



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



PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA  
Friday, June 9, 2023 - 9:30 a.m.

**This meeting will be held in-person and virtually**

Richard J. Sullivan Center for Environmental Policy and Education  
Terrence D. Moore Conference Room  
15C Springfield Road  
New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel:

[www.youtube.com/c/PinelandsCommission](https://www.youtube.com/c/PinelandsCommission)

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 826 5515 9420

1. Call to Order

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

2. Adoption of Minutes

- May 12, 2023

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration *Where the Record is Closed*

A. Permitting Matters

- Office of Administrative Law
  - None
- Review of Local Approvals
  - None
- Public Development Projects and Waivers of Strict Compliance:

Resolution Approving With Conditions (1) Application for Public Development

- Application No. 1995-1676.004 – New Jersey Department of Transportation

Demolition of four buildings, 50 years old or older, and the construction of two material storage buildings  
Galloway Township

B. Planning Matters

- Municipal Master Plans and Ordinances
  - None
- Other Resolutions
  - None
- CMP Amendments
  - None

5. Public Comment on Public Development Applications and Waivers of Strict Compliance *Where the Record is Not Closed*

A. Public Development Projects

- Application No. 1986-1154.004 - Franklin Township  
Construction of 1,200 linear feet of a six foot wide trail at the Piney Hollow Preservation Area  
Franklin Township
- Application No. 1992-0351.005 - Egg Harbor Township  
Construction of two artificial turf athletic fields, a concession stand, a storage building and a parking lot  
Egg Harbor Township
- Application No. 2006-0160.004 - New Jersey Department of Military & Veterans Affairs  
Construction of a 10,470 square foot Civil Support Team building at Joint Base McGuire-Dix-Lakehurst  
Jackson Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- |   |   |
|---|---|
| • Bass River Township Ordinance 2023-5  | • Buena Vista Township Ordinance 129-2023 |
| • Beachwood Borough Ordinance 2023-02   | • Corbin City Ordinance 6-2023            |
| • Berkeley Township Ordinance 23-17-OAB | • Egg Harbor Township Ordinance 9-2023    |
| • Berlin Borough Ordinance 2023-02      | • Evesham Township Ordinance 8-3-2023     |
|   | • Evesham Township Ordinance 9-3-2023     |

- Folsom Borough Ordinance 05-2023
- Jackson Township Ordinance 13-2023
- Maurice River Township Ordinance 723
- Monroe Township Ordinance O:24-2021
- Monroe Township Ordinance O:19-2023
- North Hanover Township Ordinance 2023-02
- Ocean Township Ordinance 2023-4
- Pemberton Township Ordinance 9-2023
- Shamong Township Ordinance 2023-4
- South Toms River Borough Ordinance 2023-4
- Vineland City Ordinance 2023-26
- Waterford Township Ordinance 2023-6
- Weymouth Township Ordinance 589-2023
- Winslow Township 2022 Stormwater Management Plan
- Winslow Township Ordinance O-2023-013
- Woodbine Borough Ordinance 614-2023
- Wrightstown Borough Ordinance 2023-02

7. Other Resolutions

- To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2024 at the Same Level of Expenditures as Fiscal Year 2023 until the Adoption of the Fiscal Year 2024 Budgets

8. General Public Comment

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

10. Adjournment

**Upcoming Meetings**

Tues., June 20, 2023	Personnel & Budget Committee (9:30 a.m.)
Fri., June 30, 2023	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., July 14, 2023	Pinelands Commission Meeting (9:30 a.m.)

To ensure adequate time for all members of the public to comment, we will respectfully limit comments to three minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff. Pinelands Commission and Committee meeting agendas are posted on the Commission’s Website and can be viewed at [www.nj.gov/pinelands/](http://www.nj.gov/pinelands/) for more information on agenda details, e-mail the [Public Programs Office](mailto:Public Programs Office) at [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov).

PINELANDS COMMISSION MEETING

MINUTES  
May 12, 2023

*All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: [https://www.youtube.com/watch?v=Y3QB\\_Owga0Y](https://www.youtube.com/watch?v=Y3QB_Owga0Y)*

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery, Jr., Dan Christy, John Holroyd, Jerome H. Irick, Theresa Lettman, Ed Lloyd, Mark Lohbauer, Mark Mauriello, Jonathan Meade, William Pikolycky, Douglas Wallner and Chair Laura E. Matos. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Nicolas Seminoff and Governor's Authorities Unit representative Janice Venables.

Commissioners Absent

None.

Call to Order

Chair Matos called the meeting to order at 9:32 a.m.

DAG Seminoff read the Open Public Meetings Act Statement (OPMA).

Executive Director (ED) Grogan called the roll and announced the presence of a quorum. Thirteen Commissioners participated in the meeting.

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's April 14, 2023 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the April 14, 2023 Commission meeting were adopted by a vote of 13 to 0.

Remembering former Commissioner Robert C. Shinn, Jr.

Chair Matos introduced a resolution recognizing the great contributions of Bob Shinn, who passed away on May 5, 2023.

Commissioner Pikolycky made a motion expressing the Commission's Gratitude and Appreciation for the Late Robert C. Shinn, Jr., for His Extraordinary Service as a Founding Member of the New Jersey Pinelands Commission and His Contributions to the Pinelands. Commissioner Lloyd seconded the motion (See Resolution # PC4-23-16).

Chair Matos read the resolution into the record.

Several Commissioners shared their memories of Mr. Shinn, including his role in the development of the original Comprehensive Management Plan (CMP) and the many roles he undertook in state government, including his service as the Commissioner of the New Jersey Department of Environmental Protection (NJDEP).

All were in favor of the resolution.

Committee Reports

Chair Matos provided a summary of the April 28, 2023 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the March 31, 2023, Committee meeting.

The Committee was briefed on the Hexa Builders Redevelopment Plan in Monroe Township. The plan adopts a redevelopment plan for a 158-acre tract of land fronting the Black Horse Pike that is comprised of Regional Growth Area and Rural Development Area. The plan includes a mandatory Pinelands Development Credit (PDC) requirement for any nonresidential uses. A prospective developer is interested in constructing a warehouse on the Regional Growth Area portion of the site. Commissioners were generally in favor of the plan but expressed concerns about impacts to wetlands in the Rural Development Area portion of the tract. The Committee voted to recommend that the full Commission certify the ordinance at the May meeting.

The Committee discussed upcoming steps for the Black Run watershed management area changes and pilot program rule proposal. Although many of the Southern Medford/Evesham project's initial goals have been accomplished, the Commission itself must adopt CMP amendments to facilitate the Rural Development to Forest Area management area change.

