precious natural resource as this ordinance clearly violates the Pinelands Comprehensive Management Plan.

Sincerely,

Ann Kelly

Submit: Submit

Executive Director's Report
on Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit #7

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

RE: PINELANDS VILLAGES

July 17, 2015 Re: Galloway Township Ordinance 1909-2015
The Pinelands Commission
Box 359
New Lisbon, NJ 08064

Dear Pinelands Commissioners,

Facets of redevelopment in Villages do not comport (comply) to the Pinelands Comprehensive Management Plan (CMP). Their presence is yet another way to allow more development than would normally occur under existing Pinelands rules (in this case building height restrictions). Redevelopment contains tools like eminent domain and public subsidies to private development, features that are not addressed in the CMP. For example redevelopment has eminent domain as a vested right. All development within the Pinelands National Reserve (PNR) must comport/comply to the CMP, and that the CMP has to have been adopted in accordance with the Pinelands Protection Act (*see addenda below* NJ Attorney General Paula Dow, November 23, 2011). The Pinelands Commission has control over all PNR development. Redevelopment is a form of development. The Pinelands Commission has limited control over redevelopment since it is not addressed in the CMP (Stacey Roth, Pinelands Commission Senior Counselor, May 12, 2010 & September 24, 2010 & June 24, 2011). Limited control is not sufficient to preserve and protect the Pinelands resources.

Another problem is that when things go wrong there is no place to turn to for due process. I tried to find an entity who had jurisdiction over Pinelands redevelopment when pursuing multiple statute violations that occurred in Richland Village. Not a single person could, or can even today, tell me where to go, including councils for the Pinelands Commission, the Department of Community Affairs, and the Local Finance Board – nor could New Jersey's Attorney General. Attached is testimony sent to the Office for Planning Advocacy that lays out my case for the CMP hearing.

Everyone seems to associate redevelopment with run-down neighborhoods and dilapidated structures. That is no longer an accurate description of the term. The designation has become much more liberal as to what can be deemed in need of redevelopment. In a *Planning & Environmental Law* article titled "Has the *Mount Laurel* doctrine delivered on Smart Growth," Kinsey (2008: 7) wrote:

"A 2003 amendment to the Local Development and Redevelopment Law used the term 'smart growth principles' to add an absurdly vague criterion for designation of an 'area in need of redevelopment' that could potentially trigger the exercise of local government's power of eminent domain."

Anything within a Pinelands Village can now be redeveloped, including historic structures, wetlands, and habitat with documented threatened and endangered species. Resolution No. 118-2005 stated,

"the proposed Richland Village Redevelopment Area is suitable for commercial and residential development and due to existing conditions where lands have remained vacant and underutilized for a period of ten or more years cannot likely be developed through the instrumentality of solely private capital..."

Here is a list of some other dubious reasons for land in Richland Village was deemed in need of redevelopment (Geubtner, 2008).

"Criterion "c" is clearly applicable for the following reasons: a significant portion of the land is unimproved land and has remained so for well over ten (10) years and perhaps even longer. The location of land mass, lack of mean access to the interior of the site, conditions of soil, wetlands and habitat render the site unlikely to be developed solely by private capital without assemblage and public sector incentives.

- 1) There was a lack of roadways servicing the site (*i.e.*, undeveloped);
- 2) Soils were too poor for development (*i.e.*, Pine Barrens);
- 3) Wetlands were present (*i.e.*, the 52-acre package plant property);
- 4) Critical habitat (an ecological area inhabited by a particular species of flora or fauna) existed.

So what are “Redevelopment” and “Smart Growth?”

- According to the New Jersey Redevelopment Authority, "Our mission is to provide a unique approach to revitalization (a) efforts in New Jersey's cities (b). We develop programs and resources to improve the quality of life by creating value in urban communities (c)."
- According to the Department of Community Affairs, "What is Smart Growth? Smart Growth is the term used to describe well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources (d)."

- (a) How do you revitalize something that was never there in the first place?
- (b) This is not city space, but State and Federally protected reserve lands.
- (c) These locations are urban wilderness, not urban blight.
- (d) As currently planned, these schemes are antithetic to underlined Smart Growth goals.

