

974.905 P750



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

February 2, 2017

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

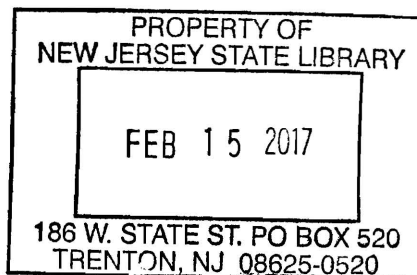
Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for December 9, 2016 for your information.

Sincerely,

Teri Melodick

Teri Melodick
Principal Clerical Assistant



PC1
Enclosure: Minutes

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

MINUTES

December 9, 2016

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Giuseppe Chila, Joe DiBello, Paul E. Galletta, Jane Jannarone, Ed Lloyd, Mark Lohbauer, Ed McGlinchey, Richard Prickett, Gary Quinn, D'Arcy Rohan Green and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Mary Maples and Deputy Attorney Generals (DAG) Sean Moriarty and Helene Chudzik.

Commissioners Absent

None.

Chairman Earlen called the meeting to order at 9:31 a.m.

DAG Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 13 Commissioners present.) Commissioner Lloyd joined the meeting at 9:36 a.m. Commissioner Jannarone joined the Meeting at 10:08 a.m.

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

Minutes

Chairman Earlen presented the minutes from the November 4, 2016 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes of the November 4, 2016 Commission meeting were adopted by a vote of 12 to 0. Commissioner Chila abstained from the vote, and Commissioner Lloyd and Commissioner Jannarone were not present to participate in the vote.

Committee Chairs' Reports

Commissioner McGlinchey provided an update on the December 2, 2016 Agriculture Committee meeting:

The Committee adopted the minutes of its April 22, 2016 meeting.

The Committee received a presentation on the Pinelands Development Credit Program, focusing on potential enhancements to the program, restructuring and reforming the PDC Bank and responses to concerns expressed by the New Jersey Builders Association.

The Committee discussed potential topics for future consideration, including amending the Comprehensive Management Plan to reflect the January 2016 legislation regarding the definition of low-intensity recreation in the Agricultural Production Area to include field sports; evaluating accessory uses on farms; and water use by agriculture.

The Committee selected meeting dates for 2017.

Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- Funding from the National Park Service was used to print a 2017 Pinelands National Reserve calendar that has been handed out today.
- Staff participated in a LEAN event to streamline the collection of permanent land protection data and generation of the map. Some years ago staff participated in multiple LEAN events to develop efficiencies in certain Commission processes.
- Staff continues to work on issues related to Wharton. Staff determined that a 1997 USGS map does not exist. A map was created using 12 quad maps, some of which are from 1997 and some that are older.

Chairman Earlen said that Wharton will be discussed at the January Policy and Implementation Committee meeting.

Mr. Larry Liggett updated the Commission on the following:

- Staff continues to work on new approaches regarding the Kirkwood-Cohansey data. Representatives of Winslow Township recently requested that Commission staff review an existing Memorandum of Understanding (MOU) between the township and the Commission to revisit water use and the provisions of the MOU.

- Staff is in the process of correcting some of the cell tower mapping to eliminate over-lapping of plans and ensure accuracy.
- Staff is in the process of reviewing information that was recently submitted for the Office of Information Technology (OIT) cell plan for emergency services.

Mr. Chuck Horner updated the Commission on the following:

- Staff is assisting Waterford Township with a violation related to an agriculture activity and the role of the Right to Farm Act.
- The Commission was notified that Verizon is interested in placing antennas on existing telephone poles throughout the Pinelands. The antennas are about 2 feet in height. A meeting with Verizon is in the process of being scheduled to obtain more information about the project and application requirements.
- A recent newspaper article highlighted proposed solar installation in Evesham Township. Only one of the proposed solar sites is in the Pinelands Area and, at this time, the Commission is waiting to hear back from the applicant.

Commissioner Ashmun asked if Mr. Horner knew how many antennas Verizon is proposing to install.

Mr. Horner said he did not know but would provide an update at the next Commission meeting.

Ms. Wittenberg added that, at the last Pinelands Municipal Council meeting, a mayor mentioned Verizon representatives had contacted several towns about the placement of antennas and that resulted in staff's inquiry about the work.

Mr. Paul Leakan said Commission staff in coordination with Rowan College at Burlington County produced a 2017 wall calendar. He noted that the calendar includes monthly Commission meeting dates, federal and state holidays and important dates in Pinelands history. He said the calendars will be available at Bass River State Forest, Batsto Visitor Center and Brendan Byrne State Forest. He also said he will be sending calendars to towns, legislators and congressional representatives.

