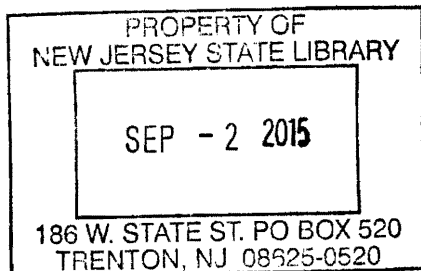


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PC2-51



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

MINUTES

July 10, 2015

Commissioners Present

Candace Ashmun, Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta (via telephone), Jane Jannarone (via telephone), Ed McGlinchey, Richard Prickett, Gary Quinn, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Michael Collins and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Alan W. Avery Jr., Ed Lloyd and D'Arcy Rohan Green

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

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 12 Commissioners participating at the meeting.)

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

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Re-Organization

Chairman Lohbauer said the re-organization of Committee assignments will be held over to the August Commission meeting. He asked Commissioners to contact him with assignment requests.

Election of Vice Chair

Chairman Lohbauer said that Vice Chairman Avery said he would like to give up his post as Vice Chairman.

Chairman Lohbauer requested a nomination for Vice Chairman.

Commissioner McGlinchey made a motion nominating Paul Galletta for Vice Chairman. Commissioner Ashmun seconded the motion. All were in favor.

Minutes

Chairman Lohbauer presented the minutes from the June 12, 2015 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Earlen seconded the motion.

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

Committee Chairs' Reports

MOA *ad hoc* Committee

Commissioner Ashmun said the Committee met on June 26, 2015.

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

The Committee began reviewing a list of issues and suggestions related to the MOA process and standards.

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

Personnel & Budget Committee

Commissioner McGlinchey and Commissioner DiBello jointly provided an update on the June 30, 2015 Personnel & Budget Committee meeting:

The Committee recommended adoption of the minutes from the June 2, 2015 meeting, but a quorum of the Committee was not present.

Copies of the Operating Budget, the Kirkwood Cohansey Aquifer Assessment Study Fund Budget and the Pinelands Conservation Fund Budget, dated June 30, 2015, were provided to the Personnel and Budget Committee for review. The Committee members who were

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present at the Committee's June 30, 2015 meeting recommended Commission approval of the budgets.

Nancy Wittenberg and Jessica Lynch reviewed the May Check Registers, electronic disbursements and application fees. Michelle Russell provided an update on employee actions and reviewed the revisions to the Commission's Personnel Policies, dated June 30, 2015. The Committee members who were present at the meeting recommended Commission approval of the Commission's Personnel Policies.

Commissioner McGlinchey said that he supports the Kirkwood Cohansey and PCF budgets but he will not be voting in favor of the budget resolution because the Operating budget does not have money allocated for salary increases for Commission employees.

Agriculture Committee

Commissioner McGlinchey provided an update on the June 16, 2015 Committee meeting:

The Committee adopted the minutes from the May 1, 2015 meeting.

The Committee received a summary of the nine meetings staff has conducted with various interest groups.

The Committee asked that the State Agriculture Development Committee be invited to the next meeting to discuss its On-Farm Direct Marketing agricultural management practice.

The Committee's next meeting will be held on July 31, 2015, following the P&I Committee meeting.

Policy & Implementation Committee

Chairman Lohbauer provided an update on the June 26, 2015 Policy & Implementation Committee meeting:

The Committee adopted the minutes of the May 29, 2015 meeting.

The Committee received a presentation on the Pinelands Conservation Fund land acquisition program and supported staff recommendations to dedicate \$750,000 to a new round of land acquisition to be administered by staff.

Executive Director's Reports

Ms. Nancy Wittenberg said that later in the meeting she would present the Fiscal Year 2016 budget.

Mr. Larry Liggett updated the Commission on the following:

- Commission staff continues to work with the New Jersey Department of Environmental Protection (NJDEP) regarding Water Quality Management Planning to ensure that the Pinelands boundaries are recognized. He said staff will also be analyzing the septic acreage requirements within the Pinelands Area watersheds.

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- Commission staff have begun to receive copies of the affordable housing paperwork being filed by Pinelands municipalities with the superior court in response to a recent NJ Supreme Court ruling on the Council on Affordable Housing's (COAH) rules. Staff will continue to evaluate affordable housing obligations.

Mr. Chuck Horner provided an update on the following:

- The Commission has been contacted by the NJDEP on behalf of the Borough of Medford Lakes, the Town of Hammonton and Medford Township to create temporary debris storage areas. These areas will be used by the municipalities to collect tree branches and brush that fell off trees from the recent weather incident. The Commission staff reviews these types of requests to ensure that the storage areas are not in wetlands or other sensitive areas.
- The Department of Transportation (DOT) has contacted Commission staff about an application for deceleration lanes in a couple of areas along Route 72 East in both Barnegat and Stafford townships. They have requested an expedited review because of the number of car accidents that have occurred.
- The Town of Hammonton continues to work out the details of a tree clearing issue at the municipal airport.
- Staff held two pre-application meetings with the North Hanover Township School District about the demolition of three existing schools at Joint Base McGuire-Dix - Lakehurst. The school district is proposing to build one new school on the same property as the existing schools.

Commissioner McGlinchey asked if DOT was still in violation of its rules regarding stormwater management.

Mr. Horner said NJDEP had cited DOT some years ago over certain freshwater wetlands protection standards. He said he would find out the status of the matter and report back at the August Commission meeting.

Commissioner Ashmun asked if the proposed Route 72 deceleration lane involved widening the road.

Mr. Horner said that he estimates the deceleration lane would be about 10 feet wide in the existing disturbed shoulder, with a length of about 500 feet. He added that he has not seen the plan yet.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending approval of a public development application for a potable water treatment building.

Commissioner Prickett recused himself and left the room.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1991-1108.009) (See Resolution # PC4-15-15). Commissioner Barr seconded the motion.

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The Commission adopted the resolution by a vote of 11 to 0, with Commissioner Prickett not participating in the vote.

Commissioner Prickett returned to the room.

Chairman Lohbauer presented a resolution recommending the denial of a Waiver of Strict Compliance for the development of a single family dwelling in Medford Township.

Commissioner McGlinchey moved the adoption of a resolution Denying an Application for a Waiver of Strict Compliance (Application Number 2010-0150.001) (See Resolution # PC4-15-16). Commissioner Prickett seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

Bill Wolfe of Bordentown, NJ said at last month's meeting he mentioned NJDEP's proposed Stream Encroachment rule modification. He asked which agency's rules would govern.

Mr. Horner said that NJDEP is proposing amendments to the Flood Hazard rules, adding that staff is currently reviewing the proposed amendments and will provide comments to the NJDEP. He said that the way the Commission's regulations and the Pinelands Protection Act were written, the general rule is that in the Pinelands Area, the Commission's regulations prevail.

Mr. Wolfe said that at a December 4, 2013 meeting Commission staff made a presentation that identified South Jersey Gas' proposed pipeline was not a permitted use in the Forest Area.

Mr. Wolfe said he attended the Board of Public Utilities public hearing on the South Jersey Gas matter. He asked that Commissioners review the tape of the hearing. He said the statements made by the Board are in conflict with information provided in the resubmission of the South Jersey Gas application regarding the reliability of the grid and resilience of gas infrastructure. He said he urged the Board not to move forward until they discussed the matter with the Pinelands Commission.

Mr. Wolfe said since the gas that will be fueling the BL England plant is coming from fracked wells, a life cycle assessment is necessary as part of the application review.

He asked if staff had assessed forest damage in the Pinelands after the June 23rd weather event. He said the storm was tied to climate change.

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Chairman Lohbauer asked Mr. Wolfe to hold the remainder of his comments to the "general public comment" portion of the meeting since his comments were not related to agenda items.

Other Resolutions

Ms. Wittenberg said that the revised Personnel Policies originally on today's agenda will be deferred to another meeting.

Ms. Wittenberg presented the Fiscal Year 2016 Budgets. She said the state appropriation is \$30,000 more than last year. She first reviewed the Operating budget. She said application fees were higher than expected in FY 2015, so the anticipated fees for FY 2016 were increased. She reviewed each category of the Operating fund expenditures. She noted that the money to paint Fenwick Manor has been carried over from last year's budget.

Commissioner Ashmun asked why the state isn't paying to paint the building.

Ms. Wittenberg said she will look at grant opportunities for historic buildings and hopes that the state will help pay for the painting of Fenwick Manor.

Commissioner McGlinchey suggested seeking help from the Pinelands Preservation Alliance or a historical society for the painting project.

Regarding the Kirkwood Cohansey (KC) budget, Mr. Liggett said additional information will be needed in order to implement the key ideas from the KC study. He said the remainder of the money will be used for further research. The Commission will team with the US Geological Survey (USGS) in an attempt to provide further information on designating watersheds and additional testing of well modeling (TIM approach).

Ms. Wittenberg reviewed the Pinelands Conservation Fund budget. She noted that there is \$350,000 in the budget for the installation and fabrication of the interpretive center.

She said there was slight increase in money from the National Park Service. She said staff will be working on a brochure and re-establishing a team of economic experts to re-look at the Long Term Economic Monitoring program.

Ms. Wittenberg reviewed staffing levels and FY 2016 Initiatives (see attached presentation slides).

Chairman Lohbauer said he recognizes how hard staff works and the great things that get accomplished even with rising costs and low staff levels.

Commissioner Prickett moved the resolution To Adopt the Pinelands Commission's Fiscal Year 2016 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund (See Resolution # PC4-15-17).

Commissioner Earlen seconded the motion.

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Commissioner McGlinchey expressed his support of both the Kirkwood Cohansey and PCF Budgets but he said he could not support the Operating budget because there were no raises for staff.

The Commission adopted the resolution by a vote of 11 to 1, with Commissioner McGlinchey voting no.

Ordinances Not Requiring Commission Action

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

- Buena Vista Township Ordinance 4-2015
- Manchester Township Ordinance 15-004

No members of the Commission had questions.

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

Mark Demitroff of Buena Vista Township handed out two packets of information (See attached). He said Buena Vista Township's largest tree died due to poor stormwater management. He said the township continues to have flooding problems. He said that he was influential in having the Richland Hotel added to the National Register of Historic Places. He said if the Commission does not require such things as cultural resource survey and stormwater management, it will lose its charge to protect the Pinelands. He recommended that Ed Lloyd's recusal over the South Jersey Gas pipeline application be revisited.

Chairman Lohbauer said it was the State Ethics Commission who made the decision on Mr. Lloyd's recusal, not the Commission.

At 10:43 a.m. Commissioner Galletta signed off.

Dan Homan of Philadelphia said he would like to help the Commission. He quoted Henry David Thoreau. He said there seems to be a disagreement between those who want to take more of the Pinelands for themselves at the expense of those who love it.

Georgina Shanley of Ocean City said that the staffing levels at the Commission are dire. and that the \$750,000 for the interpretive center would be better spent hiring staff. She asked about the repercussions for Upper Township's development without application to the Commission.

Ms. Wittenberg said everyone is frustrated with the Commission's lack of enforcement power. She said Upper Township unfortunately made a mistake. She added that the majority of municipal, county and public agencies follow the appropriate protocol and apply to the Commission for development.