DISCUSSION

- 1) PINELANDS HAS AUTHORITY OVER DEVELOPMENT – One of the environmental controls of the CMP is that *all* PNR development is under the purview of the PC. This is true even if jurisdictions overlap, as in the case of Coastal Area Facility Review Act (CAFRA) regulations. According to Attorney General Dow (2011, *see addenda*), “N.J.S.A. 13:18:A-23 and N.J.A.C. 7:7E-3.44 ... provides that “[w]ithin the Pinelands National Reserve, the Pinelands Commission will serve as a reviewing agency for the coastal construction permit applications.” Redevelopment is a State-constitution authorized land-use management designation. In extension, it seems reasonable that the PC also has management powers over redevelopment (a specific form of development).
- 2) REDEVELOPMENT IS DEVELOPMENT – According to the *Oxford English Dictionary* (2009), redevelopment is defined as “The action or an act of developing again (in various senses),” *specifically* “The redesigning and rebuilding of an urban area, typically after the demolition of existing

buildings. (The usual current sense.)” In fact, redevelopment is a form of development. According to the CMP (7:50-2.11 Definitions), *Development* means “change of or enlargement of any use or disturbance of any land...”

- 3) ALL DEVELOPMENT MUST COMPORT TO THE CMP – Herein lies a dilemma. According to Attorney General Dow (2011), “The New Jersey Pinelands Commission’s ... role in municipal redevelopment is only to ensure that any such redevelopment in the Pinelands Area comports with the ...CMP ... adopted in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 *et seq.*” According to the *Oxford English Dictionary* (2009), comport means to agree or endure, so redevelopment must coincide in all and any respect to the CMP. In implementation redevelopment does not agree (*i.e.*, harmonize or accord) in all its respects with the CMP.
- 4) THE STATE PLANNING ACT DOES NOT APPLY TO THE PINELANDS – Hartkopf (2010) noted that the State Planning Act (NJSA 52:18A-196 *et seq.*), which governs the SDRP, was “adopted by the State Legislature in 1985 in response to Mount Laurel II (Fair Housing Act, NJSA 52:27D-301 also passed in 1985)..... [but] The State Planning Act does not apply (NJSA 52:18A-206) to lands within the federally designated Pinelands (see Pinelands Protection Act, NJSA 13:18A-23 *et seq.*)” Hence compliance with the Sate Plan is not a PC *obligation*, just as COAH requirements are not a PC *obligation* (*also* Kinsey, 2008: 4 & 6, P.L. 1987, c. 267; N.J.S.A. 13:18A-12.b. and -15). It is also worth noting that this also means the PC is not *obligated* to turn Pinelands Villages into sewerred growth zones as suggested by Leaken (*see* Donio, 2011).
- 5) REDEVELOPMENT IS INCHOATELY REVIEWED – The PC can at best provide a partial examination of a redevelopment plan, their role limited to portions that are covered under the CMP. Also, pursuant to N.J.S.A. 40A:12A-8b&c, which is cited as statute in current Pinelands redevelopment plans, a redevelopment plan cannot be effected until State approval (when the SPC makes a determination that a redevelopment parcel meets their standards of “land in need of redevelopment).” Yet, as stated earlier in #4, the SPC (*also* DCA, OPA) has no jurisdiction over Pinelands redevelopment. Outside the Pinelands the State Planning Commission (SPC) reviews and endorses redevelopment plans, making

recommendations to enhance plan efficiency and effectiveness to insure redevelopment implementation is consistent to Smart Growth plans under the *State Development and Redevelopment Plan* (Hartkopf, 2010). Again, there is a deficiency in that no one performs that function in the Pinelands.

- 6) ONLY PC PLANS AND REGULATIONS CAN BE USED TO REACH SDRP OBJECTIVES – According to MOA (1999: 2, II. D) between the PC and SPC (*also* DCA, OPA), it was recognized that “the SPC will rely on the adopted plans and regulations of the PC to achieve the objectives of the SDRP.” Redevelopment is a tool of the SPC, and not the PC. This is inconsistent with current MOA applicability, and is another reason that redevelopment should not be used in the PNR.