Commissioner Lohbauer provided an update on the April 19, 2023 Climate Committee meeting.

Staff provided updates on various state and Pinelands office initiatives. Staff then made a presentation on its Pinelands management area boundary assessment methodology, including data layers to be used and potential actions that could be recommended. Finally, staff provided an overview of the CMP's current fire hazard mitigation standards and their implementation.

Commissioner Lohbauer said the Committee will hold its next meeting in July.

#### Executive Director's Report

ED Grogan provided information on the following matters:

- The capital fund grant was submitted to the New Jersey Historic Trust on April 18<sup>th</sup>. The Commission is seeking a grant of \$575,000 with matching funds to complete the majority of the work outlined in the Fenwick Manor preservation plan. A representative from the New Jersey Historic Trust performed a site visit of Fenwick Manor this past week. The Commission will receive notification on the grant in late September.
- A public hearing for the Kirkwood-Cohansey water management rules was held on May 3<sup>rd</sup>. Two comments were received at the hearing. The public comment period is open through June 2, 2023.
- Stafford Township Officials met with the Commission Chair to discuss a proposal similar to Pemberton Township's Lake Pemberton trails project. Stafford Township is interested in paving trails at an existing park, but wetlands buffers are present and will impact development, necessitating a Memorandum of Agreement. Stafford Township will deliver a presentation at the May 26<sup>th</sup> Policy and Implementation Committee meeting regarding the project.
- The Commission has retained outside labor counsel to facilitate upcoming contract negotiations.
- A revised Request for Quotations was issued for two new electric or hybrid field vehicles, after receiving no responses to the initial RFQ. Vehicle shopping will be the next step if the Commission does not receive any proposals.

- A budget resolution was created and submitted to the Office of Management and Budget (OMB) for an increased appropriation to fund the creation of a few new positions at the Commission.

Chuck Horner, Director of Regulatory Programs, provided information on the following regulatory matters:

- On May 1<sup>st</sup>, staff met with Tabernacle Township to discuss its plans to construct a new municipal building. The township is in negotiations to purchase a property and soon after will submit an application to the Commission.
- Staff is reviewing an application for a two-lot subdivision where approximately 182 acres of the parcel will be acquired by the New Jersey Conservation Foundation.
- Staff has received mitigation plans from the NJDEP, fulfilling a condition of the Commission's approval for its Forest Fire Fuel Break application along Oswego Road. The plans detail the proposed treatment of threatened and endangered (T&E) snake species research areas.

Director Horner noted that Ernest Deman, a Supervising Environmental Specialist with the Commission, contacted Burlington County after additional questions arose regarding the waste generated from an application to demolish a juvenile detention center in Pemberton Township.

Mr. Deman said the County plans to recycle all the materials associated with the demolition to the extent possible.

Paul Leakan, Communications Officer, said registration is open for the June 23<sup>rd</sup> Pinelands Summer Short Course. He noted that the event has been scheduled earlier this year to avoid the high temperatures of mid-summer.

ED Grogan reminded Commissioners of the approaching deadline to file Financial Disclosure Statements.

#### Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution for the installation of a fire suppression system well at the Indian Mills Elementary school in Shamong Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1981-0462.007) (See Resolution # PC4-23-17). Commissioner Irick seconded the motion.

The resolution was adopted by a vote of 13 to 0.

Chair Matos introduced a resolution for the installation of an irrigation well at the Indian Mills Elementary school in Shamong Township.

Commissioner Avery made a motion Approving With Conditions an Application for Public Development (Application Number 1982-3256.011) (See Resolution # PC4-23-18). Commissioner Lohbauer seconded the motion.

Director Horner said that both of the wells were installed prior to the completion of an application with the Commission. He said it was a simple oversight.

The resolution was adopted by a vote of 13 to 0.

Chair Matos introduced a resolution for the construction of six exterior emergency stairway exits at the New Lisbon Developmental Center in Woodland Township.

Commissioner Pikolycky made a motion Approving With Conditions an Application for Public Development (Application Number 1986-0122.024) (See Resolution # PC4-23-19). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 13 to 0.

Commissioner Pikolycky said he is the Mayor of Woodbine Borough and will recuse on the next matter. He left the room.

Chair Matos introduced a resolution for installation of a soil cap on the closed landfill in Woodbine Borough.

Commissioner Avery made a motion Approving With Conditions an Application for Public Development (Application Number 1986-0257.003) (See Resolution # PC4-23-20). Commissioner Asselta seconded the motion.

Director Horner said the parcel is approximately 115 acres, and the landfill portion covers the front half of the site (about 53 acres). The applicant is proposing to remove trees and cover the 53 acres with 18 inches of soil, topped with 6 inches of topsoil. He provided additional information related to wetlands and T&E animal species. An aerial from 2020 was displayed outlining the landfill site in blue (see attached). Also visible in the aerial and adjacent to the landfill is the Woodbine Municipal Airport.

Director Horner said soil was placed on the landfill periodically to cover waste. Over time, small depressions evolved and water collected in the depressions, creating areas that could support wetlands vegetation but are not considered a wetland by the Commission.

Director Horner said a barred owl was heard calling on the parcel but due to lack of suitable nesting trees, the parcel is not considered critical habitat.

Director Horner said multiple surveys were performed for the Northern pine snake, and that led to the request for supplemental visual surveys, at which time a Pinelands Commission staff member observed a Northern pine snake on the landfill site. A T&E survey for Northern pine snake was conducted at the adjacent Woodbine Municipal Airport. He said a Northern pine snake den and nest were found in the central portion of the airport and identified as critical habitat. A Northern pine snake was tracked in 2009, leading to a determination that the snake spent 90% of its time at the airport and 9.5 % on the landfill site. Additional T&E surveys were completed in 2022 and no Northern pine snakes were observed on the landfill site, although pine snakes are present in the area. Director Horner said it's the staff's opinion that the soil cap on the landfill will not have an irreversible, adverse impact on the habitat critical to the protection of the species.

Lastly, Director Horner said that the applicant has demonstrated that a permeable cap is suitable for the landfill. He said although there is a leachate plume associated with the Woodbine closed landfill, it does not pose an ecological risk because of its location in relationship to the wetlands on the parcel. Therefore, a soil cap is consistent with the landfill closure standards of the CMP.

Commissioner Asselta asked if there is a plan for the landfill once it's capped.

Director Horner said a solar energy facility will be installed. He said an application was completed and conditioned upon the landfill capping.