Commissioner Prickett suggested sending some calendars to New Jersey's tourism board.

Ms. Stacey Roth reminded Commissioners that they must complete on-line ethics training by December 13, 2016.

Chairman Earlen asked for an update on the status of the Commission's audit.

Ms. Wittenberg said the state Auditors continue to work on the FY15 Audit. She said staff met internally about new accounting software and are waiting for bid submissions from vendors.

Commissioner Avery suggested that the Audit Committee hold a conference call to have an update on the status of the audit.

Chairman Earlen announced that Commissioner Prickett would be replacing Commissioner Ashmun on the Pinelands Development Credit Bank Board.

Ms. Grogan said the Board will hold its only meeting this year on Monday, December 12, 2016 at 2:00 p.m.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of a solar facility in Folsom Borough.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1985-0023.003) (See Resolution # PC4-16-39). Commissioner Galletta seconded the motion.

Commissioner Prickett asked where the solar array would be placed on the property.

Mr. Horner said the solar will be in the front portion of the property, between the road and the school.

Commissioner Lohbauer asked if there were other solar arrays placed in stormwater basins in the Pinelands. He also said maybe this solar facility would encourage more like it.

Mr. Horner said he did not know of any other solar arrays developed in basins.

The Commission adopted the resolution by a vote of 14 to 0.

Honoring Commissioner DiBello

Chairman Earlen said that today is Commissioner DiBello's last Commission meeting as he is retiring from the National Park Service. Chairman Earlen read a resolution into the record about Commissioner DiBello's time on the Commission.

Commissioner Ashmun moved the adoption of a Resolution Expressing the Commission's appreciation to Joseph DiBello for his service as a member of the Commission between November 2012 and December 2016(See Resolution # PC4-16-40). Commissioner Lohbauer seconded the motion.

Commissioner DiBello expressed how much he enjoyed working with the other Commissioners and staff.

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

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public spoke.

Ordinances Not Requiring Commission Action

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

- Medford Township Ordinances 2015-5, 2015-9 & 2016-9
- Ocean Township Ordinances 2016-3 & 2016-10
- Stafford Township Ordinance 2016-21(A)

No members of the Commission had questions.

Other Resolutions

Chairman Earlen said the next resolution identifies 2017 Commission meeting dates. He noted that there will not be any evening meetings in 2017 because the night meetings in the past have been poorly attended.

Commissioner Avery moved the adoption of a resolution Setting Pinelands Commission Meeting Dates for 2017 (See Resolution # PC4-16-41). Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

Closed Session Resolution

DAG Chudzik read a resolution to retire into closed session to discuss the Appellate Division's decision on South Jersey Gas application to construct a natural gas pipeline in the Pinelands and the New Jersey Natural Gas remand.

Commissioner Avery moved to retire into closed session. Commissioner Lloyd seconded the motion. The Commission agreed to retire into closed session by a vote of 14 to 0, beginning at 10:07 a.m.

Commissioner Jannarone was not present for the vote, but joined the meeting via teleconference shortly thereafter.

Return to Open Session

Commissioner Barr made a motion to return to open session. Commissioner Galletta seconded the motion. All voted in favor. The meeting resumed at 10:50 a.m.

Chairman Earlen said that Helene Chudzik will provide an overview of what was discussed in closed session.

DAG Chudzik said that during closed session the Commission was advised of various options regarding the court's decision on the South Jersey Gas matter. The discussion

included the option to petition the Supreme Court to review such decision. She said, rather than petition for certification, the Commission decided unanimously in favor of addressing the remand. She explained that the Appellate Division, in its decision, remanded the Board of Public Utilities N.J.S.A. 40:55D-19 approval, in order for the Board to amend the approval and make it contingent upon the Commission's issuance of a final decision that the proposed pipeline project was consistent with the minimum standards of the Pinelands Comprehensive Management Plan (CMP). The Court also remanded the matter back to the Commission to develop with a process by which the Commission would render a final CMP consistency decision.

