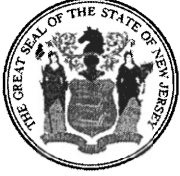


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Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359
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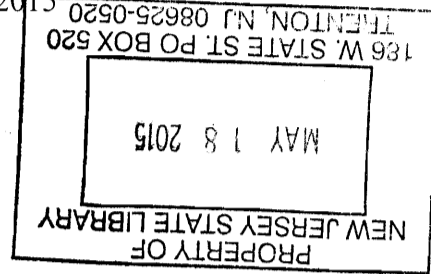


Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

April 27, 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 March 13, 2015 for your information.

Sincerely,

Melody A. Wood,
Receptionist

PC1
Enclosure: Minutes

PC2-18

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

MINUTES

March 13, 2015

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Richard Prickett, Robert Jackson, Ed McGlinchey, Gary Quinn, D'Arcy Rohan Green and Fran Witt by telephone. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Tyler Yingling and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Ed Lloyd, Jane Jannarone and Chairman Mark Lohbauer.

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

DAG Heinzerling read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 12 Commissioners present.)

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

Minutes

Vice Chairman Avery presented the minutes from January 30, 2015 Special Commission meeting and the February 13, 2015 Commission meeting (open and closed session). Commissioner Ashmun moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the January 30, 2015 Special Commission meeting were adopted by a vote of 11 to 0, with Commissioner Rohan Green abstaining.

The minutes of the February 13, 2015 Commission meeting were adopted by a vote of 12 to 0.

Committee Chairs' Reports

Vice Chairman Avery said there were no Committee reports.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- The Pinelands Municipal Council met on March 10th in Maurice River Township. The Council did not have a quorum. There was a presentation on the Battle of Dallas' Landing archeology project.
- Staff has begun to prepare the Fiscal Year 2016 Budget. The Commission's state appropriation has remained the same, with an additional \$30,000 to be used for technology upgrades.
- The Short Course will take place this Saturday at Stockton University.

Mr. Paul Leakan added that about 500 people have signed up and he expects that there will be more sign-ups during the morning of the event.

Ms. Wittenberg said that 50,000 new Pinelands National Reserve brochures have been printed by the National Park Service and delivered to the Commission office.

Mr. Leakan said that an additional 50,000 brochures are at Brendan Byrne State Forest for distribution. He said that a total of 100,000 brochures were printed.

Commissioner Prickett asked about the life span of the brochure.

Mr. Leakan said the information in the brochure was chosen in such a way that the brochure can remain valid for many years.

Commissioner Prickett asked if the Commission maintains a history of the NPS brochures.

Mr. Leakan said that in the Commission's library past brochures and other important documents are available for review.

Mr. Larry Liggett updated the Commission on the following:

- He said last year the Commission approved Hammonton's Long Term Comprehensive Wastewater Plan to eliminate the discharge of treated wastewater into Hammonton Creek. He said work is ongoing on that project. The goal is that by September of this year both the overland drip irrigation system and the underground drip irrigation system will be completely installed and functioning. The Town of Hammonton notified the Commission last week that, due to severe weather, there was a need to temporarily discharge treated wastewater into the stream.
- Staff recently met with representatives of the Federal Emergency Management Agency (FEMA) to discuss the digitization of the Commission's cultural resource data. FEMA scanned about 4,800 of the Commission's cultural resource surveys about two years ago. FEMA then mapped that data, which included both positive and negative survey results.

Commissioner Ashmun raised concerns over having the positive cultural sites mapped. She said that in the past, that information was private.

Mr. Liggett said that the Commission's protection of these sites will not change. He said information on cultural resources will not be made available to the general public.

Commissioner Galletta said that Hammonton has done a good job of not discharging into the stream considering the harsh winter. He said he is optimistic about the Town's Comprehensive Wastewater Plan.

Mr. Chuck Horner provided an update on the following:

- Staff has had a series of meetings with Waterford Township officials and the owners of the Atco Raceway. The raceway would like to install additional parking areas.
- Staff met with Hammonton officials to discuss tree removal at the municipal airport. The Federal Aviation Administration (FAA) is requiring the clearing of the trees for the safe landing of aircrafts.
- Staff met with Southampton Township officials to discuss expansion and/or reconstruction options for the Township's Department of Public Works facility.

Commissioner Ashmun asked if the airport is removing the trees to accommodate bigger airplanes.

Mr. Horner said at this time the airport is only clearing trees to be consistent with FAA regulations.

Commissioners discussed airport safety measures.