Commissioner Asselta asked if the solar was part of the Board of Public Utilities Community Solar program.

Director Horner said yes.

Commissioner Wallner asked if the clearing at the landfill would be done during a specific time of the year to protect the snake species.

Director Horner said it's not typical for the Commission to require a time-of-year restriction when a site has been determined not to contain critical habitat. The exception would be for forestry activities, where surveys are generally not required.

Commissioner Lohbauer asked if clearing will occur at the landfill site.

Director Horner said approximately 53 acres will be cleared to accommodate the soil cap.

Commissioner Asselta said he is familiar with the community solar program. He said it will be beneficial to the residents of Woodbine who are a both rural and underfunded community. He said it was the BPU's intention to place solar on places like closed landfills.

Staff confirmed for Commissioner Irick that a ballast technique would be used for the installation of the solar.

The resolution was adopted by a vote of 12 to 0.

Commissioner Pikolycky returned to the meeting.

Chair Matos introduced a resolution for the expansion of an existing school bus drop off area at an elementary school in Buena Vista Township

Commissioner Irick made a motion Approving With Conditions an Application for Public Development (Application Number 1991-1291.003) (See Resolution # PC4-23-21).  
Commissioner Pikolycky seconded the motion.

Director Horner said this application will realign an existing u-shaped driveway to a school situated along Route 40. The current design of the drive has become a traffic hazard. Director Horner displayed an aerial and two additional photographs depicting the drainage ditch between the two driveways that is considered a wetland (see attached).

Commissioner Lloyd asked if the paved driveway would be permeable or impermeable.

Director Horner said impermeable. He added that two stormwater management basins will be installed, and the applicant did qualify to reduce the buffer to wetlands.

The resolution was adopted by a vote of 13 to 0.

Chair Matos said this resolution was held from the April Commission meeting due to questions raised by Commissioners. She said South Toms River Borough is proposing two subdivisions, a building addition to an existing public works garage and the expansion of an existing gravel parking lot.

Commissioner Mauriello said that he works for a firm that is interested in developing on this parcel. He said he will recuse himself from this matter and left the room.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1991-1291.003) (See Resolution # PC4-23-22).  
Commissioner Pikolycky seconded the motion.

Director Horner displayed a plan showing the new lots created by the subdivision. He said a portion of the lot is restricted by a Green Acres easement that prohibits certain development from occurring. He said the cross-hatched section of lot 1.06 is restricted by the Green Acres program. He said the public works garage and parking area are located on new lot 1.08.

Commissioner Lettman asked if Green Acres is aware of the new lot number of the area that is restricted so it can be properly updated on the State's Recreation and Open Space Inventory.

Director Horner confirmed that on May 11, 2023, an email was received from Green Acres in which they acknowledge the lot number change and confirm that the map accurately depicts the portion of the parcel that is subject of the restriction.

The resolution was adopted by a vote of 12 to 0.

Commissioner Mauriello returned to the meeting.

### Planning Matters

Chair Matos introduced a resolution related to Monroe Township's redevelopment plan.

Commissioner Lohbauer made a motion Issuing an Order to Certify Monroe Township Ordinance O:04-2023, Adopting the Hexa Builders Redevelopment Plan (See Resolution # PC4-23-23). Commissioner Pikolycky seconded the motion.

ED Grogan displayed a map of the newly established boundary of the redevelopment area outlined in red (See attached). She said the majority of the redevelopment area lies in the Regional Growth Area (RGA) and a small portion in the back of the parcel is located in the Rural Development Area (RDA). She said the redevelopment area fronts on the Black Horse Pike (Route 322). She said Monroe Township adopted the redevelopment plan to facilitate non-residential development in the RGA portion of the redevelopment area.

ED Grogan said the current zoning, adopted by the Township approximately 15 years ago, permits high-density residential development and community commercial uses. She said because that plan has not come to fruition, the Township decided to look at other options for the area, in particular, warehousing. The Township worked with a redeveloper to produce a concept plan. She said staff had concerns similar to the Waterford Township's redevelopment plan that the Commission certified in April. She said staff evaluated the following factors: infrastructure availability, environmental conditions and the Township's ability to accommodate its mandatory residential development obligation elsewhere in its RGA. She added that staff also had to ensure that the redevelopment plan would not have a negative impact on the PDC Program.

ED Grogan strongly emphasized that no development will occur in the RDA and can't occur because of wetlands and buffers. She said any development associated with the redevelopment plan will occur in the uplands portion of the RGA, with proper stormwater management facilities. She explained the current PDC calculation and the PDC requirement for the redevelopment area. She said one right (1/4 PDC) will need to be purchased and redeemed for every 18,000 square foot of gross nonresidential floor area. She said based on the concept plan the PDC requirement will be approximately 91 rights.

ED Grogan said Commissioner Irick asked about the change in impervious coverage at the April P&I Committee meeting. She said information was added to the report and the permitted amount of impervious coverage will actually be reduced under the redevelopment plan.

Commissioner Asselta said he was concerned about the placement of the warehouse on Route 322 because of the existing traffic and commercial development in the vicinity. He said warehouses belong in industrial parks.

ED Grogan said she understands the concerns raised by Commissioner Asselta. She said traffic impacts will be addressed by the Monroe Township Planning Board.

Commissioner Asselta asked if Monroe Township held a public hearing on the ordinance.

ED Grogan said that the Township did hold a public hearing and the Commission did as well and received a few comments, mostly objecting to the loss of trees.

Commissioner Lettman asked if the Commission had ever approved a Redevelopment Plan in the RDA.

ED Grogan confirmed that the Commission has approved Redevelopment Plans in the RDA before and even in an Infill Area located in the Preservation Area District.

Commissioner Lettman said she cannot support the redevelopment plan because she feels the wetlands located in the Rural Development Area will be negatively impacted.

Commissioner Avery said the New Jersey Department of Transportation (DOT) will need to issue a state access permit and will review the ingress and egress.

Commissioner Mauriello said the DOT will require road and signal improvements once it reviews the application and they will base that on the type of warehouse being proposed.

The resolution was adopted by a vote of 9 to 2. Commissioner Asselta and Commissioner Irick both abstained from the vote. Commissioner Lettman and Commissioner Wallner each voted no.

#### Public Comment on Development Applications and Items Where the Record is Open

No one from the public provided comment.

#### Ordinances Not Requiring Commission Action

ED Grogan said staff reviewed 18 ordinances in the past month and 16 were in response to the Commission's new stormwater management rules.