In order to address the remand, she suggested that the Commission establish a process and allow for due process. She said that in developing a process recommendation, the Attorney General's office looked at the existing CMP process for public development applications. She said, she had recommended to the Commission that it adopt a resolution that addressed not only the South Jersey Gas matter, but also other instances where there is a petition for municipal pre-emption in accordance with N.J.S.A. 40:55D-19. The resolution would set forth the process by which the Commission would review the staff's consistency determinations for these projects. She said this process will include an opportunity for public comment at a Commission meeting. Written comment would also be accepted, and once the record closed, staff would draft a recommendation report based on the record. The matter would then be voted on by the Commission at a subsequent meeting. She noted that there are two other applications that are currently under review by the Commission that are subject to the municipal pre-emption provision and that the resolution would address those applications and establish a process to use going forward until the CMP can be changed to address the lack of a final decision by the Commission.

Chairman Earlen requested a motion for the process resolution.

Commissioner Avery moved the adoption of a "Resolution Setting Forth the Process By Which the Pinelands Commission will Review the Determination of its Executive Director Finding that the Portion of the 22-Mile, 24-Inch Natural Gas Pipeline Proposed by South Jersey Gas Company (Pinelands Application No. 2012-0056.001) is Consistent with the Standards of the Pinelands Comprehensive Management Plan." (See Resolution # PC4-16-42). Commissioner McGlinchey seconded the motion.

DAG Chudzik offered clarification on how the Commission would vote on the other applications that are the subject of municipal pre-emption petitions.

The Commission adopted the resolution by a vote of 15 to 0.

Chairman Earlen asked for a motion for the remand of the New Jersey Natural Gas application.

Commissioner Galletta moved the adoption of a "Resolution Authorizing the Division of Law to File Motions in the Appellate Division to have the Two Appeals related to the Commission's Consideration of the New Jersey Natural Gas Pipeline Project (Pinelands

Development Application 2014-0045-.001) Remanded to the Pinelands Commission.” (See Resolution # PC4-16-43). Commissioner McGlinchey seconded the motion.

Commissioner Lloyd recused himself and left the room.

DAG Chudzik concluded her review and said that this resolution will allow the Division of Law to file motions with the Appellate Division to seek a remand of the New Jersey Natural Gas Pipeline project back to the Commission.

The Commission adopted the resolution by a vote of 14 to 0.

DAG Chudzik said that by the end of the day, the Commission website will have information about submitting public comment for the South Jersey Gas application.

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

Toni Granato with the New Jersey Sierra Club said the South Jersey Gas pipeline is unnecessary. She said that by keeping the BL England plant in operation, greenhouse gas emissions increase. She said the pipeline presents a public health issue to the residents in the vicinity.

Will Pauls of South Jersey Building Trades, said he is in favor of the pipeline. He said it will create jobs, end coal emissions and help the residents of Upper Township keep taxes low.

Fred Dumont of Ocean County, told Commissioners to do the right thing.

Jack Koch said the South Jersey Gas pipeline is a good project. He said getting rid of coal and using natural gas is better.

Steve Stokes with the Elevators Local #5 said he is in favor of the project.

Jim Chew representing the Boilmakers of New Jersey, said he is pro-pipeline. He said the conversion from coal to natural gas at the BL England plant makes sense.

Ray Phillips represents the Ironworkers and supports the pipeline project.

Georgina Shanley of Ocean City, NJ spoke against the South Jersey Gas pipeline. She said this is not an issue about jobs but rather the protection of the Pinelands.

Bill Wolfe expressed his dissatisfaction with the Commission’s basis for entering into closed session.

Mike Cannon of Lauren Springs, NJ, said he is concerned about the negative effects of methane associated with the natural gas. He said developing infrastructure at sea level does not make sense.

Marianne Clemente, Barnegat, NJ questioned why the Commission met in closed session if the South Jersey Gas matter is no longer in litigation. She said the Commissioners are in violation of their oath.

Connie Higgins said the Commissioners are in a unique position and asked them to be responsible by protecting the Pinelands.

Natalie Neiss of Upper Township said she is opposed to the natural gas transmission line.

Patty Cronheim with ReThink Energy NJ said she is happy with the recent court decision and looks forward to the public participation. She said New Jersey has more energy than it needs. She said the pipeline is not necessary.

Jason Howell of the Pinelands Preservation Alliance said he is in favor of the original Wharton map that the New Jersey Department of Environmental Protection revealed over a year ago.

Emile DiVito New Jersey Conservation Foundation urged the Commission to move quickly with a map for Wharton. He said vernal ponds are experiencing problems. He said a map will help law enforcement be more effective.

Laura Porter of Ocean County said she is retired law enforcement officer who spent her career protecting state parks in the Pinelands. She said an accurate map is necessary for officers to do their job. She said the Commission has an obligation to protect the Pinelands and its fragile ecosystem.