<p>D. This MOA acknowledges the statutory treatment of the New Jersey’s Pinelands under the Pinelands Protection Act and the State Planning Act and recognizes that the SPC will rely on the adopted plans and regulations of the PC to achieve the objectives of the SDRP .</p>
--

(above) Excerpt from MOA (1999: 2).

7. REDEVELOPMENT LACKS OVERSIGHT – Additionally, there doesn’t seem to be an entity that has oversight of Pinelands redevelopment law. PC plan endorsement only provides an illusion of due process. In actuality, State redevelopment statutes can be cited but then can be ignored with impunity within the PNR. For example I use Richland Village, where redevelopment was touted as “a prototype for the immediate region as well as the State” (Karabashian/Eddington Planning Group, 2006: 1). The Township began redevelopment at least two-years before the PC gave the municipality permission to move forward. In response to violations in State redevelopment statutes (*e.g.*, issuance of bonds and accumulating real property before they had a plan), I tried to find an entity who had jurisdiction over Pinelands redevelopment. Not a single person could, or can, tell me where to go, including councils for the PC, the Department of Community Affairs (DCA), and the Local Finance Board (LFB). Examples of their responses are provided below:

a – *On multiple occasions the PC indicated they had no such authority;*

The third reason for your appeal request is alleged deficiencies by Buena Vista Township under the New Jersey Local Redevelopment and Housing Law. The Pinelands Commission has no authority to enforce the requirements of this Law. The Commission's authority is limited to its enabling act, the Pinelands Protection Act. The Executive Director's recommended approval

(above) Excerpt from a letter by Pinelands Senior Counselor S. Roth to M. Demitroff denying his appeal to the Office of Administrative Law, May 12, 2010, even though I lived within 200-feet of the parcel in question and was not notified pursuant to N.J.S.A. 40:55D-12.

With respect to the question concerning the review and enforcement of local redevelopment and housing laws, the Executive Director would only submit that the Pinelands Commission's authority is limited to determinations of whether municipal redevelopment plans are consistent with the Pinelands Protection Act and the Comprehensive Management Plan. The Commission does not have the authority to review or enforce local redevelopment and housing laws. To the

(above) Excerpt from CMP Policy & Implementation Committee Meeting, September 24, 2010.

Permitting, of this comment. Public Comment: Additional comments regarding "redevelopment lands" and authority of the Township Engineer to proceed with developing Sawmill Park were offered by the commentor. Staff Response: These matters are not regulated by the Commission.

(above) Excerpt from Pinelands Commission Report on an Application for Public Development, June 24, 2011.

b – *The DCA indicated it has no authority to review or enforce Pinelands redevelopment rules;*

In addition, you inquired as to whether the Office of Smart Growth was aware of six points relating to the project. While we are aware that you have concerns regarding the process by which the Township has conducted their redevelopment activity, that issue must be addressed at the local level. The Office of Smart Growth has not been actively involved in assisting Buena Vista Township in its redevelopment efforts, and as a result is unable to comment on their activities.

(above) Excerpt from DCA's Acting Executive Director, D. Rendeiro, Office of Smart Growth, response to M. Demitroff's query, October 1, 2009.

c – *The NJ LFB indicated it has no authority to review or enforce Pinelands redevelopment rules;*

was secured, (or attempted to be secured). Please also be advised that the Board has no jurisdiction over the Pinelands Commission, the Local Redevelopment and Housing Law or the Municipal Land Use Law. It is suggested that you speak to a private attorney concerning the possibility of filing civil action to represent your interests in a court of law.

(above) Excerpt from NJLFB Chair, T. Neff, response to M. Demitroff's query, February 28, 2011.

Redevelopment is a powerful tool for the land-use planner, and it must be used wisely and fairly. The NJ State Comptroller recently expressed his concern about historical evidence of corruption of the redevelopment process (Boxer, 2010: 6, 13). Many redevelopment ordinances are written by the developer (Boxer, 2010: 16). Boxer indicated that more County and other officials should be “involved at earlier stages of the redevelopment process” and that there should be “fulsome public discussion” of redevelopment dynamics that goes beyond the “modicum of public notice” (Boxer, 2010: 22).