General Public Comment

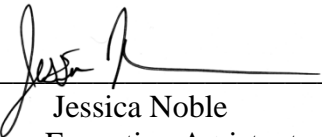
Heidi Yeh of the Pinelands Preservation Alliance said she appreciated the conversation on warehouses. She said there are instances in which a town passes an ordinance and residents are not aware of it because of public notice issues. She said she has seen this happen in Monroe Township before but not in the Pinelands Area.

Michelle Forman of Pemberton Township spoke about the influx of warehouses being constructed in Pemberton Township. She said the buffer and screening between existing homes and warehouses is inadequate. She added that residents in Pemberton and neighboring Eastampton Township are unaware that more warehouses are proposed.

Adjournment

Commissioner Irick moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 10:58 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble  
Executive Assistant

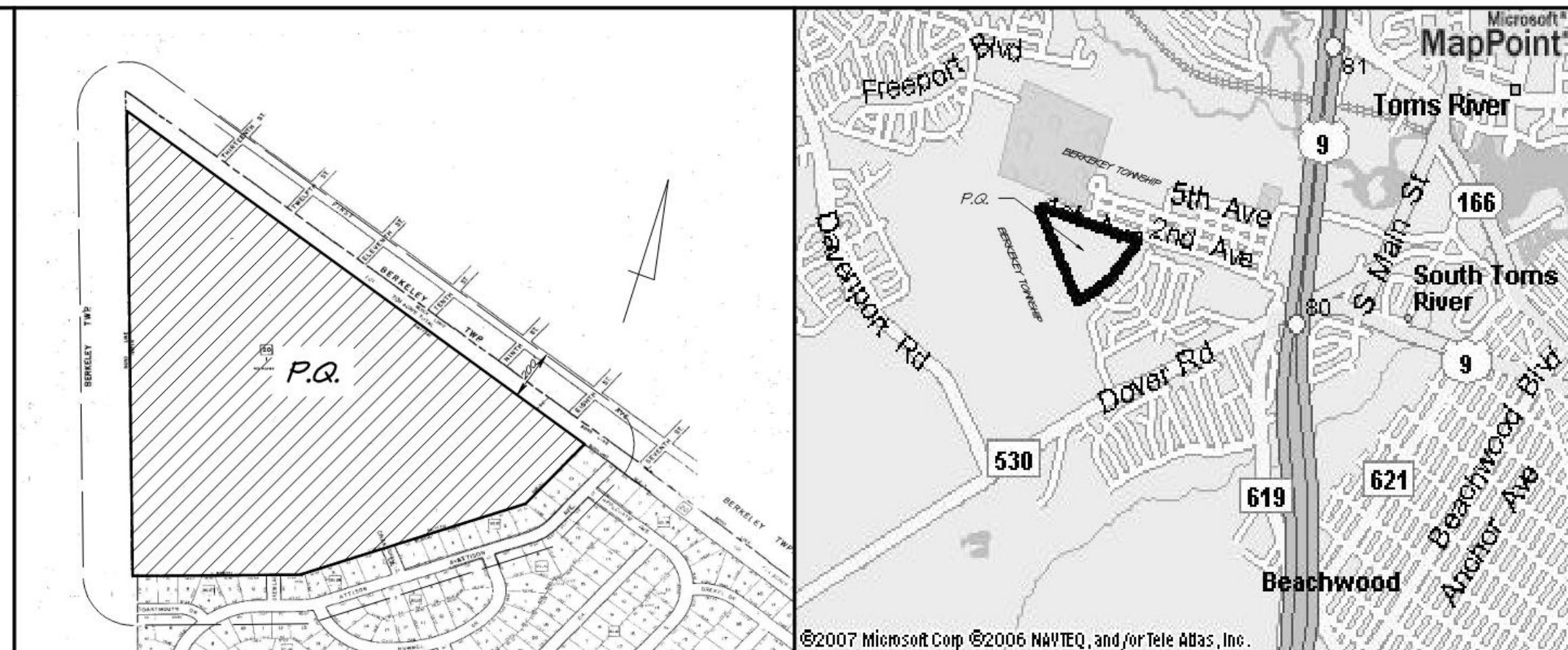
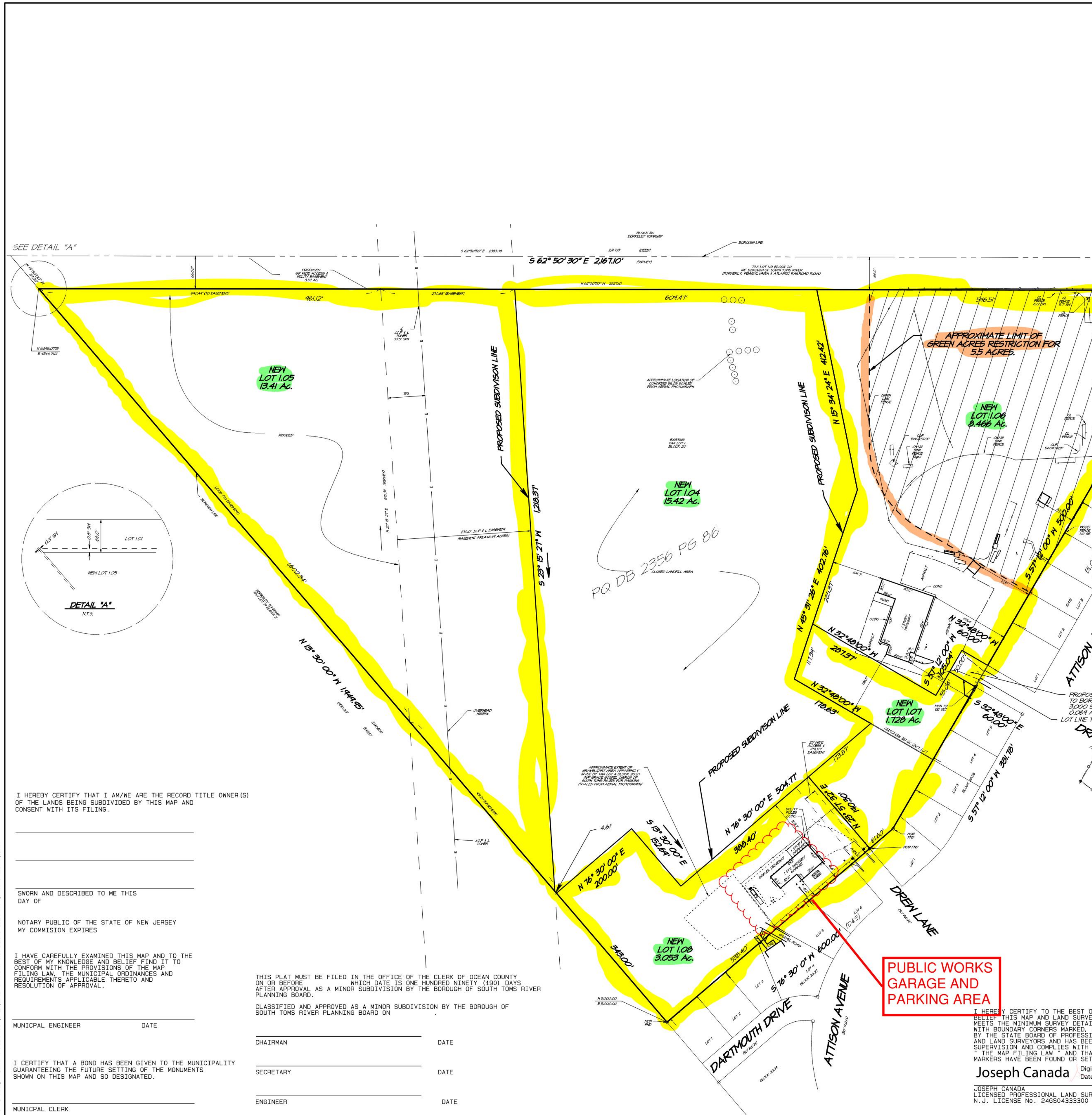
Date: May 18, 2023