Marilyn Miller of Toms River, NJ, said labor and the environment can work successfully together.

Arnold Fishman of Medford Lakes, NJ, thanked the Commission for not petitioning the Supreme Court to seek an appeal. He requested the Commission give the public time to prepare their comments on the South Jersey Gas matter.

Ann Kelly of Burlington County said the pipeline is not about jobs or taxes. She said it's about protecting the Pinelands.

Rita Romeo of Chesterfield, NJ said she is part of the organization People Over Pipelines. She said pipelines are unnecessary infrastructure. She said pipelines leak, and we cannot jeopardize our water.

Lena Smith with Food and Water Watch said the South Jersey Gas pipeline should be denied. She spoke about the negative effects of fracking.

Martin Levin said he is opposed to the South Jersey Gas pipeline.

Doug O'Malley of Environment New Jersey thanked the Appellate Division for its decision on the South Jersey Gas matter. He said its important to follow the CMP because it's the plan that protects the Pinelands.

Christie Chandler of Gloucester County said the New Jersey Water Supply Master Plan is 20 years overdue. She said she has seen first-hand the destruction of fracking and does not support the pipeline.

Agnes Marsala of Burlington County said she is opposed to pipelines, especially pipelines that are intended for export. She said the state should be investigating renewable energy, such as wind turbines.

Jill Popko, the Mayor of Bordentown Township spoke about a compressor station that the New Jersey Natural Gas company is proposing to build in her town. She asked Commissioners to think about the well-being of New Jersey residents before they vote.

Heather Warberton, Chair of the Green Party of Atlantic County, said she is opposed to the pipeline and is prepared to do anything so that it is not constructed.

Ally Herwitz, a Pennsylvania resident, urged the Commission to make good decisions in protecting the Pinelands.

Beth Whitehead of Glassboro, NJ, said she is opposed to all pipelines and urged the Commission to reject the South Jersey Gas pipeline.

Jaelyn Rhoads of the Pinelands Preservation Alliance requested that the Commission not rush the process for the South Jersey Gas matter. She also asked Commissioners to read the CMP. She questioned the need for the pipeline and said this is not about jobs.

Margit Meissner-Jackson of the Ocean County Sierra Club said the Barnegat Bay is dying. She said in protecting the Pinelands you are also saving the Barnegat Bay. She spoke about the Southern Reliability Link proposed by New Jersey Natural Gas to extend a pipeline under the bay to Long Beach Island and beyond.

Milton Brown, Buena Vista Township, said he is in favor of gas and it is important to make sure the pipeline is constructed correctly.

Jennifer Coffey, Executive Director of ANJEC (Association of Environmental Commissions) asked that the Commission consider moving future meetings to a bigger facility. She said the pipeline is threatening the state's water supply. She asked Commissioners to uphold the CMP and protect the Pinelands.

Glenn Ashton of Bordentown Township, NJ, asked that the South Jersey Gas matter process be open and transparent. He said the pipeline is unnecessary.

Kenny Cologne said he has worked at BL England for 11 years. He said the process has been going on for three years and he asked the Commission to make a decision.

Adjournment

A brief discussion took place about the need for a bigger space to hold a meeting where the public has the opportunity to speak on the South Jersey Gas matter.

Commissioner Avery said that Helene Chudzik is retiring and he wanted to acknowledge her service representing the Commission through the years. He wished her well.

Commissioner Ashmun suggested that the newer Commissioners who were not here during the deliberations of the South Jersey Gas matter review the record.

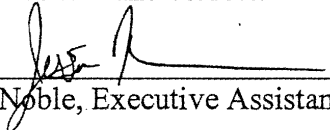
Commissioner Avery said that for any Commissioner who is interested, he brought a map of the Ocean County Natural Lands Trust Fund Program in relation to the Barnegat Bay presentation at the November Commission meeting.

Commissioner Lohbauer said that with the pipeline issue back, he does not want the Wharton map to be pushed aside. He said a map is crucial for enforcement. Commissioner Lohbauer thanked Commissioner DiBello for his service.

Commissioner Galletta wished everyone a happy holiday season.