Municipal land-use applications within the PNR cannot have less oversight and jurisdictional accountability than areas outside the Pinelands. As it stands, it appears that only the redeveloper (the municipality) is minding the hen-house (*see #4-7 above*). Reforms are needed so that the mechanism properly fits the PC’s mission to preserve, protect, and enhance the environmental and cultural environment of the Pinelands. Heed NJAPA’s (2006) warning, that “planning professionals should exercise extreme caution when advising clients regarding redevelopment practices.” Redevelopment can be rife with controversy (*e.g.*, eminent domain). We, the Pinelands residents, are the PC’s primary clients – not the developers, and the PC must fully safeguard our individual and societal rights, as well as the Pinelands cultural and environmental ecosystem.

Deputy Attorney General Sean Moriarty is courtesy copied in hopes his office will review the merits of my arguement, as the Attorney General’s office has power of oversight of such issues. So far, no one at his office has been able to tell me who has jursidition over Pinelands Redevelopment. When I object to redevelopment violations, there is no place to go as no one has authority over something that doesn't exist in the first place. That can't be.

Sincerely,
Mark Demitroff

cc: Mr. Sean Moriarty, Deputy Attorney General

ADDENDA

4) **Mark Demitroff (Richland Village, Buena Vista Township resident)**

Mr. Demitroff introduced the topic of redevelopment and issues that he has had in addressing violations of state redevelopment statutes by Buena Vista Township. He initially approached the Department of Community Affairs (DCA), whose representatives indicated that a Memorandum of Understanding between DCA and the Pinelands Commission granted jurisdiction over development in the Pinelands Area to the Pinelands Commission. When Mr. Demitroff approached the Pinelands Commission with his concerns, the Commission responded that the Commission lacked authority to enforce the state redevelopment statutes and directed him to contact the Local Finance Board. The Local Finance Board indicated that the Pinelands Commission has jurisdiction over redevelopment in the Pinelands Area and suggested he contact a New Jersey Deputy Attorney General (DAG) for guidance. The DAG considered Mr. Demitroff's question and consulted with the Attorney General (AG), Paula Dow. Attorney General Dow made the determination that all development in the Pinelands, including redevelopment, must comply with the CMP. However, the CMP contains no provisions to give the Commission authority to review violations of the state redevelopment statute. As a result, Mr. Demitroff suggested that redevelopment be addressed in the CMP, to the effect that redevelopment should not be permitted in the Pinelands.



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO BOX 093
TRENTON, NJ 08625-0093

CHRIS CHRISTIE
Governor

KIM GUADAMINO
Lt. Governor

PAULA T. DOW
Attorney General

ROBERT M. HANNA
Director

November 23, 2011

Via Regular & Certified Mail

Mark Demitroff
822 Main Ave.
Vineland, NJ 08360-9346

Re: September 23, 2011 Correspondence to the Office of
the Attorney General

Dear Mr. Demitroff:

I am in receipt of your September 23, 2011 correspondence to the Office of the Attorney General. You asked for a determination as to "who has authority over redevelopment within the Pinelands National Reserve."

As noted in the August 1, 2011 correspondence sent to you by DAG Julie Cavanagh, this office is unable to provide you with legal advice or assistance.

That being said, the New Jersey Constitution authorizes redevelopment. N.J. Const., art. VIII, § 111, ¶ 1. Municipal redevelopment is primarily governed by the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., which gives municipalities the authority to designate "areas in need of redevelopment." N.J.S.A. 40A:12A-5. The New Jersey Pinelands Commission's ("Commission") role in municipal redevelopment is only to ensure that any such redevelopment in the Pinelands Area comports with the Pinelands Comprehensive Management Plan ("CMP") adopted in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. See N.J.A.C. 7:50-4.11 et seq. (development in municipalities not certified in compliance with the CMP); N.J.A.C. 7:50-4.31 et seq. (development in municipalities certified in compliance with the CMP). The Commission has no authority to implement the New Jersey Local Redevelopment and Housing Law.