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Ms. Shanley asked if it was possible to make the Township buy land in Upper or compensate the public and/or the Commission for not applying initially.

Chairman Lohbauer said there is nothing in the CMP that allows the Commission to demand compensation from violators.

Ms. Shanley asked about the status of the Certificate of Filing for the South Jersey Gas application.

Chairman Lohbauer said an incomplete letter was sent, adding that we have requested additional information and have not received anything from the applicant at this point.

Ms. Shanley said maybe Commissioner Barr should recuse himself from any pipeline vote because he is the Treasurer of the Cape May County Democratic party. She said the Democratic party receives a lot of contributions from trade unions, the same union members who would be constructing the pipeline.

Commissioner Barr said he is no longer the Treasurer of that organization.

Bill Wolfe said there is an upcoming BPU public hearing on the New Jersey Natural Gas pipeline. He said the Commission should consider an administrative moratorium on all pipelines based on the gap in the Commission's current regulations. He suggested the Commission use the Delaware River Basin Commission's moratorium as a model. He read paragraph 19 from the Pope's encyclical.

Marianne Clemente said that a five percent salary increase is not practical. She said the money would be better spent to increase staffing levels or hire an engineer.

Fred Akers provided information on the \$400 million dollar redevelopment of the BL England plant. He said the Commission might want to look at the impacts the redevelopment would have on the Pinelands National Reserve.


Commissioner Ashmun asked if Mr. Akers had seen any data on the discharge.

Mr. Akers said he has not come across any yet.

Adjournment

Commissioner Barr moved to adjourn the meeting. Commissioner Brown seconded the motion. The Commission agreed to adjourn at 11:10 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: July 17, 2015



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 15

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1991-1108.009)

Commissioner McGlinchey moves and Commissioner Barr seconds the motion that:

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

1991-1108.009

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	June 22, 2015
Proposed Development:	Construction of a 996 square foot potable water treatment building

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 1991-1108.009 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
Nancy Wittenberg
 Nancy Wittenberg
 Executive Director

Date: July 10, 2015
Mark S. Lohbauer
 Mark S. Lohbauer
 Chairman



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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

June 22, 2015

David Patriarca, Mayor
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1991-1108.009
Block 941, Lot 2
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for the construction of a 996 square foot potable water treatment building. 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 July 10, 2015 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, 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)
John Helbig





Chris Christie
Governor

Kim Guadagno
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PO Box 359
NEW LISBON, NJ 08064
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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

June 22, 2015

David Patriarca, Mayor
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1991-1108.009

Location: Block 941, Lot 2
Pemberton Township

This application proposes the construction of a 996 square foot potable water treatment building located on the above referenced 9.92 acre parcel in Pemberton Township. There is an existing 300 square foot building, 500,000 gallon potable water storage tank and a municipal potable water production well located on the parcel.

Radium that exceeds the State of New Jersey's maximum contaminant level has been detected in the existing potable water well. The proposed 996 square foot building will contain radium removal treatment equipment to treat water from the existing well. The treatment facility includes an absorption filter system that binds radium to a medium material that can be replaced. The used medium material will be removed from the site by an approved carrier for disposal at an appropriately licensed facility.

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 parcel is located in a Pinelands Regional Growth Area. The proposed development is a permitted 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 stone and grassed areas. 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. Based upon the limited area of disturbance and the proposed use of that area, the applicant does not propose any revegetation.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to land owners within 200 feet of the above referenced parcel was completed on February 4, 2015. Newspaper public notice was completed on February 6, 2015. The application was designated as complete on the Commission's website on May 27, 2015. The Commission's public comment period closed on June 12, 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 13 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:

Sheet 1 - undated; revised to March 9, 2015
Sheets 2 & 5-11 - January 28, 2015
Sheets 3, 4 & 12 - January 28, 2015; revised to March 9, 2015
Sheet 13 - January 28, 2015; revised to February 26, 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.



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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

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- 16

TITLE: Denying an Application for a Waiver of Strict Compliance (Application Number 2010-0150.001)

Commissioner McGlinchey moves and Commissioner Pickett seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Waiver of Strict Compliance be denied:

2010-0150.001
Applicant: Dominic S. Constantine
Municipality: Medford Township
Management Area: Pinelands Regional Growth Area
Date of Report: June 22, 2015
Proposed Development: Single family dwelling

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 Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver does not conform to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65; 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 2010-0150.001 for a Waiver of Strict Compliance is hereby **denied**.

Record of Commission Votes

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

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

Date: July 10, 2015
Mark S. Lohbauer
 Mark S. Lohbauer
 Chairman



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Lt. Governor

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

Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

June 22, 2015

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

Re: Application # 2010-0150.001
Block 2101, Lot 6
Medford Township

Dear Mr. Constantine:

The Commission staff has completed its review of this application for the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission deny the application at its July 10, 2015 meeting. If the Pinelands Commission denies this application, the State of New Jersey may purchase this parcel under the Limited Practical Use (LPU) Program. By letter of May 21, 2015, we sent you the LPU Program Landowner Questionnaire to be returned to our office if the Commission denies this application for a Waiver of Strict Compliance (Waiver).

FINDINGS OF FACT

This application is for the development of one single family dwelling, served by public sanitary sewer, on the above referenced 25,000 square foot parcel in Medford Township. The parcel is located in Medford Township's Growth District (GD) zoning district within a Pinelands Regional Growth Area. In this zoning district, the Medford Township land use ordinance requires a minimum lot size of 14,000 square feet and a residential density of 1.75 dwelling units per acre (equivalent of 24,891 square feet/dwelling) for a single family dwelling served by public sanitary sewer. The proposed dwelling meets the minimum lot size and residential density requirements of the Medford Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP).

The parcel has been site inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.



To qualify for a Waiver, an applicant must demonstrate that all CMP (N.J.A.C. 7:50-4.63) required conditions are met. The below cited facts, as more fully explained in the "Conclusion" section of this Waiver Report, are provided regarding those CMP conditions and the parcel subject of this application.

The parcel includes all contiguous land in common ownership on or after January 14, 1981.

There is vacant land bordering the parcel. The applicant has not demonstrated that this vacant land is not available for purchase at its fair market value. No information has been submitted to demonstrate that a contiguous property owner is not willing to buy the parcel for its fair market value.

No information has been submitted to demonstrate that the parcel could not be sold to a nonprofit conservation group for its fair market value. The applicant has submitted a copy of a January 25, 2011 letter from one governmental agency indicating that it is not interested in the purchase of the parcel. No other information has been submitted by the applicant to demonstrate that the parcel could not be sold to another governmental agency.

No information has been submitted to demonstrate that the parcel is incapable of having a beneficial use if utilized as authorized by the provisions of the CMP. The applicant has submitted no information to demonstrate that any inability of the parcel to have a beneficial use results from unique circumstances peculiar to the parcel which do not affect other parcels in the immediate vicinity. The applicant has submitted no information to demonstrate that any inability to have a beneficial use arises out of the characteristics of the parcel rather than the personal circumstances of the applicant or the actions and inactions of the owner or any predecessor in title.

To qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, the CMP (N.J.A.C. 7:50-4.65(b)5) requires that an applicant demonstrate that no development, including clearing and land disturbance, will be located on wetlands. An exception to this requirement is if development will be located on wetlands that meet the CMP definition of "impaired wetland" (N.J.A.C. 7:50-2.11). The parcel consists entirely of wetlands as defined by the CMP (N.J.A.C. 7:50-6.5(a)2). The proposed development will be located on wetlands. The wetlands on the parcel do not meet the CMP definition of "impaired wetlands." Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact to the wetlands.

As the proposed development will be located on wetlands and will cause a significant adverse impact to wetlands, the applicant is requesting a Waiver from the wetlands protection requirements contained in N.J.A.C. 7:50-6.6 and 6.14.

PUBLIC NOTICE

The applicant has provided the requisite public notice. Newspaper public notice was completed on April 30, 2015. Public notice to all property owners within 200 feet of the parcel was completed on May 4, 2015. The application was designated as complete on the Commission's website on May 19, 2015. The Commission's public comment period closed on June 12, 2015. The Pinelands Commission has received written public comments from three commenters all opposing the proposed development subject of this application.

Public Comments: The three public commenters indicate that, since the parcel contains wetlands and has a high water table, there are concerns regarding potential runoff/flooding that may result from the development of the proposed dwelling.

Response to Public Comments: The Commission appreciates the commenters interest in the Pinelands. The CMP specifies the conditions that must be met to qualify for a Waiver to develop a single family dwelling. For the reasons specified in the "Conclusion" section of this Waiver report, the applicant has not demonstrated that the parcel subject of this application qualifies for a Waiver.

CONCLUSION

N.J.A.C. 7:50-4.62 sets forth the standards which must be met before a Waiver can be approved.

N.J.A.C. 7:50-4.62(a) requires that for an application to be approved based on extraordinary hardship that the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified categories of development is as follows:

- iv. A single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which will be served by a centralized waste water treatment system.

As this application proposes a single family dwelling served by a centralized waste water treatment system in a Regional Growth Area, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous lands, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling could be the sole principal use on the parcel, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Medford Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances do not require any municipal lot area or density variances. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which would allow a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) provides that the following circumstances will result in substantial impairment of the resources of the Pinelands Area and do not comply with N.J.A.C. 7:50-4.65(a):

N.J.A.C. 7:50-4.65(b)5. Any development, except for development permitted in wetlands pursuant to N.J.A.C. 7:50-6, Part I, which will be located on any wetland unless that wetland is an impaired wetland.

The proposed development is not permitted in wetlands pursuant to N.J.A.C. 7:50-6, Part 1. The wetlands on the concerned parcel do not meet the CMP definition of "impaired wetlands." The applicant has not demonstrated that proposed development will not be located on wetlands as required by N.J.A.C. 7:50-4.65(b)5. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)5. The application does not meet the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

As the applicant does not meet all the requirements set forth in N.J.A.C. 7:50-4.63(a), the applicant does not qualify for a Waiver pursuant to that subsection.

N.J.A.C. 7:50-4.63(b) sets forth four conditions which must be met for an applicant to qualify for a Waiver based on extraordinary hardship pursuant to that subsection.

The first condition is that the parcel includes all contiguous lands in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. As concluded above, the concerned parcel includes all contiguous lands that were in common ownership on or after January 14, 1981. The application meets the criteria contained in N.J.A.C. 7:50-4.63(b)1.

The second condition is that the parcel includes all contiguous land with no substantial improvements which is available for purchase at fair market value, including lands which are contiguous as a result of the acquisition of other contiguous lands. There is vacant land bordering the concerned parcel. The applicant has not demonstrated that the vacant land is not available for purchase at fair market value. The application does not meet the criteria set forth in N.J.A.C. 7:50-4.63(b)2.

The third condition is that the parcel, including all contiguous lands which are available pursuant to N.J.A.C. 7:50-4.63(b)1 and 2, may not have a beneficial use considering five enumerated factors.

The first factor to be considered is the value of any existing development or use of the overall parcel, including any allocation of Pinelands Development Credits (PDCs). The overall parcel is vacant and the applicant has not established any use on the parcel. PDCs are not allocated to lands in a Regional Growth Area.