AREA MAP  
1"=500'

KEY MAP  
1"=500'

ML MUNICIPAL LANDS ZONE REQUIREMENTS

REQUIRED	NEW LOT 1.04	NEW LOT 1.05	NEW LOT 1.06	NEW LOT 1.07	NEW LOT 1.08
MIN. LOT AREA	15.42 Ac.	13.41 Ac.	8.466 Ac.	1.728 Ac.	3.053 Ac.
MAX. BLDG. HGT.	30 FT.	30 FT.	30 FT.	30 FT.	30 FT.
MIN. SETBACK	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.
MAX. LOT COVERAGE	30 FT.	<30%	<30%	<30%	<30%

- NOTES:
- COORDINATES ARE BASED ON ASSUMED DATUM.
  - PROPERTY KNOWN AS TAX LOT 1 BLOCK 20 AS SHOWN ON THE BOROUGH OF SOUTH TOMS RIVER TAX MAP PAGE 11.
  - MAP IS BASED UPON BOUNDARY SURVEY PREPARED BY O'DONNELL, STANTON & ASSOC., INC. DATED 07/26/2007.
  - OWNER PROPOSES A (5) FIVE LOT SUBDIVISION.
  - TOTAL LOT AREA IS 42.15 ACRES.

PINELANDS NOTE:

THE EXISTING 42.15 ACRE LOT CONTAINS THE CLOSED, BUT NOT CAPPED, SOUTH TOMS RIVER BOROUGH MUNICIPAL LANDFILL. THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN (CMP, N.J.A.C. 7:50-4.2(c)(11)) PROVIDES THAT NO APPLICATION TO THE COMMISSION FOR DEVELOPMENT MAY BE DEEMED COMPLETE BY THE COMMISSION'S EXECUTIVE DIRECTOR IF THERE ARE UNRESOLVED VIOLATIONS ON THE LOT SUBJECT OF THE PROPOSED DEVELOPMENT. THE EXISTING UNCAPPED LANDFILL ON THIS LOT CONSTITUTES A VIOLATION OF THE REQUIREMENTS OF THE SOUTH TOMS RIVER LAND USE ORDINANCE AND THE CMP. THE CMP FURTHER INDICATES THAT VIOLATIONS ON A LOT ARE DEEMED TO BE "UNRESOLVED" UNTIL SUCH TIME AS THE BOROUGH HAS AGREED IN WRITING TO TAKE ALL MEASURES THAT HAVE BEEN SPECIFIED BY THE EXECUTIVE DIRECTOR AS BEING NECESSARY TO ELIMINATE THE VIOLATIONS IN AN ACCEPTABLE TIME PERIOD. THE COMMISSION'S EXECUTIVE DIRECTOR DETERMINED THAT THE BOROUGH COULD PROCEED WITH AN APPLICATION FOR THE DEVELOPMENT THAT HAS ALREADY OCCURRED AND IS SUBJECT OF APP. NO. 2005-0232-006, BASED UPON THE BOROUGH SUBMITTING INFORMATION IDENTIFIED IN THE COMMISSION'S MAY 7, 2020 LETTER TO ELIMINATE THE LANDFILL CAPPING VIOLATION IN AN ACCEPTABLE TIME PERIOD.

THE COMMISSION CANNOT APPROVE OR ISSUE A LETTER ALLOWING MUNICIPAL OR COUNTY APPROVALS OR PERMITS TO TAKE EFFECT FOR ANY DEVELOPMENT OF THE FIVE PROPOSED LOTS IN APP. NO. 2005-0232-006 UNTIL AN APPLICATION FOR THE CAPPING OF THE LANDFILL HAS BEEN APPROVED BY THE PINELANDS COMMISSION AND THE LANDFILL HAS BEEN CAPPED.

- GREEN ACRES NOTES:
- GREEN ACRES LIMITS AS SHOWN IN CORRESPONDENCE FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM DATED FEBRUARY 25, 1998, SIGNED BY DAVID R. SMITH, COMPLIANCE SUPERVISOR.
  - PARCEL IS NOTED IN APPENDIX B OF CORRESPONDENCE AS PARCEL "4" AND CONSISTS OF 5.5+/- ACRES.

OWNER/APPLICANT  
BOROUGH OF SOUTH TOMS RIVER  
114 MILL STREET  
SOUTH TOMS RIVER, NJ 08757

GRAPHIC SCALE - 1" = 100'

100' 50' 0' 100' 200'

I HEREBY CERTIFY THAT I AM/WE ARE THE RECORD TITLE OWNER(S) OF THE LANDS BEING SUBDIVIDED BY THIS MAP AND CONSENT WITH ITS FILING.

SWORN AND DESCRIBED TO ME THIS DAY OF \_\_\_\_\_

NOTARY PUBLIC OF THE STATE OF NEW JERSEY  
MY COMMISSION EXPIRES \_\_\_\_\_

I HAVE CAREFULLY EXAMINED THIS MAP AND TO THE BEST OF MY KNOWLEDGE AND BELIEF FIND IT TO CONFORM WITH THE PROVISIONS OF THE MAP FILING LAW, THE MUNICIPAL ORDINANCES AND REQUIREMENTS APPLICABLE THERETO AND RESOLUTION OF APPROVAL.