Commissioner Barr moved to adjourn the meeting. Commissioner Galletta seconded the motion. The Commission agreed to adjourn at 12:58 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: December 16, 2016



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 39

TITLE: Approving With Conditions an Application for Public Development (Application Number 1985-0023.003)

Commissioner Lohbauer moves and Commissioner Galletta 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:

1985-0023.003

Applicant: Solar City, Inc., on behalf of the Folsom Borough Board of Education
Municipality: Borough of Folsom
Management Area: Pinelands Village
Date of Report: November 18, 2016
Proposed Development: Construction of a 1.66 acre ground mounted solar array.

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 1985-0023.003 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 9, 2016

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean W. Earlen
Sean W. Earlen
Chairman



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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

November 18, 2016

Renaldo Torres
Solar City, Inc.
100 N. 18th Street, Suite 1900
Philadelphia, PA 19103

Re: Application # 1985-0023.003
Block 801, Lot 9
Borough of Folsom

Dear Mr. Torres:

The Commission staff has completed its review of this application for construction of a 1.66 acre ground mounted solar array on the above referenced parcel. The proposed solar array will be an accessory use to an existing elementary school located on the parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 9, 2016 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
- Copy of 9/16/16 Public Comment
- c: Secretary, Borough of Folsom Planning Board (via email)
- Borough of Folsom Construction Code Official (via email)
- Borough of Folsom Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Beth-Ann Grasso, PE, PP, CME (via email)
- John Zvanya (via email)





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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

November 18, 2016

Renaldo Torres
Solar City, Inc.
100 N. 18th Street, Suite 1900
Philadelphia, PA 19103

Application No.: 1985-0023.003
Block 801, Lot 9
Borough of Folsom

This application proposes the construction of a 1.66 acre ground mounted solar array located on the above referenced 25 acre parcel in the Borough of Folsom. The proposed solar array will be an accessory use to the existing Folsom Elementary School that is located on the parcel.

The proposed solar array will provide eighty percent of the of the total electricity usage demand of the Folsom Elementary School. The proposed solar array will be ground mounted in an existing stormwater management basin on the parcel. The solar panels will be elevated a minimum of two feet above the bottom of the stormwater basin.

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. 7:50-5.27)

The proposed development is located in the Pinelands Village of Folsom. The proposed development is a permitted land use in a Pinelands Village Management Area.

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

The proposed development will be located within an existing grassed stormwater management basin. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

On April 22, 2010, Public Law 2010, c.4 went into effect. Chapter 13:18A-5.2 of that law prohibits the Pinelands Commission from including solar panels in any stormwater management calculation of impervious surface or impervious cover that may be required for an application for development in the Pinelands Area. While the elevated solar panels will occupy 1.66 acres of the parcel, the proposed solar panel mounting posts will disturb less than 5,000 square feet. Therefore, the application was not required to address the CMP stormwater management standards.

The Commission previously approved the construction of a 22,799 square foot building addition to the existing school (App. No. 1985-0023.002). The existing stormwater infiltration basin was designed and constructed to meet the stormwater standards of the CMP for that development. The Commission staff has determined that existing stormwater infiltration basin will continue to meet the stormwater standards after the development of the proposed solar array.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on October 11, 2016. Newspaper public notice was completed on October 14, 2016. The application was designated as complete on the Commission's website on October 24, 2016. The Commission's public comment period closed on November 4, 2016. The Commission received one written comment regarding this application.

Public Comment: The commenter requested a copy of the Executive Director's findings and conclusions. The commenter inquired as to the location and height of the proposed solar array, whether security fencing would be installed and expressed a concern regarding the electrical safety of the proposed solar array.

Staff Response: The commenter will receive a copy of this Executive Director's Report. The proposed solar array will be located in an existing stormwater management basin on the parcel. The applicant has represented that proposed solar array will have a maximum height above the bottom of the stormwater basin of 4 feet. A 6 foot high chain link fence is proposed around the perimeter of the proposed solar array. The CMP does not contain electrical safety standards. The commenter may wish to discuss their concerns regarding electrical safety with an appropriate school or municipal construction code official.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Pennoni Associates, Inc. and dated as follows:
 Sheets 1-6 & 8 - dated September 15, 2016
 Sheet 7 - dated September 15, 2016 and revised to August 4, 2016.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. 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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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, received at the Commission office not later than 5:00 PM on December 6, 2016 and include the following information:

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

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

From: <john.zvanya@faa.gov>
To: <appinfo@njpinelands.state.nj.us>
Date: 9/16/2016 3:20 PM
Subject: FW: Application # 1985-0023.003

On the prepared copy that I received, I emailed to the email address which was provided on the application. It got sent back to me undeliverable.. I went to the pinelands web site and saw a different address which I will try this time.