HUGHES JUSTICE COMPLEX • TELEPHONE: (609) 633-2938 • FAX: (609) 311-5630
New Jersey Is An Equal Opportunity Employer • Printed on Recycled Paper and Recyclable

November 23, 2011
Page 2

Finally, it should be clarified that, since your letter asks who has authority over redevelopment in the "Pinelands National Reserve," the Commission's authority is limited to the "Pinelands Area" as defined by N.J.S.A. 13:18A-11. See also N.J.S.A. 13:18A-3; N.J.S.A. 13:18A-8. Although the CMP constitutes the management plan called for by the National Parks and Recreation Act of 1978, 16 U.S.C. §471i(f), the Commission's jurisdiction is limited to those portions of the Pinelands National Reserve that overlap with the Pinelands Area. The New Jersey Department of Environmental Protection has primary jurisdiction over those portions of the Pinelands National Reserve located outside the Pinelands Area within the Coastal Area. See N.J.S.A. 13:18A-23 and N.J.A.C. 7:7E-3.44 which provides that "[w]ithin the Pinelands National Reserve, the Pinelands Commission will serve as a reviewing agency for the coastal construction permit applications."

Sincerely yours,

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

By: 

Kristen D. Heinzl
Deputy Attorney General

C: AAG Kevin Auerbacher
AAG Robert H. Stoloff
DAG John Senella
DAG Christine Platek

- Boxer, A.M. (State Comptroller), 2010: *A Programmatic Examination of Municipal Tax Abatements*. Office of the State Comptroller, State of New Jersey, Trenton, NJ, 30 pp.
- Donio, G., 2011: Pinelands: sewer plants OK. *The Hammonton Gazette*. **15**, 38: 1, 12, 16.
- Dow, P. (by K. Heinzerling), 2011: Re: September 23, 2011 Correspondence to the Office of the Attorney General. Letter from P, Dow to M. Demitroff, 2 pp. (*added as addenda*).
- Hartkopf, K. (Planning Director, Office of Smart Growth), 2010: The State Development and Redevelopment Plan: New Jersey Planning Law Review. PowerPoint presentation for the NJAPA, April 10, 2010.
- Kinsey, D.N., 2008: Has the *Mount Laurel* doctrine delivered on Smart Growth? *Planning & Environmental Law*. **60**, 6: 3–9.
- MOA, (1999): Memorandum by and between the New Jersey Pinelands Commission and the New Jersey State Planning Commission. June 1, 1999. 11 pp.
- NJAPA, (New Jersey Chapter, American Planning Association), 2006: Position statement on redevelopment planning and exercise of eminent domain. c/o URS Corporation, One Gateway Center, Suite 1000, Newark, NJ, 6 pp.

M/C
CC: 1/12/11
mgp



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 800
TRENTON, NJ 08625-0800

JAN 14 2011 11:25 AM

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

LORI GRIFA
Commissioner

January 14, 2011

Executive Director's Report
on Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit #8

Honorable Keith Hartman, RPh
Mayor
Township of Galloway
300 East Jimmie Leeds Road
Galloway, N.J. 08205

Re: Review of Area in Need of Redevelopment Designation

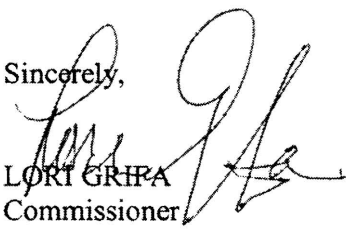
Dear Mayor Hartman:

We are in receipt of Lisa Tilton's letter of December 21, 2010 and Resolution 300-2010 designating the listed blocks and lots as an area in need of redevelopment.

The Office of Planning Advocacy has mapped the designated parcels as situated in a Pinelands Village where redevelopment is encouraged. In accordance with N.J.S.A. 40A:12A-6, the township's approval took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the department to effectuate your designation.

The department's approval of this designation should not be construed, and does not constitute, a determination by the department that the area in question otherwise complies with the pertinent requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. and other applicable legal principles governing the designation of areas in need of redevelopment and rehabilitation under that law.

Sincerely,


LORI GRIFA
Commissioner

C: Charles Richman, Assistant Commissioner
Gerard Scharfenberger, Ph.D. Office of Planning Advocacy





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 21

TITLE: Determining the Eligibility of a Parcel of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program

Commissioner Prickett moves and Commissioner Ashmun seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and recommendation of the Executive Director that the following parcel is eligible for acquisition under the Limited Practical Use program:

2010-0150.001 **Dominic S. Constantine**, Block 2101, Lot 6, Medford Township, 0.57 ac.; Pinelands Regional Growth Area (GD-Growth District); waiver application denied July 10, 2015.