The second factor to be considered is the value of any use or development of the parcel that is authorized by the provisions of the CMP. The applicant has submitted no information to address the value of any use or development of the parcel that is authorized by the provisions of the CMP.

The third factor to be considered is the ability of the property owner to sell the parcel to the owner of a contiguous parcel, any governmental agency or to a nonprofit conservation group for its fair market value. The applicant has submitted a copy of a January 25, 2011 letter from one government agency indicating that it is not interested in the purchase of the parcel. The applicant has submitted no other information to demonstrate that the parcel cannot be sold for its fair market value to any other governmental agency or to a nonprofit conservation group for its fair market value.

The fourth factor is the ability of the property owner to either buy noncontiguous land or to sell the concerned parcel to a noncontiguous property owner under a transfer of residential density provision contained in a certified municipal land use ordinance or pursuant to N.J.A.C. 7:50-5.30. Medford Township's certified land use ordinances do not contain a residential density transfer provision which applies to this parcel.

Based on these factors it has not been demonstrated that the overall contiguous parcel, including lands which are potentially available, may not have a beneficial use.

The fifth factor to be considered is whether any inability to have a beneficial use relates to or arises out of the characteristics of the concerned parcel and results from unique circumstances peculiar to the parcel which are not the result of any personal situation of the applicant and are not the result of any action or inactions by the applicant or any predecessor in title. The wetland protection requirements of the CMP apply to all other vacant parcels in the area. Any hardship which does exist is a result of the applicant's personal circumstances and their actions and inactions.

Based on these factors, the application does not meet the criteria set forth in N.J.A.C. 7:50-4.63(b)3.

The fourth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). As concluded above, the applicant has not demonstrated that a single family dwelling can be developed on the concerned parcel without violating N.J.A.C. 7:50-4.65(b)5. As a result, the applicant does not meet the criteria contained in N.J.A.C. 7:50-4.63(b)4.

As the applicant does not meet all the requirements for demonstrating extraordinary hardship contained in N.J.A.C. 7:50-4.63(b), the applicant does not qualify for a Waiver pursuant to that subsection..

As N.J.A.C. 7:50-4.63(a) and (b) are the exclusive means of establishing extraordinary hardship, the applicant does not qualify for a Waiver .

As a result, it is recommended that the Pinelands Commission **DENY** the requested Waiver of Strict Compliance.

APPEAL

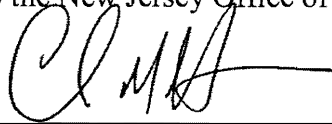
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted 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 may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Denial by: _____



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

Enc: 5/9/15 Public Comment Letter
5/10/15 Public Comment Email
5/11/15 Public Comment Email
5/29/15 Public Comment Email
5/29/15 Public Comment Letter

c: Secretary, Medford Township Planning Board (via email)
Medford Township Construction Code Official (via email)
Medford Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Elizabeth Young (via email)
Lisa & Wilhelm Zagler (via email)
Robert Walsh & Diana Rossi (via email)
Betsy Piner

APP# 20100150.001
Doc Type 100

5/29/2015

JUN 2 2015

Dear Commissioner of NJ Pinelands:

I just received a notice regarding above cited Pinelands Application # 2010-0150-001.

I am the owner of 130 Tuckerton Road, Medford NJ 08055.

Scanned _____

Please be formally advised that I oppose any building taking place at 129 Tuckerton Road, Medford NJ due to numerous concerns. ✓

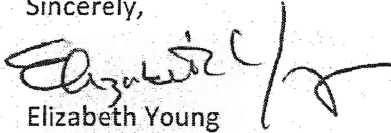
Also, be advised that I am an interested party and that any building in that site location will directly affect me and my property; therefore, I request that I be given an appointment to review your proposal and the Constantine's file. I also request a meeting with the Executive Director to discuss my concerns before a determination is made.

Please contact me at your earliest convenience at this number: 856-359-6321.

In addition, my email is elzbith@hotmail.com.

You will also be receiving a letter to this effect.

Sincerely,


Elizabeth Young

JUN 2 2015

Recipient's name and mailing address:

Elizabeth Young
130 Tuckerton Rd
Medford, NJ 08055

Date: 4/30/15

Re: Pinelands Application No. 2010-0150-001

Please take notice that Dominic S + Anna F Constantine (Applicant's name - print) has applied to the Pinelands Commission for a Waiver of Strict Compliance from the following standard(s):

- Wetland protection standards
- Depth to seasonal high water table for septic system
- Minimum lot size requirement
- Water quality (septic dilution)
- Other: _____ (Please specify)

The Waiver is necessary to permit the development of single dwelling residence (proposed development) on Block(s) 2101, Lot(s) 6 located on 129 Tuckerton (street name) in Medford Twp (municipality).

The application is on file and available for review by appointment at the Pinelands Commission's office. Interested parties may comment, in writing, to the Pinelands Commission within ten days of the date of receipt of this notice. Comments may be sent via the following:

Mail: Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
Fax: (609)894-7331
Email: AppInfo@njpines.state.nj.us

Any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion. Any interested person who is aggrieved by said determination is entitled to a hearing by appealing the determination.

Prepared by:

Name: _____

Address: _____

APP# 2010 0150.001

Doc Type 100

MAY 11 2015

Scanned _____

Lisa and Wilhelm Zagler
125 Tuckerton Road
Medford, NJ 08055

May 9, 2015

Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Via Fax: **609-894-7331**
2 Pages; no cover page

RE: Application No. 2010-0150.001
Dominic S and Anna F. Constantine
Block 2101, Lot 6, 129 Tuckerton Road, Medford

Dear Pinelands Commission:

I have tried to email this several times. I do not think your address is working, so I am faxing this to make sure my objection to the above-referenced application is duly noted.

My husband and I are writing to object to Dominic S. and Anna F. Constantine's application to obtain a Waiver of Strict Compliance for the property Block 2101, Lot 6, 129 Tuckerton Road.

I live at 125 Tuckerton Road, Block 2101, Lot 4. We have kept my yard as natural as possible, as we respect the beauty of the pinelands/wetlands of NJ. These lots, (5, 6, and 7) have been protected for more than 40 years. There is a plethora of flora and fauna. There are tree frogs, which, I don't have to remind you are an endangered species found only in the Pine Barrens/wetlands of NJ. There are also occasionally leopard frogs in the water part of the wet land. There are also a diverse selection of endangered ferns and indigenous plant life with occasional pitcher plants and Ladies' Slippers.

Moreover, there is no sewer on Tuckerton Road in this area, so they would need to put in a septic field. As one who already owns a property in this area, I can attest that a septic field does not work well in this area due to the high water table (you can dig with a stick and hit water).

I have photos that I took on May 7th of the property known as Block 2201, Lot 6, 129 Tuckerton Road; but, I cannot seem to get them to you as your email will not accept them. Please advise if there is another method to get them to you. The photos show a high water table as evidenced by the "lake" on the property—which you can verify its constant existence with the mosquito commission who come out every month during the summer to place the biscuits. There are high bush blueberry trees, swamp azalea, cinnamon fern—pretty much every plant on the Pinelandsalliance.org site. Again, the photos would be a really good reference if there was some way to get them to you.

Additionally, although I'm not sure if related, additional building in this area will cause MORE of this ground water to feed into my yard (I seem to be the lowest point for both ground water and above-ground water)! I already have a moat around my ¾ of my house and my yard that abuts Lot 5 is always underwater. Since you gave the approval for Arkansas Trail to be built, the amount of water in the

MAY 11 2015

Pinelands Commission

Re: Application No. 2010-0150.001

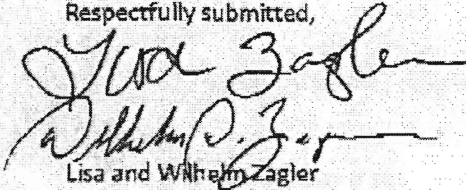
May 10, 2015

Page Two

wetlands has increased exponentially, most likely due to runoff (and then the ground is so saturated that it bubbles up in the low lands, which is, apparently, our yard) or the lack of anywhere else for the water to go—I don't know; all I know is that if there is any more, I'm going to be underwater and without a useable septic field. Albeit totally selfish, our lot cannot take any more ground water or runoff.

For these reasons, we strongly object to and oppose giving the Constantine's a waiver. I am also curious as to why they do not have to apply for the "depth to seasonal high water table for septic waiver and the pinelands waiver. Kindly provide me a copy of the Executive Director's findings. Moreover, I urge you to visit the site prior to making your decision.

Respectfully submitted,



Lisa and Wilhelm Zagler

From: Elizabeth Young <elzbith@hotmail.com>
To: "Appinfo@njpines.state.nj.us" <appinfo@njpines.state.nj.us>
Date: 5/29/2015 9:57 AM
Subject: Pinelands Application # 2010-0150-001

5/29/2015 Dear Commissioner of NJ Pinelands: I just received a notice regarding above cited Pinelands Application # 2010-0150-001. I am the owner of 130 Tuckerton Road, Medford NJ 08055. Please be formally advised that I oppose any building taking place at 129 Tuckerton Road, Medford NJ due to numerous concerns. Also, be advised that I am an interested party and that any building in that site location will directly affect me and my property; therefore, I request that I be given an appointment to review your proposal and the Constantine's file. I also request a meeting with the Executive Director to discuss my concerns before a determination is made. Please contact me at your earliest convenience at this number: 856-359-6321. In addition, my email is elzbith@hotmail.com. You will also be receiving a letter to this effect. Sincerely, Elizabeth Young

From: Bob Walsh <ayscompany@yahoo.com>
To: "appinfo@njpines.state.nj.us" <appinfo@njpines.state.nj.us>
Date: 5/11/2015 9:41 PM
Subject: pinelands application #2010-0150-001

To whom it may concern,

My name is Robert Walsh, my wife Diana Rossi & I reside at 8 Arkansas Trail, Medford, N.J. 08055. Our property is located directly behind 129 Tuckerton Road, Medford, N.J. (Block 2101, Lot 6) We received a registered letter from the Pinelands commission stating the current owners of 129 Tuckerton Rd. are looking for a waiver from the "Wetlands Protection Standards " in order to build a single family home. My wife & I have lived here for over 10 years now, and for every one of those years the property in question as well as the back of our property that abuts 129 Tuckerton has flooded & has stayed saturated for the better part of each winter & spring The water table in this area is very high, the topography in this area is very flat, which makes drainage poor at best. By adding a footprint of another home along with the grading around the house will not only add to the flooding & poor drainage, but also add to the mosquito population. It is not an exaggeration to say that land is more than 50% saturated 8 to 9 months a year. I know The Pinelands Commission follows strict guidelines when it comes to what is wetlands. I am certain, that if you surveyed this property you would find that this land would fall within your guidelines. We are not trying to deny anyone from building their home, but why build it on wetlands. By building another home and cutting down forest it would also would create more saturated ground on our property also. Please provide a copy of said findings and conclusion to this address.