THIS PLAT MUST BE FILED IN THE OFFICE OF THE CLERK OF OCEAN COUNTY ON OR BEFORE \_\_\_\_\_ WHICH DATE IS ONE HUNDRED NINETY (190) DAYS AFTER APPROVAL AS A MINOR SUBDIVISION BY THE BOROUGH OF SOUTH TOMS RIVER PLANNING BOARD.

CLASSIFIED AND APPROVED AS A MINOR SUBDIVISION BY THE BOROUGH OF SOUTH TOMS RIVER PLANNING BOARD ON \_\_\_\_\_

MUNICIPAL ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

I CERTIFY THAT A BOND HAS BEEN GIVEN TO THE MUNICIPALITY GUARANTEEING THE FUTURE SETTING OF THE MONUMENTS SHOWN ON THIS MAP AND SO DESIGNATED.

MUNICIPAL CLERK \_\_\_\_\_

PUBLIC WORKS GARAGE AND PARKING AREA

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP AND LAND SURVEY DATED 07/26/2007 MEETS THE MINIMUM SURVEY DETAIL REQUIREMENTS, WITH BOUNDARY CORNERS MARKED, AS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND HAS BEEN MADE UNDER MY SUPERVISION AND COMPLIES WITH THE PROVISIONS OF "THE MAP FILING LAW" AND THAT THE BOUNDARY CORNER MARKERS HAVE BEEN FOUND OR SET.

Digitally signed by Joseph Canada  
Date: 2023.04.26 13:48:20 -0400'

JOSEPH CANADA  
LICENSED PROFESSIONAL LAND SURVEYOR  
N.J. LICENSE NO. 246504333300

**Van Cleaf**  
ENGINEERING WITH FOCUS

CERTIFICATION OF AUTHORIZATION #24628132300  
1705 ROUTE 37 EAST  
TOMS RIVER, NEW JERSEY 08753  
(732) 573-0490 (PHONE)  
(732) 573-0499 (FAX)

**JOSEPH CANADA, P.L.S.**  
PROFESSIONAL LAND SURVEYOR N.J., LIC. NO. 246504333300

Joseph Canada  
Digitally signed by Joseph Canada  
Date: 2023.04.26 13:04:58 -0400'








MINOR SUBDIVISION  
OF  
BLOCK 20 - LOT 1  
BOROUGH OF SOUTH TOMS RIVER  
OCEAN COUNTY NEW JERSEY

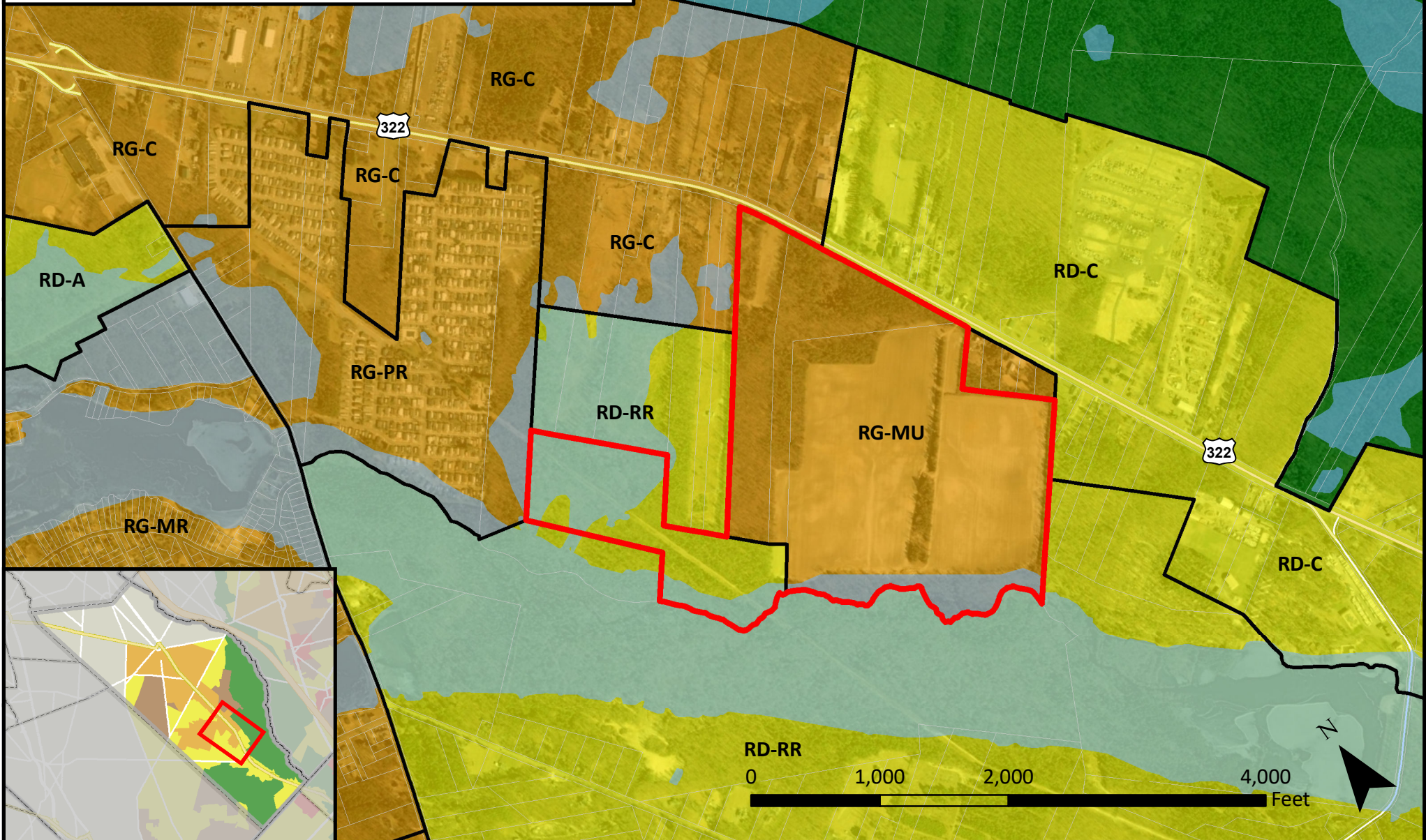
CHECKED BY	CALC. BY	DRAWN BY	SCALE	DATE	PROJECT NO.	DWG. NO.
JC	JC	TRP	1" = 100'	11/15/22	07054-00MS	1