Public Development Projects and Other Permit Matters

Vice Chairman Avery said there is one public development application that is being recommended for approval today.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1987-1058.060) (See Resolution # PC4-15-06). Commissioner Brown seconded the motion.

Commissioner Prickett asked if the pump station mentioned in the report had been built and was being moved.

Mr. Horner said the Commission approved a public development application in 2010 for the development of a pump station that was never constructed. The resolution that is about to be voted on is for the construction of a pump station in a different location.

The Commission adopted the resolution by a vote of 12 to 0. All voted in favor.

Resolutions Relating to Municipal Ordinances

Vice Chairman Avery said there were no ordinances to report on this month.

Public Comment on Agenda Items and Pending Public Development Applications

Mark Demitroff submitted written comments concerning Application #2009-0089.001. (See attached)

Fred Aker, a Buena Vista Township resident, said he was commenting on Application #2009-0089.001. He said this application is complicated and he will be providing comment on the process rather than the merit of the application. He provided a portion of the 2014 3rd Quarter Management report with a history of Application # 2009-0089.001. He read a portion of a Pinelands Commission press release from August 14, 2009 about a Community Wastewater treatment plant in which the Commission provided a \$100,000 grant to Buena Vista Township to study and build a package treatment plant in Richland Village. He said Buena Vista Township developed numerous applications without applying to the Commission. He said Buena Vista Township has not acted in good faith even though the Commission has gone to great lengths to work with the municipality. He said he is not sure how to accomplish a positive outcome to this situation and he is not optimistic that Buena Vista Township will comply with the Commission's regulations. He recommended that this application be reviewed by the Policy & Implementation Committee before coming to the full Commission.

Mr. Horner displayed an aerial photograph of the development site associated with Application # 2009-0089.001. He said Application # 2009-0089.001 is for the construction of the tourist railroad station. Mr. Horner said that the Richland Village Redevelopment Plan and the prior proposal to provide a community wastewater system are not part of this

application. He said that Buena Vista Township has filed and completed an application to resolve development that was done in violation. He said the portions of the aerial that are highlighted in purple are related to the development areas. He said there are five gravel parking areas being proposed and stormwater management facilities.

Mr. Horner said the Commission previously approved an application for sidewalks along Route 40 in Buena Vista Township (Application # 2004-0319.001). The stormwater management that was proposed as part of the application was either never built or the stormwater swales were filled in. A portion of the required stormwater management for the sidewalks will be addressed in Application # 2009-0089.001. At this time, Application #2009-0089.001 will be on the Commission's April 10, 2015 meeting agenda.

A conversation followed about stormwater management basins in Buena Vista Township.

Denise Garner, a member of the Jackson Township Environmental Commission, said that in her role at the Township she reviews all stormwater management reports. She said there are many factors that can contribute to a basin not functioning properly. She said she has reviewed stormwater reports that have been cut and pasted with incorrect data. She said proper stormwater basin calculations and installation are key in keeping groundwater clean.

Ordinances Not Requiring Commission Action

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

- Manchester Township Ordinance 14-022
- Pemberton Township Ordinance 15-2014

No members of the Commission had questions.

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

Vice Chairman Avery asked the Ms. Wittenberg if there was any new information about the BL England pipeline.

Ms. Wittenberg said there is no new information.

Vice Chairman Avery asked DAG Heinzerling if there were any resolutions concerning South Jersey Gas.

DAG Heinzerling said no.

Cidnie Richards asked if there is any news regarding the Ad Hoc Committee on Memorandum of Agreements (MOAs) and waivers.

Vice Chairman Avery said Chairman Lohbauer is finalizing his plan for the Ad Hoc Committee.

Ms. Richards asked about the status of the Agricultural Committee.

Fred Akers of the Great Egg Harbor Watershed Association said he recently attended a land conservation rally. He said at that rally he watched a presentation on water conservation efforts in Hammonton. He said Hammonton Municipal Utilities changed the rate structure, which has reduced water consumption in the town.

Closed Session Resolution

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

Commissioner Ashmun moved to retire into closed session. Commissioner Prickett seconded the motion. The Commission agreed to retire into closed session by a vote of 12 to 0, beginning at 10:36 a.m.

Return to Open Session

Commissioner Jackson made a motion to return to open session. Commissioner Earlen seconded the motion. The meeting resumed at 11:31 a.m.

Vice Chairman Avery said pending litigation and personnel matters were discussed in closed session and no action was taken.

Adjournment

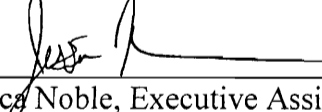
Commissioner Prickett asked if it was possible to get a chronological timeline of events for Application # 2009-0089.001.