Thank you

Robert Walsh Diana Rossi 8 Arkansas Trail Medford, NJ 08055 609-792-8664

From: "Lisa Zagler" <zagtop@comcast.net>
To: <ApplInfo@njpinelands.state.nj.us>
Date: 5/10/2015 12:12 PM
Subject: Application No. 2010-0150.001

Dear Pinelands Commission:

My husband and I are writing to object to Dominic S. and Anna F. Constantine's application to obtain a Waiver of Strict Compliance for the property Block 2101, Lot 6, 129 Tuckerton Road.

I live at 125 Tuckerton Road, Block 2101, Lot 4. We have kept my yard as natural as possible, as we respect the beauty of the pinelands/wetlands of NJ. These lots, (5, 6, and 7) have been protected for more than 40 years. There is a plethora of flora and fauna. There are tree frogs, which, I don't have to remind you are an endangered species found only in the Pine Barrens/wetlands of NJ. There are also occasionally leopard frogs in the water part of the wet land. There are also a diverse selection of endangered ferns and indigenous plant life with occasional pitcher plants and Ladies' Slippers .

Moreover, there is no sewer on Tuckerton Road in this area, so they would need to put in a septic field. As one who already owns a property in this area, I can attest that a septic field does not work well in this area due to the high water table (you can dig with a stick and hit water).

I am attaching photos taken today of Block 2201, Lot 6, 129 Tuckerton Road. As you can see, there is a high water table as evidenced by the water—which you can verify its constant existence with the mosquito commission who come out every month during the summer to place the biscuits. There are high bush blueberry trees, swamp azalea, cinnamon fern—pretty much every plant on the Pinelandsalliance.org site. Again, refer to the attached photos.

Additionally, although I'm not sure if related, additional building in this area will cause MORE of this ground water to feed into my yard (I seem to be the lowest point for both ground water and above-ground water)! I already have a moat around my ¾ of my house and my yard that abuts Lot 5 is always underwater. Since you gave the approval for Arkansas trail to be built, the amount of water in the wetlands has increased exponentially, most likely due to groundwater runoff (and then the ground is so saturated that it bubbles up in the low lands, which is, apparently, our yard). Albeit totally selfish, our lot cannot take any more ground water runoff.

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a waiver. I am also curious as to why they do not have to apply for the "depth to seasonal high water table for septic waiver and the pinelands waiver. Kindly provide me a copy of the Executive Director's findings. Moreover, I urge you to visit the site prior to making your decision.

Respectfully submitted,

Lisa and Wilhelm Zagler

PS. It seems I cannot attach photos because the file is "too big" to be received by you. I sent one with 4 photos (I have, like, 29 photos of the property) and I am sending this w/o photos so that I can at least get my email through.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 17

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2016 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund

Commissioner Pickett
seconds the motion that:

moves and Commissioner Earlen

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

WHEREAS, the State of New Jersey has appropriated \$2,499,000 to support the Commission's operations during Fiscal Year 2016; and

WHEREAS, the Department of the Treasury informed the Commission that \$687,000 of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY 2016; and

WHEREAS, the Commission anticipates that additional funding sources of \$1,455,712 will be available to further support the Commission's operations; and

WHEREAS, the FY 2016 Operating Budget anticipates a \$496,310 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Commission is adopting an Operating Budget for FY2015 totaling \$4,641,712; and

WHEREAS, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and

WHEREAS, the Kirkwood Cohansey Aquifer Assessment Study Fund budget for FY2016 recommends expenditures of \$225,965 which will be drawn from the Fund Balance for this project; and

WHEREAS, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005, and revised in August 2009, and revised again in August 2014; and

WHEREAS, during FY2016, the budget for the Land Acquisition program totals \$923,009; and

WHEREAS, the FY2016 budget for the Conservation Planning and Research program totals \$546,277; and

WHEREAS, the FY2016 budget for the Community Planning and Design program totals \$117,347; and

WHEREAS, the FY2016 budget for the Education and Outreach program totals \$425,161; and

WHEREAS, the total budget for the Pinelands Conservation Fund during FY2016 totals \$2,011,794; and

WHEREAS, copies of the Operating Budget, the Kirkwood Cohansey Aquifer Assessment Study Fund Budget and the Pinelands Conservation Fund Budget, dated June 30, 2015, were provided to the Personnel and Budget Committee for review, and those Committee members present at the Committee's June 30, 2015 meeting recommended Commission approval of the budgets; 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.

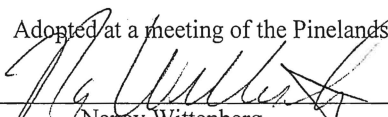
NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts the attached Fiscal Year 2016 Budgets for the Operating Fund totaling \$4,641,712; the Kirkwood Cohansey Aquifer Assessment Study Fund totaling \$225,965; and the Pinelands Conservation Fund totaling \$2,011,794.

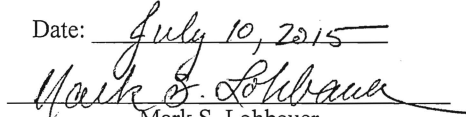
Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS				
Ashmun	<input checked="" type="checkbox"/>			Earlen	<input checked="" type="checkbox"/>			Prickett	<input checked="" type="checkbox"/>			
Avery			<input checked="" type="checkbox"/>	Galletta	<input checked="" type="checkbox"/>			Quinn	<input checked="" type="checkbox"/>			
Barr	<input checked="" type="checkbox"/>			Jannarone	<input checked="" type="checkbox"/>			Rohan Green			<input checked="" type="checkbox"/>	
Brown	<input checked="" type="checkbox"/>			Lloyd			<input checked="" type="checkbox"/>	Witt	<input checked="" type="checkbox"/>			
DiBello	<input checked="" type="checkbox"/>			McGlinchey		<input checked="" type="checkbox"/>		Lohbauer	<input checked="" type="checkbox"/>			

Adopted at a meeting of the Pinelands Commission

Date: July 10, 2015


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman

**PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2016 NOTES
June 25, 2016**

1. The Governor's budget includes a FY 2016 State Appropriation to the Commission in the amount of \$2,499,000. This amount exceeds the FY 2015 State Appropriation by an additional \$30,000.
2. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury has agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$888,740 in FY 2011, \$838,218 in FY 2012, \$837,927 in FY 2013 and \$844,809 in FY 2014 and but was only approved to receive \$687,000. In FY 2015 only \$687,000 was received and this amount will remain consistent for FY 2016.
3. Interest Income is earned in the Commissions checking account and the cash management fund designated for general use. Interest income for the Kirkwood Cohansey Aquifer Study and the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have sharply declined over recent years and lower cash balances resulting from reduced appropriations have greatly affected interest income over the several years and will continue to do so in FY 2016.
4. Monitoring for the Camden County MUA hydrologic projects will continue into FY 2016. Anticipated revenue is calculated using the amount to be paid to the USGS for this monitoring.
5. In March 2008, the Commission accepted a grant from the U.S. Environmental Protection Agency to conduct a study titled "The Effectiveness of Upland Buffer Zones in Mitigating the Impact of Suburbanization on the Integrity of Wetland Communities". Revenue is based upon grant-related expenditures and is reimbursed at the 75% level. The Grant ended in January 2015.
6. The Commission is entering its 22nd year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year, which are reimbursed in full.
7. In November 2014, the Commission authorized execution of a Memorandum of Agreement with Richard Stockton College (now University) to establish an alternative permitting process MOA. , In accordance with Paragraph III.A.10. Stockton University is obligated to reimburse the Commission for staff costs associated with the development of the MOA and application fees for the review of any development projects conducted under the terms of the MOA.
8. During FY 2016 the Commission anticipates receiving \$2,000 as Vehicle Auction Proceeds for the surrender of a 2006 Jeep Liberty.

9. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.
10. Application Fees of \$425,000 are anticipated to be received during FY 2016. This important component of the Commissions Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.
11. In October 2009, the Commission adopted the New Jersey Pinelands Electric Transmission Right-of-Way Maintenance Plan that authorizes the Utility Companies to maintain electric transmission rights-of-way without applying to the Commission. According to the Memorandum of Agreement, the companies pay an annual fee to cover the Commission's inspection and monitoring expenses.
12. In July 2006, the Commission approved a Memorandum of Agreement with Stafford Township and Ocean County Regarding Landfill Closure and Redevelopment of the Stafford Business Park. This MOA provides for the reimbursement of Commission costs associated with the creation and implementation of the agreement.
13. The \$3,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long term records management project.
14. The FY 2016 anticipated revenue from the Computer Reserve estimated at \$21,600 equals the amount being recommended for new Accounting System, Network Switches and a new File Server in the Acquisition – Information Processing Equipment account.
15. Fenwick Manor Painting Reserve has been established to earmark funds for the future painting of Fenwick Manor. Funds will be added annually until the project is complete. The Commission will also seek grant possibilities as an additional source of funding.
16. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund. Included in the plan is an annual assessment of \$20,000 from each of the four programs (see Pinelands Conservation Fund budget note #5). This \$80,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.
17. The projected amount needed from the Undesignated Fund Balance to balance the FY2016 budget deficit is \$496,310. Traditionally, the actual amount drawn from the fund balance at the fiscal year end is lower than anticipated. The amount in the Commission's fund balance is sufficient to

cover the \$496,310 while leaving enough money to fund unforeseen expenses, emergencies and a similar budget deficit in the next few years.

18. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 23 unfilled full time equivalent positions or more than 35% of the authorized staffing level. The FY 2016 salaries and wages budgets (Operating, Kirkwood Cohansey Study and Pinelands Conservation Fund) finance only 43.5 of the 66 authorized full time equivalent positions.

19. The fringe benefits budget includes expenditures for the employers' share of Social Security (\$180,347), Medicare (\$42,178), disability insurance (\$1,650), flexible savings accounts (\$1,200) and miscellaneous administrative charges (\$600). The employer liability of pension related funds is estimated at \$365,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,310,282 with a \$150,700 reduction for coinsurance payments from staff members. Also included is \$9,976 for dental insurance premiums and \$675 for participation in the Employee Advisory Service. Lastly, \$223,260 of the total fringe benefits budget is projected to be funded by the Kirkwood Cohansey Study (17,475) and the Pinelands Conservation Fund (\$205,785) as shown in those budgets.

Upon Commission approval of the FY 2016 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$222,525.

20. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and service awards. Grant-related expenses account for \$2,350 of this budget.

21. The majority of the vehicular supplies budget is gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits. In FY 2010, the Commission's fleet was reduced from seven to five vehicles and then in FY 2013 from five to four vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

22. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$1,000 and other operating supplies.

23. The fuel and utilities budget covers expenditures for heating gas, electricity, water and sewer. During the latter part of FY 2011, the Commission was accepted into the State's cooperative purchasing for electricity usage charges and has realized savings of approximately \$2,500 per year.

24. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 78 %) of this account, totaling \$5,461 for FY2016.

25. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances. The majority of the travel budget is used to reimburse Commissioners for business mileage and tolls.

26. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges. The Commission has saved money by changing methods of placing conference calls.

27. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically including public outreach.

28. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers and the umbrella liability policy. Through the years, the Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commissions buildings under the States property insurance. In FY 2011, the automobile insurance premium was lower because of two less vehicles. In the latter months of FY 2013, another vehicle was eliminated and similar coverage was combined. These coverage changes have helped to offset rising premiums.