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for this parcel; and

WHEREAS, the Pinelands Commission hereby determines that the parcel conforms to the criteria set forth in N.J.A.C. 7:50-9.2 and 9.3 for eligibility for acquisition under the Limited Practical Use program; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission approves the acquisition of the following parcel and authorizes the Executive Director to transmit the name of this property owner to the Department of Environmental Protection for acquisition, provided that the landowner freely agrees to sell his parcel:

2010-0150.001 **Dominic S. Constantine**, Block 2101, Lot 6, Medford Township, 0.57 ac.; Pinelands Regional Growth Area (GD-Growth District); waiver application denied July 10, 2015.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

 Nancy Wittenberg
 Executive Director

Date: August 14, 2015

 Mark S. Lohbauer
 Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

REPORT ON PROPERTY ELIGIBILITY FOR THE PINELANDS LIMITED PRACTICAL USE PROGRAM

July 22, 2015

Dominic S. and Anna F. Constantine
60 Neeta Trail
Medford Lakes, NJ 08055

Please Always Refer to
This Application Number
App. No. 2010-0150.001
Medford Township
Block 2101, Lot 6

Dear Mr. and Mrs. Constantine:

I am pleased to inform you that Pinelands Commission Executive Director, Nancy Wittenberg, is recommending the above referenced parcel for eligibility in the Limited Practical Use land acquisition program.

FINDINGS OF FACT

This application is for a determination of eligibility for the Pinelands Limited Practical Use Land Acquisition Program. The property is located in the Pinelands Regional Growth Area and contains 0.57 acres. An application for a Waiver of Strict Compliance by the applicant for this parcel was denied by the Pinelands Commission on July 10, 2015.

The subject parcel contains all contiguous land in common ownership on or after January 14, 1981. There are no principal structures located on the parcel. No resource extraction operation has been approved for this parcel. No development has been approved for this parcel. There are no Pinelands Development Credits allocated to the parcel. Based on the available information, the parcel cannot be developed consistent with the requirements of the Comprehensive Management Plan. The applicant owns less than 50 acres of land in the Pinelands as of July 17, 1995.

CONCLUSION

N.J.A.C.7:50-9.2 and 7:50-9.3 set forth the standards which must be met in order for a property to be determined eligible for the Limited Practical Use Program. The first condition is that the Pinelands Commission has either denied a Waiver of Strict Compliance for the parcel in question pursuant to N.J.A.C. 7:50-4, Part V or has approved a Waiver of Strict Compliance for the parcel and granted a transferable development right to other lands in accordance with N.J.A.C.7:50-4.66(b)3 and 5.30(a). As the applicant received a Waiver denial on July 10, 2015, the applicant meets the criteria contained in N.J.A.C. 7:50-9.2(a)1.

The second condition is that the parcel contains less than 50 acres. As the parcel contains 0.57 acres, the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a)2.

The third condition is that the standards contained in N.J.A.C. 7:50-9.3 relative to the ownership and the present and potential uses of the parcel in question have been met. The applicant has demonstrated that the parcel meets the standards contained in N.J.A.C. 7:50-9.3 so the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a)3.

The property is eligible for the Limited Practical Use acquisition program because all program eligibility criteria in N.J.A.C. 7:50-9.2 and N.J.A.C. 7:50-9.3 have been met. As a result it is recommended that the Pinelands Commission APPROVE the application and notify the Department of Environmental Protection that the subject parcel is eligible to be acquired under the provisions of N.J.A.C. 7:50-9.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation 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 this Report and must include the following information:

- A. the name and address of the person requesting the appeal ;
- B. the application number;
- C. a brief statement of the basis for the appeal; and
- D. 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, the Pinelands Commission will act on this application at its meeting on August 14, 2015. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a hearing.

If you have any questions, please contact Betsy Piner of our staff.

Sincerely,



Susan R. Grogan, P.P., AICP
Chief Planner