Commissioner Ashmun asked if this was the last of the violations in Buena Vista Township.

Commissioner Prickett said he was excited about the Short Course this weekend.

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Rohan Green seconded the motion. The Commission agreed to adjourn at 11:34 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: March 19, 2015



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 06

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1987-1058.060)

Commissioner Galletta moves and Commissioner Brown seconds the motion that:

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

1987-1058.060

Applicant:	Egg Harbor Township Municipal Utilities Authority
Municipality:	Egg Harbor Township
Management Area:	Pinelands Military/Federal Installation Area
Date of Report:	February 19, 2015
Proposed Development:	Construction of a 551 square foot sanitary sewer pump station and the installation of 140 linear feet of sanitary sewer force main.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1987-1058.060 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			Galletta	X			Prickett	X		
Avery	X			Jackson	X			Quinn	X		
Brown	X			Jannarone			X	Rohan Green	X		
DiBello	X			Lloyd			X	Witt	X		
Earlen	X			McGlinchey	X			Lohbauer			X

Adopted at a meeting of the Pinelands Commission

Date: March 13, 2015

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

February 19, 2015

Elaine Super
Egg Harbor Township Municipal Utilities Authority
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Re: Application # 1987-1058.060
Block 101, Lot 9
Egg Harbor Township

Dear Ms. Super:

The Commission staff has completed its review of this application for the construction of a 551 square foot sanitary sewer pump station and the installation of 140 linear feet of sanitary sewer force main. Enclosed is a copy of an Amended 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 March 13, 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, Egg Harbor Township Planning Board (via email)
Egg Harbor Township Construction Code Official (via email)
Egg Harbor Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Vincent J. Polistina





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT

February 19, 2015

Elaine Super
Egg Harbor Township Municipal Utilities Authority
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Application No.: 1987-1058.060

Location: Block 101, Lot 9
Egg Harbor Township

This application is for the construction of a 551 square foot sanitary sewer pump station and the installation of 140 linear feet of sanitary sewer force main on the above referenced 2,380 acre lot in Egg Harbor Township. The William J. Hughes Technical Center, the Atlantic City International Airport and the New Jersey National Guard station are located on the lot.

On November 12, 2010, the Commission approved an application for the construction of a 330 square foot sanitary sewer pump station and the installation of 2,614 linear feet of sanitary sewer main on the above referenced lot (App. No. 1987-1058.060). Due to soil contamination in the vicinity of the previously approved pump station, the applicant has proposed to relocate the proposed pump station to avoid contaminated areas.

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. 7:50-5.29(b))

The proposed development is located in a Military and Federal Installation Area. As required by the CMP, the proposed development will be located in the Pinelands Protection Area and does not require any development in the Preservation Area District or a Pinelands Forest Area. The proposed development is a permitted land use in a Military and Federal Installation Area.

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

There are wetlands located on the above referenced lot. The CMP requires up to a 300 foot buffer to wetlands. A 45 linear foot portion of the proposed sanitary sewer force main will be located in the required buffer to wetlands. 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 for the proposed development 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 development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands.

The 45 linear foot portion of the proposed sanitary sewer force main that will be located in the required buffer to wetlands is necessary to connect to an existing sanitary sewer force main. The existing sanitary sewer force main is located in wetlands and the required buffer to wetlands. The applicant has demonstrated that the need for the proposed sewer main 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 maintained grassed area and within 350 square feet of forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

PUBLIC COMMENT

The application was designated as complete on the Commission's website on January 20, 2015. The Commission's public comment period closed on February 13, 2015. No public comments regarding this application were submitted to the Pinelands Commission.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by Polistina Associates, LLC and dated as follows:

Sheet 1 - May 2014
Sheet 2 - July 14, 2011; revised to December 19, 2014
Sheet 3 - July 14, 2011
Sheet 4 - July 22, 2009; revised to December 19, 2006
Sheet 5 - October 29, 2007; revised to May 10, 2010
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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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.