Upon Commission approval of the FY 2016 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$43,900.00 to cover the Commission's insurance premiums.

29. The FY 2016 budget for information processing includes \$33,082 for software maintenance agreements, \$19,918 for software and data purchases, \$3,500 for payroll processing, \$2,000 for database administration services, and \$1,000 for online legal services and \$4,000 for hardware maintenance. For FY 2016, there is \$5,000 for potential maintenance charges payable to the State's Office of Technology for an upgraded time reporting system. Over \$14,875 of this budget is reimbursable through grants or special revenue.

30. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services. As a cost saving measure, trash removal services were changed to bi-weekly in FY 2011.

31. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$50,000 for legal fees associated with DAG services, \$100,000 for labor counsel and litigation, \$1,000 for the Office of Administrative Law assessment fees. Grant related technical services totaling \$24,000 are budgeted. Also included is \$5,000 for accounting services and \$54,000 for temporary staffing services.

32. Expenditures in the other services budget include annual subscriptions (\$550), required memberships (\$2,287), meeting expenses (\$850); advertising (\$3,875), research related fees (\$450), training (\$10,715), and banking fees (\$1,000).

33. The maintenance buildings and grounds budget for FY 2016 includes a major maintenance project estimated at an amount of \$40,000 to prepare and paint all or part of the exterior of the Fenwick Manor building. This project was originally budgeted for completion during FY 2013 but the mailing of the Request for Proposal was delayed. If alternative funding such as a grant is received, the fund budgeted for the painting could be reallocated to the purchase of a generator. The remaining \$17,300 is available for minor maintenance services (tree trimming, plumbing, electrical, HVAC, etc.).

34. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment. Included is \$7,600 for the buildings' systems (fire equipment, elevator, security, and access), \$1,000 for office equipment, \$500 for scientific equipment and \$500 for maintenance equipment. There is an additional 10,000 for replacement of the TDM room audio recording system.

35. The maintenance vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work, not performed by the Commissions Maintenance Technician.

36. Since FY2011, several changes in the rent other budget have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. The FY2016 budget includes \$1,000 for the postage meter, \$6,100 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$200 for the safe deposit box.

37. The acquisitions - equipment budget contains \$3,563 for scientific equipment supporting the long term environmental monitoring program funded by the National Park Service.

38. The acquisitions - information processing equipment budget includes the replacement of six computers (\$13,200), replacement Network Switches (\$11,000) and a File Server (\$3,800). Based on the State Auditor's recommendation \$15,000 has been requested for a New Accounting System.

39. The total estimated Operating Budget expenditures for FY2016 equal \$4,641,712. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund, Kirkwood-Cohansey Study and the Pinelands Conservation Fund do not exceed \$2,908,818.

40. Several expenditure account budgets include funding for various services and benefits which are reimbursed to the State of New Jersey and are over the Executive Directors authorized contracting limit of \$36,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

Upon Commission approval of the FY 2016 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2016**

Revenue Source	FY2013 Audited	FY2014 Unaudited	FY2015 Budget	FY2016 Anticipated	Notes
State Appropriation	2,469,000	2,469,000	2,469,000	2,499,000	1
State Supplemental Funding (PDC Purchase Prog. Admin.)	1,094	0	0	0	
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	402	500	500	300	
Interest Income	1,903	1,500	1,500	1,500	3
Interest Income - Snake Study Escrow	4	0	0	0	
Interest Income - Fence Escrow	13	0	0	0	
Unspent Flexible Spending Account Contributions	203	0	0	0	
MTMUA Hydrologic Monitoring	3,990	4,150	16,500	0	
CCMUA Hydrologic Monitoring	6,200	6,330	16,500	17,952	4
EPA Buffer Grant	6,066	36,000	41,500	0	5
NPS - Long Term Environmental Monitoring	257,044	180,000	178,820	181,277	6
NPS - Long Term Economic Monitoring	109,617	100,000	105,280	106,723	6
PDC Bank - Services	964	0	0	0	
Stockton College MOA	8,370	0	0	20,000	7
Vehicle Auction Proceeds	4,995	0	2,000	2,000	8
Wetlands Permitting	9,817	4,000	3,000	200	9
Pinelands Application Fees	489,092	425,000	253,000	425,000	10
Utility Companies ROW Program	59,200	59,200	59,200	59,200	11
Stafford Township MOA	165	2,000	0	0	12
TOTAL REVENUE	4,115,139	3,974,680	3,833,800	4,000,152	
Microfilm Reserve Anticipated	1,648	3,700	13,650	3,650	13
Computer Reserve Anticipated	73,665	14,300	21,600	21,600	14
Fenwick Manor Painting Reserve Anticipated	0	0	0	40,000	15
Administrative Assessment (PnlDs. Conserv. Fund)	60,000	60,000	80,000	80,000	16
Undesignated Fund Balance Anticipated	0	147,120	366,482	496,310	17
TOTAL OTHER INCREASES	135,313	225,120	481,732	641,560	
TOTAL REVENUE AND OTHER INCREASES	4,250,452	4,199,800	4,315,532	4,641,712	

July 10, 2015

**PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2016**

Expenditure Account	FY2013 Audited	FY2014 Unaudited	FY2015 Budget	FY2016 Anticipated	Notes
PERSONNEL					
Salaries & Wages	2,457,971	2,473,700	2,452,800	2,473,705	18
Fringe Benefits	1,190,051	1,229,100	1,353,650	1,539,755	19,40
TOTAL PERSONNEL	3,648,022	3,702,800	3,806,450	4,013,459	
SUPPLIES					
Printing & Office Supplies	43,606	30,500	26,982	15,500	20
Vehicular Supplies	5,773	6,300	6,000	7,200	21
Household Supplies	7,183	7,500	4,200	6,000	22
Fuel & Utilities	37,181	39,000	39,000	41,100	23
Other Supplies	5,162	5,700	5,500	5,461	24
TOTAL SUPPLIES	98,905	89,000	81,682	75,261	
SERVICES					
Travel	3,265	5,500	5,900	8,000	25
Telephone	23,935	24,800	21,400	22,000	26
Postage	5,856	8,000	6,400	7,000	27
Insurance	40,692	41,300	40,800	43,900	28,40
Information Processing	33,257	44,500	63,400	69,500	29
Household Services	2,204	2,500	2,000	2,150	30
Professional Services	62,764	128,000	129,500	235,000	31,40
Other Services	8,660	21,200	17,900	21,679	32
TOTAL SERVICES	180,633	275,800	287,300	409,229	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	3,655	51,800	50,000	57,300	33
Maintenance - Equipment	5,159	7,300	17,000	25,500	34
Maintenance - Vehicular	4,004	4,000	3,350	6,000	35
Rent - Other	5,806	9,800	5,150	7,400	36
TOTAL MAINTENANCE & RENT	18,624	72,900	75,500	96,200	
IMPROVEMENTS & ACQUISITIONS					
Improvements - Buildings & Grounds	0	8,000	11,600	0	
Acquisitions - Vehicles	0	27,000	27,000	0	
Acquisitions - Equipment	1,765	3,700	4,400	3,563	37
Acquisitions - Information Processing Equipment	56,838	20,600	21,600	44,000	38
TOTAL IMPROVEMENTS & ACQUISITIONS	58,603	59,300	64,600	47,563	
TOTAL EXPENDITURES	4,004,787	4,199,800	4,315,532	4,641,712	39

**PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT STUDY
FISCAL YEAR 2016 BUDGET**

	FY2012 Audited	FY2013 Audited	FY2014 Unaudited	FY2015 Unaudited	FY2016 Anticipated	Notes
REVENUE PROJECTIONS						
State Approp.- Kirkwood Cohansey Aquifer Study	-	-	-	-	-	
Interest Income	332	350	150	150	150	1
Total Revenue	332	350	150	150	150	
Reserve for K/C Study Anticipated	11,272	-	-	-	-	2
K/C Study Fund Balance Anticipated	394,340	117,650	74,850	239,600	225,815	3
Total Revenue/Reserve Anticipated	405,944	118,000	75,000	239,750	225,965	

Expenditure Account	FY2012 Audited	FY2013 Audited	FY2014 Unaudited	FY2015 Unaudited	FY2015 Anticipated	Notes
PERSONNEL						
Salaries & Wages	82,610	80,000	50,000	25,000	31,490	4
Fringe Benefits	31,351	29,600	23,000	12,750	17,475	5
TOTAL PERSONNEL	113,961	109,600	73,000	37,750	48,965	
SUPPLIES						
Printing & Office Supplies	-	8,000	1,500	1,500	1,500	6
Vehicular Supplies	-	-	-	-	-	
TOTAL SUPPLIES	-	8,000	1,500	1,500	1,500	
SERVICES						
Travel	115	100	50	50	50	
Telephone	-	-	-	-	-	
Information Processing	888	300	450	450	450	
Professional Services	290,980	-	-	200,000	175,000	7
Other Services	-	-	-	-	-	
TOTAL SERVICES	291,983	400	500	200,500	175,500	
MAINTENANCE & RENT						
Maintenance - Equipment	-	-	-	-	-	
Maintenance - Vehicular	-	-	-	-	-	
Rent - Other	-	-	-	-	-	
TOTAL MAINTENANCE & RENT	-	-	-	-	-	
IMPROVEMENTS & ACQUISITIONS						
Acquisitions - Vehicles	-	-	-	-	-	
Acquisitions - Equipment	-	-	-	-	-	
Acquisitions - Information Processing Equip	-	-	-	-	-	
TOTAL IMPROVEMENTS & ACQUISITIONS	-	-	-	-	-	
Total Expenditures	405,944	118,000	75,000	239,750	225,965	

PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT FUND
FISCAL YEAR 2016 BUDGET NOTES
June 24, 2015

1. The funds provided from the Water Supply Fund to prepare the Kirkwood Cohansey Aquifer Assessment and Report are kept in a separate cash account. The interest income estimated at \$150 stays within the program and is available to help fund the project. This amount is consistent with last years but lower than in past years because of the decline in interest rates and a lower cash balance as the program nears completion. The cumulative interest earnings are accounted for as Fund Balance.
2. Early in FY 2012, the balance of funds provided from the Water Supply Fund in the Reserve (Deferred Revenue) account was exhausted.
3. In FY 2016, it is projected that approximately \$225,815 will need to be drawn from the Fund Balance. In FY 2016 it is anticipated that an additional \$225,815 will be needed from the Fund Balance to fund the staff's preparation and the printing of the final report. It is likely that any remaining Fund Balance existing at the end of the fiscal year will be used to support the Commission's development of water supply policies and/or regulations.
4. The FY 2016 salaries and wages budget finances salary expenses of employees who spend time working on this project and are estimated at \$31,490.
5. The fringe benefits budget represents the chargeable benefits calculated using the OMB issued "Employee Benefit" reimbursement rates for FY 2016.
6. The printing and office supplies budget of \$1,500 represents the estimated cost to print and publish the final report.
7. The professional services budget of \$175,000 represents the continued work of USGS needed in preparation of the final report.