Thanks
JZ

From: Zvanya, John (FAA)
Sent: Friday, September 16, 2016 2:54 PM
To: appinfo@njpinelands.state.nj.us
Subject: Application # 1985-0023.003

I just received the info for the solar facility on Block 801, Lot 9 known as the Folsom school. I would like to receive more information on where the proposed solar facility will be located, height of solar facility, and if it will be fenced for security purposes. Could you please send me the executive directors findings on this proposed task. Also, I do see the survey stakes located in the drainage basin for Folsom school. Are there any provisions in the proposed task for any GFI protection if the basin fills up with rain water and someone decides to walk near the area of concern? I will have a few more questions after I see the plans.

Thanks
John Zvanya
1351 Mayslanding road
Folsom,nj 08037



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 90

TITLE: Expressing the Commission's appreciation to Joseph DiBello for his service as a member of the Commission between November 2012 and December 2016

Commissioner Ashmun moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, Joseph DiBello served as the U.S. Secretary of the Interior's representative on the Pinelands Commission from November 2012 until December 2016; and

WHEREAS, Mr. DiBello is retiring from the National Park Service (NPS) on January 3, 2017, after 42 years of federal service; and

WHEREAS, Mr. DiBello brought a wealth of experience to the Commission. He started his career as a planner for the U.S. Department of the Interior in 1974, then went on to conduct special studies and planning projects for the NPS. He most recently served as the Superintendent of the Washington Rochambeau National Historic Trail, which traverses nine states and Washington, D.C.; and

WHEREAS, during Mr. DiBello's tenure as a Commissioner, the National Park Service greatly advanced the Commission's efforts to preserve, protect and enhance the resources of the Pinelands, including providing funding to support the Commission's Long-term Environmental and Economic Monitoring programs, as well as funds for education and outreach materials that raise awareness and appreciation of the Pinelands; and

WHEREAS, during his tenure, Mr. DiBello served on the Commission's Policy and Implementation Committee, Personnel and Budget Committee, Plan Review Committee and the Agriculture Committee; and

WHEREAS, during his tenure, the Commission completed its fourth in-depth review of the Pinelands Comprehensive Management Plan, a process that identified more than three dozen recommendations for strengthening the Plan; and

WHEREAS, during his tenure, the Commission provided more than \$3.1 million from the Pinelands Conservation Fund to permanently preserve 4,273 acres in the Pinelands; and

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

NOW, THEREFORE BE IT RESOLVED that the members of the Pinelands Commission, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 9th day of December, 2016, do hereby express our appreciation to our colleague and friend, Joseph DiBello, for his commitment to the Pinelands and for his service as a member of the Commission between November 2012 and December 2016.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 9, 2016

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean Earlen
Sean W. Earlen
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 41

TITLE: Setting Pinelands Commission Meeting Dates for 2017

Commissioner Avery moves and Commissioner Galletta seconds the motion that:

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission shall conduct its meetings on the following dates in 2017 beginning at the specified time at the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, New Jersey, unless notice is otherwise provided in accordance with the Open Public Meetings Act:

- | | |
|---------------------------------------|---------------------------------------|
| Friday, January 13, 2017 (9:30 a.m.) | Friday, July 14, 2017 (9:30 a.m.) |
| Friday, February 10, 2017 (9:30 a.m.) | Friday, August 11, 2017 (9:30 a.m.) |
| Friday, March 10, 2017 (9:30 a.m.) | Friday, September 8, 2017 (9:30 a.m.) |
| Friday, April 7, 2017 (9:30 a.m.) | Friday, October 13, 2017 (9:30 a.m.) |
| Friday, May 12, 2017 (9:30 a.m.) | Friday, November 3, 2017 (9:30 a.m.) |
| Friday, June 9, 2017 (9:30 a.m.) | Friday, December 8, 2017 (9:30 a.m.) |

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

Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
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* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 9 2016

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean W. Earlen
Sean W. Earlen
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 42

TITLE: Resolution Setting Forth the Process By Which the Pinelands Commission will Review the Recommendation of its Executive Director Finding that the Portion of the 22-Mile, 24-Inch Natural Gas Pipeline Proposed by South Jersey Gas Company (Pinelands Application No. 2012-0056.001) in the State Designated Pinelands Area is Consistent with the Standards of the Pinelands Comprehensive Management Plan.