Management Report for July, August & September 2014



Updates are in *italics*

For more information:
Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064
<http://www.nj.gov/pinelands>

restrictions are currently under review. *Based upon Commission staff review of the recorded deed restrictions, the Commission staff issued a letter allowing the applicable county and municipal permits and approvals to take effect. By issuance of the August 21, 2014 letter, development violations that occurred between 1991 and 2008 were resolved.*

- **Shooting Range, Lacey Township (App. No. 1982-3059.002):** This violation concerns expansion of an existing shooting range without application to the Commission. *No new action as of September 30, 2014.*
- **Buena Vista Township/Railroad Station and Western Rt. 40 Sidewalk (App No. 2009-0089.001):** By letter to Buena Vista Township dated January 8, 2010, Commission staff indicated that an application is required for development that has occurred within the NJ Transit right-of-way and on municipally owned property. Information was submitted by the applicant on December 7, 2011 and December 15, 2011. On February 15, 2012, the staff issued a letter to the applicant requesting additional information to complete the application. On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter. On November 1, 2012, the applicant submitted information regarding the application. By letter dated January 2, 2013, the staff requested additional information. Staff met with the new municipal engineer on April 25, 2013 to discuss the items that must be submitted to resolve the violation and complete an application for development. The Commission staff issued a letter dated October 16, 2013 requesting a timeframe for when information previously requested to complete a development application would be submitted to the Commission. The Commission staff held a telephone conference with representatives of Buena Vista Township on January 24, 2014 to discuss development that had occurred without application to the Commission and the information required to be submitted to the Commission staff to complete the concerned application and resolve the violation. Information to address the outstanding violation and application was received on February 14, 2014. Commission staff issued a letter on March 13, 2014 requesting additional information. On April 23, 2014, the Township submitted additional information regarding this application. By letter dated May 20, 2014, the Commission staff advised the applicant of the stormwater and public notice information necessary to complete the application. On June 9, 2014, the Township submitted additional information to the Commission. That information is currently under review. *By letter dated July 16, 2014, the Commission responded to the Township's submission requesting additional information regarding stormwater and public notice to complete the application. The Township submitted additional information on August 1, 4 and 13, 2014. On August 20, 2014, the Commission staff issued a letter in response to the three submissions requesting completion of the required public notices to complete the development application.*
- **Buena Vista Township/Eastern Rt. 40 Sidewalks (App. No. 2004-0319.001):** The staff met with officials from Buena Vista Township on July 27, 2010, regarding the installation of stormwater management swales that were previously required for the installation of sidewalks along Route 40.

That project was approved by the staff pursuant to the Memorandum of Agreement between Buena Vista Township and the Pinelands Commission (App. #2004-0319.001). On May 20, 2011, the staff issued a letter requesting certain information to demonstrate consistency with the CMP's stormwater management standards. Additional stormwater information was received by the Commission on September 15, 2011, November 7, 2011, December 7, 2011 and December 15, 2011. On February 9, 2012, the Commission staff asked for clarification of the submitted stormwater management information. On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter. On November 1, 2012, the Township submitted information to address stormwater management. By letter dated December 31, 2012, the staff requested additional information regarding proposed stormwater management. Additional information was received by the Commission on March 18, 2013. Staff met with the municipal engineer on April 25, 2013 to discuss the items that must be submitted to resolve the violation. The Commission staff issued a letter dated October 16, 2013 requesting an update to the status of the stormwater management issue. The Commission staff held a telephone conference with representatives of Buena Vista Township on January 24, 2014 to discuss this development that had occurred without application to the Commission and the information required to be submitted to the Commission staff to complete the concerned application and resolve the violation. Information to address the outstanding violation and application was received on February 14, 2014. Commission staff issued a letter on March 13, 2014 requesting additional information. After the Township's submission of information and the Commission staff issuance of letters responding to those submissions, the Commission staff issued a letter on May 20, 2014 requesting certain stormwater information for the application. On June 9, 2014, the Township submitted additional information to the Commission. That information is currently under review. *Additional information was received on August 1 and 4, 2014. On August 12, 2014, the Commission staff issued a letter indicating that the stormwater management proposed for the eastern portion of the Rt. 40 sidewalk project was consistent with the stormwater management standards of the CMP.*

- **Barnegat Township, Commercial Use (App. No. 1988-1177.002):** By letter dated February 1, 2012, we advised a property owner of an approximately 5 acre wetlands buffer clearing violation. Materials were being stockpiled in the wetlands buffer. By letter dated April 26, 2012, we summarized the agreements reached and asked the property owner to contact our office when wetlands were delineated. By letter dated June 15, 2012, we confirmed the wetlands mapping and suggested a course of action to resolve the violation. On September 19, 21 and 28, 2012 the applicant submitted information addressing the proposed resolution of the violation. By letter dated November 13, 2012, the Commission staff recommended revisions to the proposed restoration plan. On January 22, 2013, the Commission staff received information from the property owner's consultant indicating that one material stockpile and a portion of another had been removed from the site and that a revised restoration plan would be submitted shortly. On March 26, 2013, the Commission staff issued a letter

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

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

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

March 13, 2015.