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2016 BUDGET**

Revenue Source	FY2012 Audited	FY2013 Audited	FY2014 Unaudited	FY2015 Unaudited	FY2016 Anticipated	Notes
Stafford Township (Existing Landfills Assessment)	152,900	0		0	0	
EPA Grant - Intermittent Ponds	28,791	61,500	84,386	84,000	84,000	1
EPA Grant - Natural and Created Wetlands	0	30,000	83,390	83,000	83,000	2
Septic Technologies Study - Pilot Program	0	0		0	0	
Interest Income - Land Acquisition	2,262	1,000	770	700	650	3
Interest Income - Conservation Planning & Research	2,335	2,500	2,756	2,700	2,300	3
Interest Income - Community Planning & Design	1,949	1,700	2,169	2,100	1,200	3
Interest Income - Education & Outreach	0	0	0	0	440	3
Total Revenue	188,237	96,700	173,471	172,500	171,590	
Cancellation of Prior Year Encumbrances	108,396	0	14,299	0	0	
Reserves for Pinelands Conservation Activities	1,521,395	4,275,700	2,224,753	1,461,673	1,840,204	4
Total Revenue/Other Sources Anticipated	1,818,028	4,372,400	2,412,523	1,634,173	2,011,794	

Expenditure Account	FY2012 Audited	FY2013 Unaudited	FY2014 Unaudited	FY2015 Unaudited	FY2016 Anticipated	Notes
<u>Land Acquisition</u>						
Salaries & Wages	77,700	36,000	31,422	45,000	84,029	
Fringe Benefits	29,487	13,300	15,947	23,000	42,380	
Information Processing	434	1,010	931	816	1,600	
Professional Services	31,057	121,500	32,243	25,000	25,000	
Land Acquisition	1,137,155	3,717,000	544,138	797,598	750,000	
Administrative Assessment	20,000	20,000	20,000	20,000	20,000	5
Total Land Acquisition Expenditures	1,295,833	3,908,810	644,680	911,414	923,009	6

<u>Conservation Planning and Research</u>						
Salaries & Wages	120,760	167,900	231,371	213,000	222,629	
Fringe Benefits	45,828	61,900	117,334	108,630	113,704	
Printing & Office Supplies	273	200	855	300	100	
Household Supplies (clothing)	0	300	837	730	1,300	
Other Supplies	47	600	4,259	4,259	1,844	
Travel	302	1,350	3,292	350	9,000	
Information Processing	2,112	1,900	4,969	16,000	5,700	
Technical Services	0	0	61,600	61,600	70,000	
Professional Services	160,000	20,000	0		100,000	
Other Services	0	1,500	180	2,250	2,000	
Acquisitions - Equipment	0	7,500				
Acquisitions - Information Processing Equipment	5,425	6,000				
Administrative Assessment	20,000	20,000	20,000	20,000	20,000	5
Total Conservation Planning/Research Expenditures	354,747	289,150	444,696	427,119	546,277	7

<u>Community Planning and Design</u>						
Salaries & Wages	105,626	110,000	72,634	111,000	62,217	
Fringe Benefits	40,084	40,700	36,862	56,610	31,910	
Printing & Office Supplies	244	0	29	50	150	
Other Supplies	10	0				
Travel	295	370	188	100	100	
Postage	157	250		250	250	
Information Processing	506	1,020	1,751		2,570	
Other Services	526	2,100	509	150	150	
State Aid and Grants	0	0	0	26,250		
Administrative Assessment	20,000	20,000	20,000	20,000	20,000	5
Total Community Planning/Design Expenditures	167,448	174,440	131,973	214,410	117,347	8

<u>Education and Outreach</u>						
Salaries & Wages	0	0	0	23,000	34,749	
Fringe Benefits	0	0	0	11,730	17,791	
Printing & Office Supplies	0	0	0	1,000		
Other Supplies	0	0	0	0	2,500	
Information Processing	0	0	0	25,000		
Other Services	0	0	0	500	350,121	
Administrative Assessment	0	0	0	20,000	20,000	
Total Education and Outreach	0	0	0	81,230	425,161	9

Total Expenditures	1,818,028	4,372,400	1,221,349	1,634,173	2,011,794	
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PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2016 BUDGET NOTES
June 25, 2015

1. In November 2011, the Commission accepted a multi-year grant from the U.S. Environmental Protection Agency to conduct a study titled "Assessing the Ecological Integrity of Intermittent Ponds and Their Vulnerability to Land-use Impacts". Revenue is based upon grant-related expenditures and is reimbursed at the 75% level.
2. In November 2012, the Commission accepted a multi-year grant from the U.S. Environmental Protection Agency to conduct a study titled "Comparing the Functional Equivalency of Natural and Created Wetlands". Revenue is based upon grant-related expenditures and is reimbursed at the 75% level.
3. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in three separate cash accounts, one for each program of the Fund. The FY 2016 estimated interest income totals \$4,590 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects.
4. The difference between the revenues and expenditures for the year, estimated at \$1,840,204, is financed from the Reserves for Pinelands Conservation Activities. Each of the four programs (Land Acquisition, Conservation Planning and Research, and Community Planning and Design, Education and Outreach) has its own reserve account.
5. The financial plan that designated these three programs within the Fund was approved by the Commission in April 2005 and includes a \$20,000 assessment from each of the four programs to cover administrative expenses as described in Operating Budget note #16.
6. The Land Acquisition program budget for FY 2016 totals \$923,009. Personnel costs (salaries/wages and fringe benefits) are estimated at \$126,409 in support of the land acquisition and permanent land protections initiatives. Land acquisitions could total up to \$750,000. \$25,000 for the LPU acquisition program if DEP administers the program. Software maintenance supporting the land acquisition program is anticipated to be \$1600. Rounding out the budget is the \$20,000 administrative assessment mentioned above.
7. The Conservation Planning and Research program budget for FY 2016 totals \$546,277. Personnel costs (salaries/wages and fringe benefits) are estimated at \$336,333 to support the following initiatives and special projects: analysis of landfill capping alternatives, a comprehensive Hammonton wastewater management/water supply policy, implementation of the alternate septic system pilot program / septic system management, the roadside plants management project, management of

threatened and endangered species data, planning associated with the Black Run – Kettle Run rule, an assessment of the existing Pinelands landfills, and the two EPA research projects on intermittent ponds and natural / created wetlands. Also included in this year's budget is \$170,000 for technical services from the USGS associated with the natural / created wetlands study , Kirkwood Cohansey Study and miscellaneous expenses (software, mileage, reference books, training, and scientific supplies and equipment) supporting the conservation planning and research program equal \$19,944. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

8. The Community Planning and Design program budget for FY 2016 totals \$117,347. Personnel costs (salaries/wages and fringe benefits) are estimated at \$94,127 to support the following initiatives and special projects: implementation of the clustering ordinances, the Pinelands Development Credit and density rules, administrative responsibilities supporting the Pinelands Development Credit Bank. Miscellaneous expenses (software, postage, printing, meeting expenses and legal advertisements) supporting the program equal \$3,220. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

9. The Education and Out Reach program budget for FY 2016 totals \$425,161. Personnel costs (salaries/wages and fringe benefits) are estimated at \$52,540 to support the following initiative for the issuance of a Request for Proposals (RFP) for the installation and fabrication of exhibits in the Richard J. Sullivan Center. The cost of the Exhibit Center is estimated at \$350,000. Miscellaneous expenses (printing, permits and other services) supporting the program equal \$2,621. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

7/10/2015

Pinelands Commission Fiscal Year 2016

Budgets

July 10, 2015

BUDGETS

- Operating Fund - \$4,641,712
- Kirkwood-Cohansey Aquifer
Assessment Study Fund - \$225,965
- Pinelands Conservation Fund -
\$2,011,794

Operating Fund Revenue

	FY13 Audited	FY14 Unaudited	FY15 Unaudited	FY16 Anticipated
State Appropriation	\$2,469,000	\$2,469,000	\$2,469,000	\$2,499,000
State Supplemental Funding	688,094	687,836	687,000	687,000
Application Fees	489,092	253,042	253,000	425,000
Grants/Special Purpose	451,836	309,041	417,800	385,152
Other	17,117	5,065	7,000	4,000
Fund Balance/Reserves	135,313	225,121	481,732	641,560*
TOTAL	\$4,250,452	\$3,949,105	\$4,315,532	\$4,641,712

* Includes:

- \$496,310 from the Undesignated Fund Balance
- \$65,250 Reserves – Computer, Facilities & Microfilm
- \$80,000 PCF Administrative Assessment

Operating Fund Expenditures

	FY13 Audited	FY14 Unaudited	FY15 Unaudited	FY16 Anticipated
Salary and Wages	\$2,457,971	\$2,265,125	\$2,452,800	\$2,473,705
Fringe Benefits	1,190,051	1,082,390	1,353,650	1,539,755
Supplies	98,905	73,744	81,682	75,261
Professional Services	62,764	88,595	129,500	235,000
Other Services	117,869	123,830	157,800	174,228
Maintenance and Rent	18,624	26,586	75,500	96,200
Improvements and Acquisitions	58,603	55,051	64,600	47,563
Total Expenditures	\$4,004,787	\$3,715,321	\$4,315,532	\$4,641,712

7/10/2015

Kirkwood-Cohansey Expenditures

	FY13 Audited	FY14 Unaudited	FY15 Unaudited	FY16 Anticipated
Salary and Wages	\$80,000	\$27,454	\$25,000	\$31,490
Fringe Benefits	29,600	13,947	12,750	17,475
Professional Services	0	0	200,000	175,000
Other	8,400	498	2,000	2,000
Total Expenditures	\$118,000	\$41,899	\$239,750	\$225,965
Fund Balance (*estimated)	\$340,182	\$268,732	\$28,982	\$0.00*

Pinelands Conservation Fund Expenditures

	FY13 Audited	FY14 Unaudited	FY15 Unaudited	FY16 Anticipated
Land Acquisition				
•Personnel	\$49,300	\$47,368	\$68,000	\$126,409
•Professional Services	121,500	32,243	25,000	25,000
•Land Acquisition	3,717,000	544,138	797,598	750,000
•Other Expenditures	<u>21,010</u>	<u>20,931</u>	<u>20,816</u>	<u>21,600</u>
Total	\$3,908,810	\$644,680	\$911,414	\$923,009
Conservation Planning /Research				
•Personnel	\$229,800	\$348,705	\$321,630	\$336,333
•Professional Services	20,000	61,600	61,600	100,000
•Other Expenditures	<u>39,350</u>	<u>34,391</u>	<u>43,889</u>	<u>109,944</u>
Total	\$289,150	\$444,696	\$427,119	\$546,277
Community Planning /Design				
•Personnel	\$150,700	\$109,496	\$167,610	\$94,127
•Professional Services	0	0	0	0
•Aid to Municipalities	0	0	26,250	0
•Other Expenditures	<u>23,740</u>	<u>22,477</u>	<u>20,550</u>	<u>23,220</u>
Total	\$174,440	\$131,973	\$214,410	\$117,347
Education and Outreach				
•Personnel			\$34,730	\$52,540
•Other Expenditures			<u>46,500</u>	<u>372,621</u>
Total			\$81,230	\$425,161
Total PCF Expenditures	\$4,372,400	\$1,221,349	\$1,634,173	\$2,011,794