Commissioner Avery moves and Commissioner McGlinchey seconds the motion that:

WHEREAS, the Pinelands Commission (Commission) is an independent political subdivision of the State of New Jersey created pursuant to Section 4 of the Pinelands Protection Act (the Act), N.J.S.A. 13:18A-1, *et seq.*, and charged with the implementation of the Act and the Pinelands Comprehensive Management Plan (the CMP), N.J.A.C. 7:50; and

WHEREAS, the Commission is also the planning entity authorized under Section 502 of the National Parks and Recreation Act of 1978; and

WHEREAS, on November 7, 2016, the Appellate Division issued a decision in three consolidated appeals (A-1685-15, A-2705-15 and A-2706-15) all of which involved South Jersey Gas Company's (SJG's) petition to the Board of Public Utilities for preemption of municipal approvals pursuant to N.J.S.A. 40:55D-19 for a natural gas transmission line, 15 miles of which was proposed to be constructed within the State designated pinelands area (proposed pipeline project); and

WHEREAS, the decision remanded the Board of Public Utilities' approval of SJG's N.J.S.A. 40:55D-19 petition to the Board for entry of a modified order stating that the approval is conditioned upon the Commission's issuance of a final consistency determination; and

WHEREAS, the decision also remanded the Commission staff's consistency determination on SJG's Pinelands Development Application for the proposed pipeline project to the Commission for its review of same and issuance of a final decision as to the proposed project's consistency with the minimum requirements of the Pinelands CMP; and

WHEREAS, as part of the remand, the decision directs the Commission to develop a process pursuant to which the Commission shall review the staff's consistency determination for the proposed pipeline project; and

WHEREAS, as part of that review process, an opportunity for public notice and comment should be provided before the Commission renders its final decision; and

WHEREAS, the Commission intends in the future to consider amendments to the Pinelands CMP to amend the provisions pertaining to permitting coordination with other State agencies, N.J.A.C. 7:50-4.81 through 4.85, to clarify the process by which public utility projects which are the subject of a petition to the Board of Public Utilities for municipal preemption pursuant to N.J.S.A. 40:55D-19 will be reviewed by the Commission; and

WHEREAS, there are currently two such public utility projects that have either already been issued or are being reviewed for issuance a Certificate of Filing, which will contain Commission staff's determination as to the conformance of such project with the minimum requirements of the CMP; and

WHEREAS, pending the Commission's amendment of the Pinelands CMP and in order to ensure conformance with the Court's holding in the within matter going forward, the Commission plans to utilize the additional review process contained within this resolution for future public utility projects which are the subject of a petition to the Board of Public Utilities for municipal preemption pursuant to N.J.S.A. 40:55D-19; 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, in conformance of the Appellate Decision's November 7, 2016 decision, the Commission will review the Commission staff's consistency determination for the proposed project and any other public utility application submitted to the Commission, which is also the subject of a petition to the BPU for municipal preemption in accordance with N.J.S.A. 40:55D-19, using the following process:

1. The Commission's review shall be based upon a review of the Commission's Regulatory Programs file for Pinelands Development Application, the record developed before the Board of Public Utilities and the staff's consistency determination.
2. The Commission staff shall provide notice of the public's opportunity to provide comments regarding the Commission staff's consistency determination by posting such notice on the Commission's website and by mailing it to the applicant; the parties to any litigation involving the proposed project's conformance with the Pinelands CMP, if applicable, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2). Such notice shall also indicate that written comments may be provided until 5:00 p.m. on the date of the Commission meeting at which the opportunity for public comment will be provided.
3. The Commission staff, following the close of the public comment period, shall review the record and any public comment provided and shall prepare a recommendation as to whether its prior consistency determination should be affirmed.
4. Following the close of the public comment period, the Commission based on the record as delineated in paragraph 1 above, any public comments received and the Commission staff's recommendation, shall either approve or disapprove such recommendation.


Record of Commission Votes

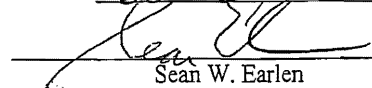
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				DiBello	X				McGlinchey	X			
Avery	X				Galletta	X				Prickett	X			
Barr	X				Jannarone	X				Quinn	X			
Brown	X				Lloyd	X				Rohan Green	X			
Chila	X				Lohbauer	X				Earlen	X			

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 9, 2016


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16-43

TITLE: Resolution Authorizing the Division of Law to File Motions in the Appellate Division to have the Two Appeals related to the Commission's Consideration of the New Jersey Natural Gas Pipeline Project (Pinelands Development Application 2014-0045-.001) Remanded to the Pinelands Commission.