# Monroe Township

## Hexa Builders Redevelopment Area

Executive Director's Report  
Monroe Twp Ord. O:04-2023  
4/28/2023  
Exhibit #1

-  Regional Growth Area
-  Rural Development Area
-  Forest Area
-  Redevelopment Area
-  Existing Zoning
-  Lots
-  Pinelands Wetlands





# **RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-23- 16**

**TITLE:** Expressing the Commission's Gratitude and Appreciation for the Late Robert C. Shinn, Jr., for His Extraordinary Service as a Founding Member of the New Jersey Pinelands Commission and His Contributions to the Pinelands

**Commissioner Pikolycky moves and Commissioner Lloyd seconds the motion that:**

**WHEREAS**, Robert C. Shinn, Jr., served as Burlington County's representative on the Pinelands Commission from the agency's creation in 1979 until 1985; and

**WHEREAS**, during his tenure on the Commission, Commissioner Shinn served as the agency's first Vice Chairman and played a major role in helping to build the foundation of the Pinelands protection program; and

**WHEREAS**, during his tenure on the Commission, Commissioner Shinn demonstrated his dedication and devotion to the Pinelands by attending numerous Commission public meetings, including over 40 in 1980 alone as the Commission worked to draft the Pinelands Comprehensive Management Plan; and

**WHEREAS**, on November 21, 1980, Commissioner Shinn voted to adopt the original Pinelands Comprehensive Management Plan; and

**WHEREAS**, Commissioner Shinn thereafter served as an active member of the newly formed Conformance and Plan Review Subcommittees, until his resignation from the Commission in 1985; and

**WHEREAS**, Commissioner Shinn championed numerous efforts to protect New Jersey's environment and devoted decades of his life in public service. He was an aircraft mechanic while serving in the United States Army during the Korean War. He served as a Hainesport Township Committeeman from 1968 to 1977, including two years as Mayor. He served on the Pinelands Environmental Council, the precursor to the Pinelands Commission, in the early 1970s. He served on the then-Burlington County Board of Chosen Freeholders from 1977 to 1985, a tenure that included securing the first conservation easement in the Pinelands. He served as a state Assemblyman from 1985 to 1994, and he was the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) from 1994 to 2002; and

**WHEREAS**, Commissioner Shinn served as an at-large member of the Pinelands Development Credit Bank's (PDC) Board of Directors from April 2008 until his passing on May 5, 2023; and

**WHEREAS**, Commissioner Shinn brought a wealth of knowledge, enthusiasm and creativity to his work as a member of the Pinelands Commission and the PDC Bank Board; and

**WHEREAS**, members of the Commission want to express their gratitude for Commissioner Shinn's decades of public service and significant contributions to the Pinelands protection effort.

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission hereby express their appreciation for the late Robert C. Shinn, Jr., for his extraordinary service as a member of the Commission and his contributions to the Pinelands, while extending their condolences to his family and friends.

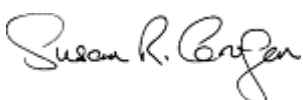
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 17

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1981-0462.007)

Commissioner Lohbauer moves and Commissioner Irick 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:

**1981-0462.007**

<b>Applicant:</b>	<b>Shamong Township Board of Education</b>
Municipality:	Shamong Township
Management Area:	Pinelands Village
Date of Report:	April 19, 2023
Proposed Development:	Installation of a fire suppression system well at the Indian Mills Elementary School.

**WHEREAS**, the fire suppression system well was installed on the parcel without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

**WHEREAS**, the applicant proposes to address this violation by completing this application; and

**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 1981-0462.007 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*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023

Susan R. Grogan  
Executive Director

Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

April 19, 2023

Laura Archer, School Business Administrator (via email)  
Shamong Township Board of Education  
295 Indian Mills Road  
Shamong NJ 08088

Re: Application # 1981-0462.007  
Block 19.02, Lot 4.01  
Shamong Township

Dear Ms. Archer:

The Commission staff has completed its review of this application for the installation of a fire suppression system well at the Indian Mills Elementary School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 12, 2023 meeting.

**The fire suppression system well was installed on the parcel without application to the Commission. The installation of the well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address the violation.**

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, Shamong Township Planning Board (via email)  
Shamong Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)



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General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)

Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS

Chair

SUSAN R. GROGAN

Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

April 19, 2023

Laura Archer, School Business Administrator (via email)  
Shamong Township Board of Education  
295 Indian Mills Road  
Shamong NJ 08088

Application No.: 1981-0462.007  
Block 19.02, Lot 4.01  
Shamong Township

This application proposes the installation of a 110 foot deep fire suppression system well at the Indian Mills Elementary School located on the above referenced 16 acre parcel in Shamong Township.

The fire suppression well was installed on the parcel without application to the Commission. The installation of the well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address the violation.

#### **CMP REVIEW STANDARDS**

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

##### Land Use (N.J.A.C. 7:50-5.27)

The above referenced parcel is located in the Pinelands Village of Indian Mills. A proposed well to service the existing school is a permitted accessory use in a Pinelands Village.

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

The proposed development will be located within an existing maintained non-native grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

Water Management Standards (N.J.A.C. 7:50-6.86)

The CMP requires that proposed water supply diversions from the Kirkwood-Cohansey aquifer of over 100,000 gallons per day demonstrate consistency with certain water management standards.

There is an existing 150 foot deep potable water well on the parcel that provides water to the school. The existing potable water well utilizes the Kirkwood-Cohansey aquifer. The existing potable water well is subject of a New Jersey Department of Environmental Protection (NJDEP) Water Use Registration. A NJDEP Water Use Registration is required for wells pumping less than 100,000 gallons per day.

The proposed fire suppression system well will also use the Kirkwood-Cohansey aquifer. Together, the existing potable water well and the proposed fire suppression system do not result in a total water supply diversion of more than 100,000 gallons per day from the Kirkwood-Cohansey aquifer. Therefore, the proposed fire suppression system well is not subject to CMP standards for the use of the Kirkwood-Cohansey aquifer. The proposed fire suppression well is consistent with the CMP water management standards.

**PUBLIC COMMENT**

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on April 3, 2023. The Commission’s public comment period closed on April 14, 2023. 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 sketch submitted on January 30, 2023.
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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SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 and received by the Commission's office no later than 5:00 PM on May 8, 2023 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.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 18

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1982-3256.011)

Commissioner Avery moves and Commissioner Lohbauer 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:

**1982-3256.011**

<b>Applicant:</b>	<b>Shamong Township Board of Education</b>
Municipality:	Shamong Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	April 19, 2023
Proposed Development:	Installation of an irrigation well at the Indian Mills Memorial School.