Staffing Levels

	Authorized	FY2013	FY2014	FY2015	FY2016
Executive	7.5	3.5	3.5	3.5	4.5
Land Use and Technology	18	12.5	13	13	11
Regulatory Programs	20.5	13	13	13	11.5
Science	9	5	5	5	5
Business Services	9	7	7	7	7
Public Programs	2	2	2	2	2
Total	66	43	43.5	43.5	41*

* FY2016 staffing level: 39 full time, 2 part time

Salary and Wages Expenditures

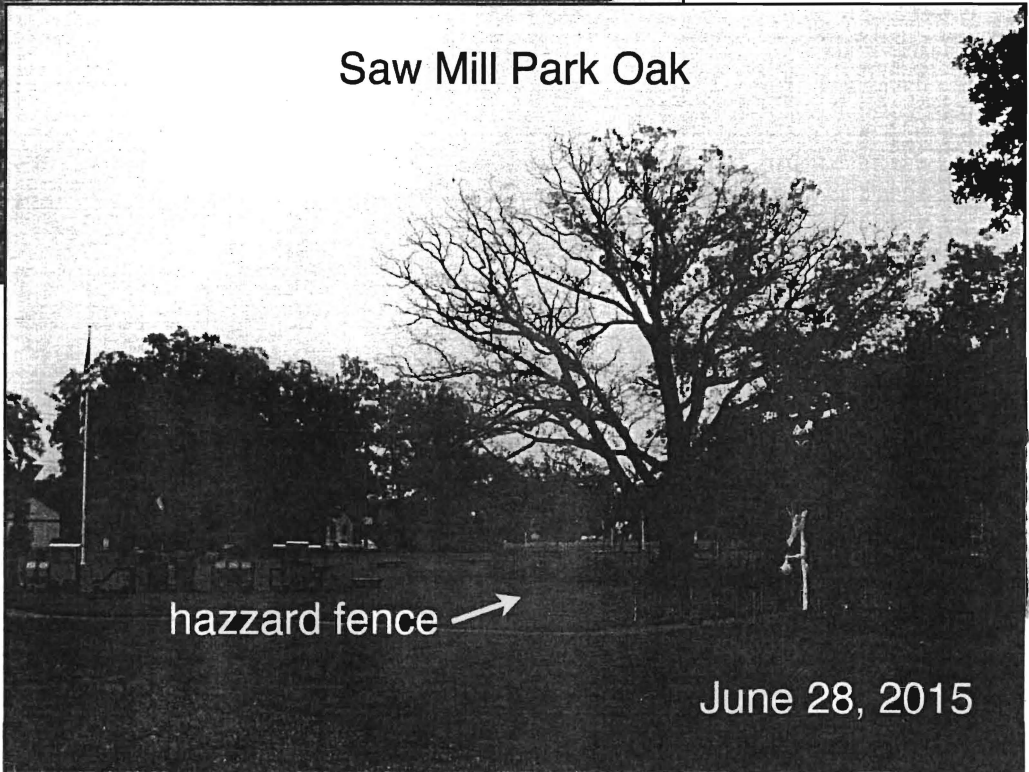
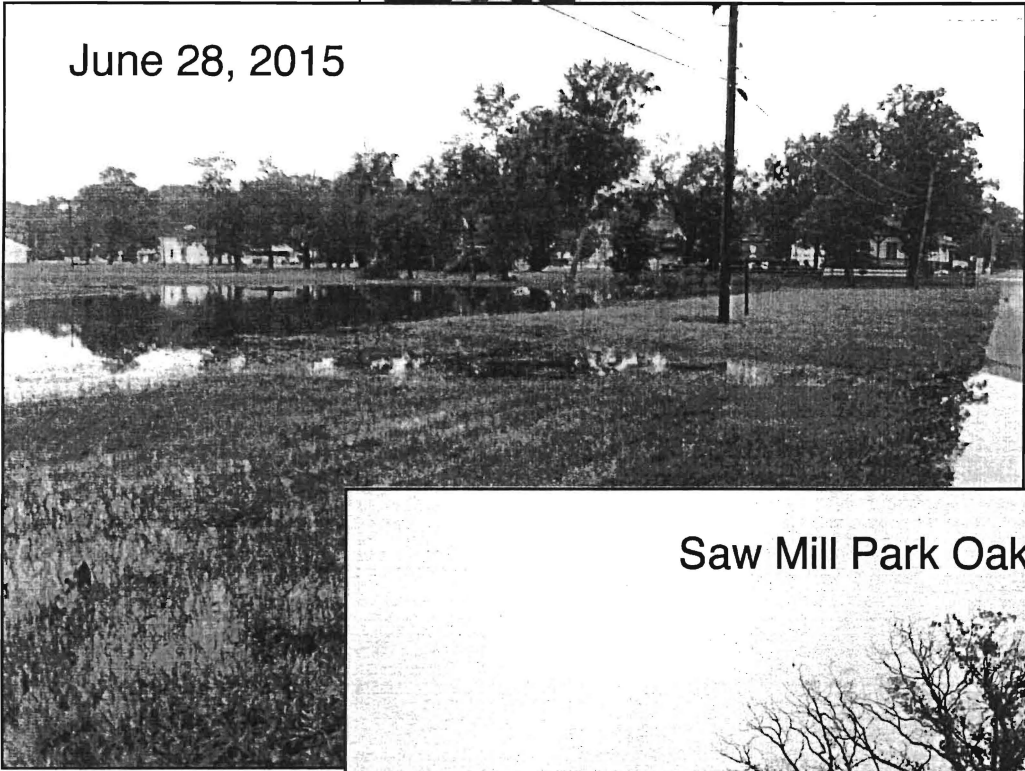
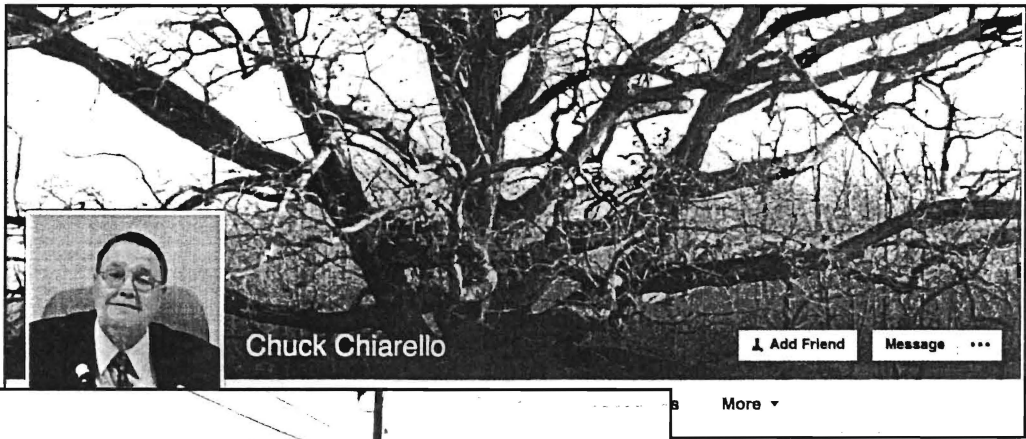
Current Staff (41 FTEs; 25 unfunded FTEs)	
39 Full time employees	2,791,267
2 Part time employees	81,303
Estimated Overtime	1,500
	<u>2,874,070</u>

Operating Fund Budget	2,473,705
Kirkwood Cohansey Study Budget	31,490
Pinelands Conservation Fund Budget	
Land Acquisition	84,029
Conservation Planning & Research	222,629
Community Planning & Design	62,217
	<u>2,874,070</u>

FY2016 Initiatives

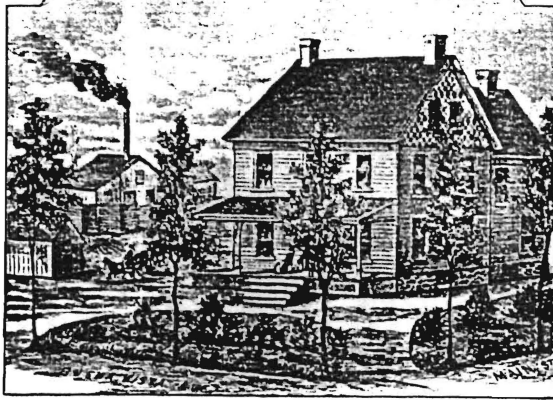
- Agriculture Pilot Program
- Implement new round of Land Acquisition
- Continue Plan Review Implementation
- Bid, Award and Fabrication/Installation of Interpretive Center
- Conservation easement monitoring program
- Memoranda of Agreement
 - Develop Committee Recommendations
 - Implement Tracking Program
- Implement Rapid Landfill Assessment
- COAH
- NPS Brochure and Economic Review

+50% OF SAW MILL PARK OAK'S ROOTS ARE ROTTED



M. Demitroff
NJ Certified Tree
Expert #285

Richland Hotel




Residence and Saw-Mill of J. H. Smith, Esq., at Richland

WATER AND TIMBER

Jones, C.W., c.1888: Richland New Jersey: 20,000 Acres of Farming Land, also Farm Lots. Richland, NJ: Richland Improvement Co. 16 pp.

National Register


 State of New Jersey
 Department of Environmental Protection
 Division of Historic Preservation
 100 State Street, 10th Floor
 Trenton, NJ 08646
 July 31, 2008

CERTIFICATION OF ELIGIBILITY

Mr. Ronald P. Trilling
 Administration, Manas Village Township
 P.O. Box 407
 835 Highway Highway
 Manas, NJ 08810

Dear Mr. Trilling:

The State is in response to your request for a formal certificate of eligibility for the Richland Hotel at 1103 Harding Highway, in the village of Richland in Manas Village Township, Atlantic County, for its nomination to the New Jersey and National Registers of Historic Places.

Based on a review of the request for preliminary operations, as a preliminary operation, Manas Historic Preservation Office, and the Richland Hotel is eligible for listing in the New Jersey and National Registers of Historic Places under National Register criteria II, for its association with the development of Richland as a settlement along the New Jersey and Atlantic Railroad in the early 1880s. The Richland Hotel was constructed in 1885 and the Richland Hotel served as a landmark. It was the first building constructed in the village, which contains numerous well-preserved structures of the early New Jersey railroad villages.