Mr. Lohbauer,

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

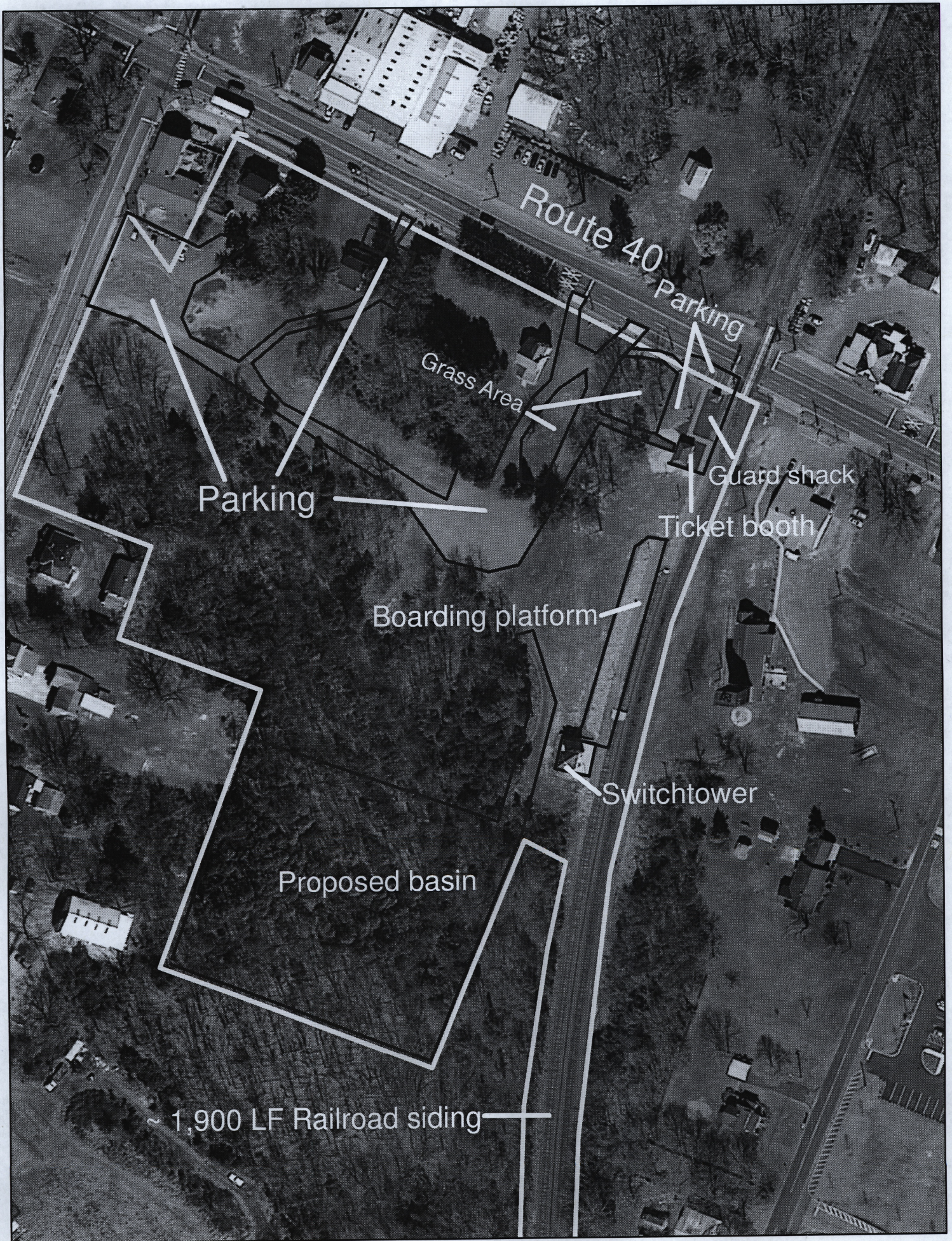
Inexplicably, the Pinelands staff divided APP #2004 into two parts during 2014, approving over two-thirds of the Richland Village sidewalk's total footprint. That partial approval was specifically for the section of Richland where Ms. Giordano lives, the resident who struggles with recurrent house and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

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

Sincerely,
Mark Demitroff

856 696-2527
TELEPHONE

MARK@BUCKHORN-GSI.COM
E-MAIL



Route 40
Parking

Grass Area

Parking

Guard shack

Ticket booth

Boarding platform

Switchtower

Proposed basin

~ 1,900 LF Railroad siding