Commissioner Galletta moves and Commissioner McGlinchey seconds the motion that:

WHEREAS, the Pinelands Commission (Commission) is an independent political subdivision of the State of New Jersey created pursuant to Section 4 of the Pinelands Protection Act (the Act), N.J.S.A. 13:18A-1, *et seq.*, and charged with the implementation of the Act and the Pinelands Comprehensive Management Plan (the CMP), N.J.A.C. 7:50; and

WHEREAS, the Commission is also the planning entity authorized under Section 502 of the National Parks and Recreation Act of 1978; and

WHEREAS, in April 2014, the New Jersey Natural Gas Company submitted preliminary information to the Pinelands Commission regarding the proposed construction of a 12.1 mile natural gas pipeline in Jackson, Manchester and Plumsted Townships; and

WHEREAS, in April 2015, the New Jersey Natural Gas Company submitted a Pinelands Development Application (Application # 2014-0045.001) for the proposed pipeline project; and

WHEREAS, Commission staff reviewed New Jersey Natural Gas Company's application for the proposed pipeline project and on December 9, 2015, issued a Certificate of Filing finding the proposed pipeline project consistent with the requirements of the Pinelands CMP; and

WHEREAS, on February 4, 2016, Commission staff sent a copy of the Certificate of Filing to the staff of the BPU and, in an accompanying letter, requested that the Board provide the Commission with a copy of the New Jersey Natural Gas Company's N.J.S.A. 40:55D-19 petition; notice of any hearings, public meetings or other formal proceedings pertaining to the petition; and copies of any written reports or comments that the Board may receive that raise issues concerning the standards of the Pinelands CMP; and

WHEREAS, by letter dated March 10, 2016, the Commission staff advised the Executive Director of the BPU that based on the Certificate of Filing dated December 9, 2015, and its review of the additional information submitted to the BPU as part of its public and evidentiary hearings, the finding of Pinelands CMP consistency in the December 9, 2015 Certificate of Filing issued for the proposed project continued to be valid; and

WHEREAS, on or about April 21, 2016, the Sierra Club filed a Notice of Appeal of the Commission staff's March 10, 2016 letter, A-3753-15T1; and

WHEREAS, on or about April 28, 2016, the Pinelands Preservation Alliance filed a Notice of Appeal of the Commission staff's March 10, 2016 letter, A-3762-15T1; and

WHEREAS, on November 7, 2016, the Appellate Division, in three unrelated, consolidated appeals involving a petition to the BPU for municipal preemption pursuant to N.J.S.A. 50:44D-19 submitted by the South Jersey Gas Company, issued a decision remanding that application to the Pinelands Commission for its review of the Commission staff's consistency determination on that application and issuance of a final decision as to the proposed project's consistency with the minimum requirements of the Pinelands CMP; and

WHEREAS, the Commission staff utilized the same review process for both the South Jersey Gas Company's and the New Jersey Natural Gas Company's Pinelands Development Applications; and

WHEREAS, given the holding of the Appellate Division in the South Jersey Gas Company consolidated appeals, it seems prudent to seek a remand from the Appellate Division of the New Jersey Natural Gas application at this time in order to permit the Commission to review the staff's consistency determination in accordance with the process that has been adopted for the South Jersey Gas application; 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.

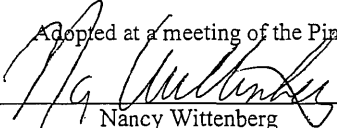
NOW, THEREFORE BE IT RESOLVED that the Commission authorizes the Division of Law to file motions in the Appellate Division to have the two appeals related to the Commission's consideration of the New Jersey Natural Gas Pipeline Project (Pinelands Development Application 2014-0045-.001) remanded to the Pinelands Commission.

Record of Commission Votes

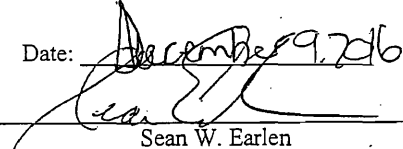
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*						
Ashmun	X				DiBello	X				McGlinchey	X			
Avery	X				Galletta	X				Prickett	X			
Barr	X				Jannarone	X				Quinn	X			
Brown	X				Lloyd				R	Rohan Green	X			
Chila	X				Lohbauer	X				Earlen	X			

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date: December 9, 2016


 Sean W. Earlen
 Chairman