If you have further questions, please contact Mr. Robert Crisp of my staff, at (609) 964-0741, or by email at richland@dep.state.nj.us

[Signature]
 Robert Crisp
 Deputy State Historic Preservation Officer

TC# 028

AMENDED REPORT ON AN APPLICATION FOR MAJOR PUBLIC DEVELOPMENT

July 25, 2011

no stormwater/
no cultural survey

Written and oral comments provided by Mark Demitroff:

1. The commentor believes that a cultural resource survey should have been performed. Staff Response: The Commission staff archaeologist previously reviewed the proposed development and determined that, for the reasons specified in the Commission staff's July 7, 2010 letter (attached) which references a May 27, 2010 letter (attached), a cultural resource survey was not required. The Commission staff's

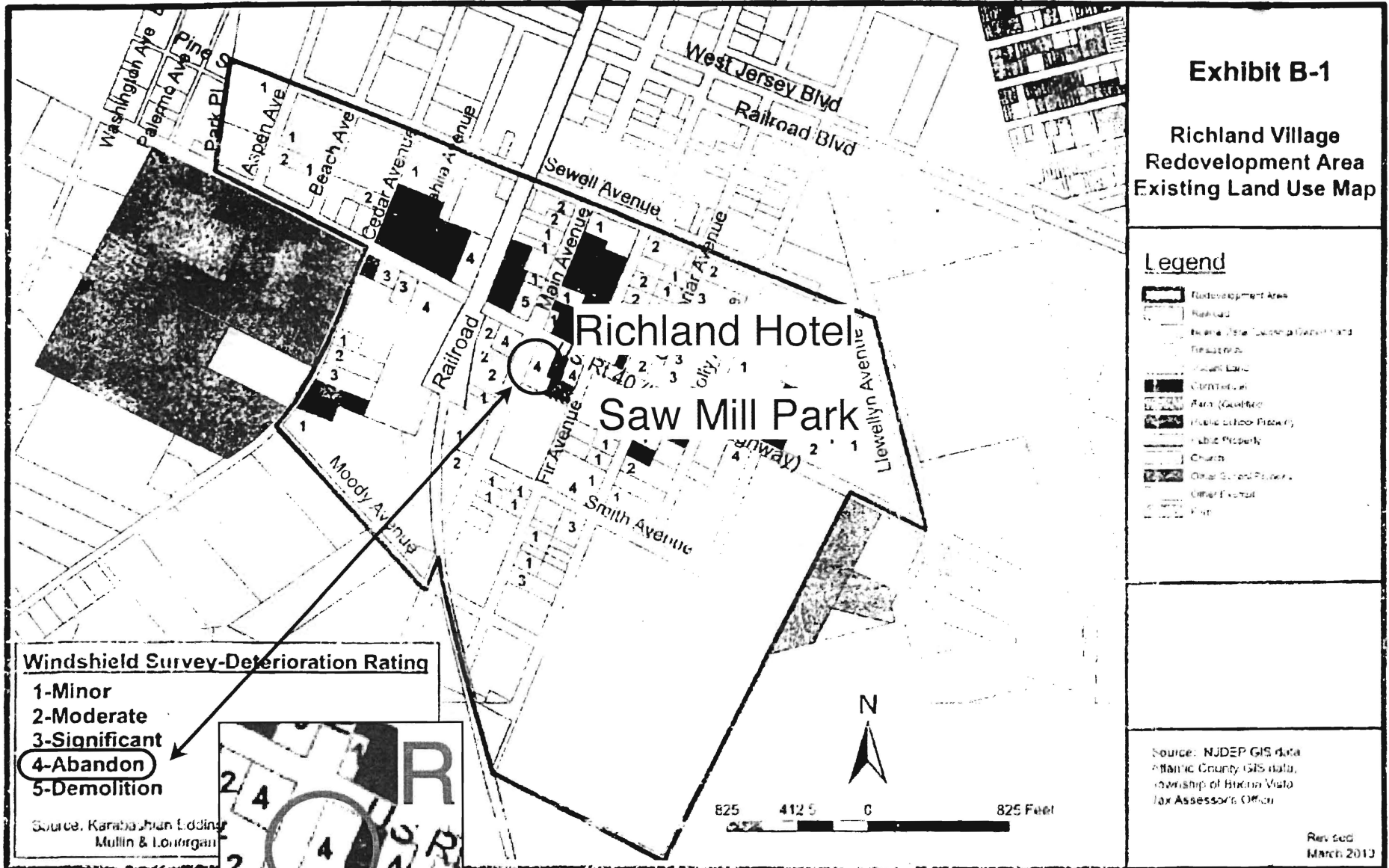
dated March, 1988. A corrected "Report on an Application For Public Development" was issued on June 24, 2011 to clarify that the front portion of the parcel, is, in fact, located in the "historically sensitive area." However, whether the proposed development is, or is not located in the "historically sensitive area" of Richland Village, is not the determining factor regarding whether a cultural survey is required. It is but one factor that is considered in making this determination.

2. The commentor also does not believe that the applicant has met the CMP stormwater standards. Staff Response: This application proposes approximately 9,699 square feet of disturbance. Based upon the Commission's regulations, no stormwater

the Buena Vista Township land use ordinance and the CMP. Commission staff reviewed the proposed stormwater management plan and determined that the proposed plan meets the CMP stormwater standards. The Commission staff reviews the proposed stormwater management plan for conformance with the CMP standards. The staff also completed a "due diligence" review to ensure that there are no obvious issues with a proposed design that would call into question whether a proposed design will function or would impact adjacent lands.

AN EMINENT DOMAIN EUPHEMISM: An Area in Need of Redevelopment

NOTICE - YOUR PROPERTY MAY BE CONDEMNED



A

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
Post Office Box 082
Trenton, New Jersey 08625-0082
(609) 292-1892

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
Agency Docket No. 17-12

In the Matter of

Michael Yaffe

:
:
: Administrative Action
:
: CONSENT ORDER
:

3. On or about December 17, 2010, Yaffe, Tyshchenko and two other Pinelands employees submitted outside activity questionnaires (“OAQ”) to Ethics Liaison Officer Stacey Roth (“ELO Roth”). According to their OAQs, Yaffe and the other three employees sought permission to commence a business named the Highbridge Group, LLC (“Highbridge”). The OAQs described Highbridge as a firm of urban and environmental planning consultants with a market focused exclusively outside of the Pinelands area.

10. Yaffe acknowledges that he violated sections 23(e)(1), 23(e)(5), and 23(e)(7) of the Conflicts Law by engaging in an unapproved and impermissible outside business with Highbridge.

11. In consideration of the above, Yaffe agrees to pay a civil penalty in the amount of \$500.00, payable within thirty (30) days of the date the consent order is fully executed.

B

To: Members, CMP Policy & Implementation Committee

From: Larry L. Liggett, Director, Land Use & Technology Programs
Paul W. Tyshchenko, Resource Planner
Michael Yaffe, Resource Planner

Date: June 10, 2009

Subject: June 17th Special Policy & Implementation Committee Meeting

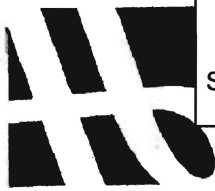
Recommended Forestry-to-PPHB Planned Highway Business

To address the impacts on Maurice River Township's PPHB Zone, we recommend that a limited commercial zone based on the Folsom Borough model be included in the management area rule proposal itself. The Folsom Borough model established a FC (Forest Commercial) District along the Black Horse Pike which included an FC-R (Forest Commercial - Receiving) area and an FC-S (Forest Commercial - Sending) area therein. Commercial development is permitted only within Folsom's FC-R area. Contiguous, vacant lands within the FC-S area may be used to enable commercial development within the FC-R area to satisfy the CMP's septic dilution purposes (water quality standards) but on-site commercial development is not permitted within the FC-S area.

Note that the APA/NJC project report states that "Various reports and plans either underway or previously prepared by the...Pinelands Commission were reviewed....with key stakeholders." Pinelands matters, even formative ones, were consulted upon.

municipal public access plan were prepared. Various reports and plans either underway or previously prepared by the Township, Cumberland County and the Pinelands Commission were reviewed. Interviews with key stakeholders were conducted and a pre-workshop meeting and tour was conducted with the Township's Mayor and consulting planner.

Legislative & Policy Services



The State Capital watermark is suggestive of influence.



Highbridge Group

C



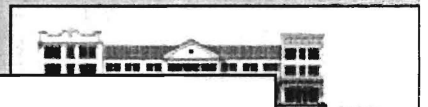
The Highbridge Group is a collaborative practice of land use planners, GIS specialists, scientists, community and environmental designers. The firm is dedicated to creating interconnected, vibrant urban places while protecting and restoring the natural resources on which they depend.

How?

Land-use ordinances, master plans, redevelopment plans, and re-examination plans: The Highbridge Group offers a full-range of services to assist both public and private entities with the preparation, analysis, and evaluation of land-use ordinances, form-based codes, design guidelines, master plans, redevelopment plans, and reexamination plans. Whether analyzing and evaluating a developer's redevelopment plan, or working with community officials and residents to prepare a municipality's master plan or zoning ordinances, our services are always individually tailored to help our clients achieve their desired outcome.



Legislative, regulatory and policy analysis: Understanding and quickly evaluating the impact of changes to laws, regulations, and policies is critical for both public and private entities. Predicting the effects of such changes on projects is crucially important to their success as is predicting how such changes may affect a public entity's constituents and objectives. Our unique combination of technical, analytical, and research skills allows us to offer our clients timely and actionable advice designed to help them respond to such changes and still achieve their specific goals.



Legislative, regulatory and policy analysis: Understanding and quickly evaluating the impact of changes to laws, regulations, and policies is critical for both public and private entities. Predicting the effects of such changes on projects is crucially important to their success as is predicting how such changes may affect a public entity's constituents and objectives. Our unique[ly] combination of technical, analytical, and research skills allows us to offer our clients timely and actionable advice designed to help them respond to such changes and still achieve their specific goals.

Understanding and Predicting changes [we repeat] predicting changes unique[ly] allows us to offer our clients timely and actionable advice



plement
G

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

—
State of New Jersey
STATE ETHICS COMMISSION
PO Box 082
Trenton, NJ 08625-0082
www.nj.gov/ethics

April 25, 2014

Edward Lloyd, Esq.

Re: Request for Recusal Advice
Edward Lloyd, Commissioner
Pinelands Commission

ANDREW S. BERNIS, Esq.
Chair

SUSANA E. GUERRERO, Esq.
Executive Director
Tel: (609) 292-1892
(888) 223-1355 in NJ
Fax: (609) 633-9252
Email: ethics@ethics.state.nj.us

D

The Pipeline Matter. According to information provided by the pipeline matter concerned a plan by the South Jersey Gas Company 22-mile 24" high pressure natural gas main in a Pinelands Forest development of the natural gas pipeline was twofold: 1) to provide B.L. England Energy Generation Plant (the plant is currently fueled provide supply feed redundancy for Cape May and Atlantic County

to the Pinelands Commission and that the EELC had, at least briefly, participated in the MOA matter by taking a position on how the Pinelands Commission should schedule its hearings in the matter. Thus, the Commission finds that you must recuse from any involvement in the MOA matter because of EELC's involvement in the matter.

Based on the above facts and circumstances, the Commission advises that your recusal from any involvement in the Pinelands Commission's consideration of the MOA in the pipeline matter as a Commissioner on the Pinelands Commission was necessary and appropriate.

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
P.O. Box 082
Trenton, New Jersey 08625-0082
(609) 292-1892

E

STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 50-13

IN THE MATTER OF LARRY
LIGGETT, DIRECTOR,
PINELANDS COMMISSION

:
:
:
:
:
:

Administrative Action
CONSENT ORDER

10. Nonetheless, Liggett acknowledges that his use of State resources for his secondary employment and personal use created the reasonable impression that he engaged in conduct violative of the public trust, in violation of section 23(e)(7) of the Conflicts of Interest Law.

11. In consideration of the above, Liggett agrees to pay a civil penalty in the amount of \$3,000.