**WHEREAS**, the irrigation well subject of this application was installed on the parcel without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

**WHEREAS**, the applicant proposes to address this violation by completing this application; and

**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 1982-3256.011 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*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023

Susan R. Grogan  
Executive Director

Laura E. Matos  
Chair



# State of New Jersey

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SHEILA Y. OLIVER  
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General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

April 19, 2023

Laura Archer, School Business Administrator (via email)  
Shamong Township Board of Education  
295 Indian Mills Road  
Shamong NJ 08088

Re: Application # 1982-3256.011  
Block 7, Lot 21.02  
Shamong Township

Dear Ms. Archer:

The Commission staff has completed its review of this application for the installation of an irrigation well at the Indian Mills Memorial School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 12, 2023 meeting.

**The irrigation well was installed on the parcel without application to the Commission. The installation of the irrigation well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address the violation.**

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, Shamong Township Planning Board (via email)  
Shamong Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

April 19, 2023

Laura Archer, School Business Administrator (via email)  
Shamong Township Board of Education  
295 Indian Mills Road  
Shamong NJ 08088

Application No.: 1982-3256.011  
Block 7, Lot 21.02  
Shamong Township

This application proposes the installation of an 80 foot deep irrigation well at the Indian Mills Memorial School located on the above referenced 38 acre parcel in Shamong Township.

The irrigation well was developed on the parcel without application to the Commission. The development of the irrigation well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address the violation.

#### **CMP REVIEW STANDARDS**

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

##### **Land Use (N.J.A.C. 7:50-5.26 & 5.28)**

The above referenced parcel is located in a Pinelands Rural Development Area and a Pinelands Regional Growth Area. The existing school is located on the portion of the parcel within the Pinelands Regional Growth Area. The proposed irrigation well will be located within the Pinelands Regional Growth Area. A proposed irrigation well to service the existing school 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 within an existing maintained grass athletic field. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

Water Management Standards (N.J.A.C. 7:50-6.86)

There is an existing 468 foot deep potable water well on the parcel that provides water to the school. The potable water well utilizes the Wenonah-Mt. Laurel aquifer. The existing potable water well is subject of a New Jersey Department of Environmental Protection (NJDEP) Water Use Registration. An NJDEP Water Use Registration is required for wells pumping less than 100,000 gallons per day.

The proposed irrigation well will utilize the Kirkwood-Cohansey aquifer. Because the proposed irrigation well will not result in a water supply diversion of more than 100,000 gallons per day from the Kirkwood-Cohansey aquifer, it is not subject to CMP standards for use of the Kirkwood-Cohansey aquifer. The proposed irrigation well is consistent with the CMP water management standards.

**PUBLIC COMMENT**

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on April 3, 2023. The Commission’s public comment period closed on April 14, 2023. 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 sketch submitted on January 30, 2023.
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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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 and received by the Commission's office no later than 5:00 PM on May 8, 2023 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.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 19

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1986-0122.024)

Commissioner Pikolycky moves and Commissioner Lohbauer 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:

**1986-0122.024**

<b>Applicant:</b>	<b>New Jersey Department of Human Services</b>
Municipality:	Woodland Township
Management Area:	Pinelands Preservation Area District
Date of Report:	April 19, 2023
Proposed Development:	Construction of six exterior emergency stairway exits for six buildings at the New Lisbon Developmental Center.

**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 1986-0122.024 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*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023

Susan R. Grogan  
Executive Director

Laura E. Matos  
Chair



# State of New Jersey

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SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

April 19, 2023

Christian Casteel, Director (via email)  
New Jersey Department of Human Services  
222 South Warren Street  
P.O. Box 700  
Trenton NJ 08625

Re: Application # 1986-0122.024  
Block 601, Lots 1 - 6, 8 - 12, 14 & 16  
Woodland Township

Dear Mr. Casteel:

The Commission staff has completed its review of this application for construction of six exterior emergency stairway exits for six buildings at the New Lisbon Developmental Center. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 12, 2023 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, Woodland Township Planning Board (via email)  
Woodland Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)  
Adam Warburton (via email)





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



PHILIP D. MURPHY  
 Governor  
 SHEILA Y. OLIVER  
 Lt. Governor

General Information: Info@pinelands.nj.gov  
 Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

April 19, 2023

Christian Casteel, Director (via email)  
 New Jersey Department of Human Services  
 222 South Warren Street  
 P.O. Box 700  
 Trenton NJ 08625

Application No.: 1986-0122.024  
 Block 601, Lots 1 - 6, 8 - 12, 14 & 16  
 Woodland Township

This application proposes construction of six exterior emergency stairway exits for six buildings at the New Lisbon Developmental Center located on the above referenced 1,349 acre parcel in Woodland Township.

Each emergency exit will be a stairway to provide for emergency egress from the second story of each building to ground level. The applicant also proposes the installation of a total of approximately 136 linear feet of concrete landing pads, ranging from four to five feet in width, at the base of the proposed stairways.

**CMP REVIEW 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. 7:50-5.2(b))**

The above referenced parcel is located in the Pinelands Preservation Area District. The New Lisbon Developmental Center is a nonconforming use that existed prior to the 1981 adoption of the Pinelands Comprehensive Management Plan. The CMP allows for a 50 percent expansion of the area of a nonconforming use existing as of January 14, 1981. The six exterior emergency stairway exits comply with this expansion provision.

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

The proposed development will be located within existing maintained lawn 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. To stabilize disturbed areas, the applicant proposes to utilize grasses that meet that recommendation.

### **PUBLIC COMMENT**

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on March 20, 2023. The Commission’s public comment period closed on April 14, 2023. 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 11 sheets, prepared by Colliers Engineering, dated February 23, 2022 and revised to February 20, 2023.
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.



## State of New Jersey

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Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 and received by the Commission's office no later than 5:00 PM on May 8, 2023 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.



# **RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-23- 20**

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1986-0257.003)

**Commissioner Avery moves and Commissioner Asselta 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:

**1986-0257.003**

**Applicant:** **Nexamp on behalf of the Borough of Woodbine  
Woodbine Borough**

**Municipality:** **Borough of Woodbine**

**Management Area:** **Pinelands Town**

**Date of Report:** **April 20, 2023**

**Proposed Development:** **Soil capping of a closed municipal landfill.**

**WHEREAS**, the CMP requires that a landfill that ceased operation on or after January 14, 1981 be capped with an impermeable material or subject of an alternative landfill treatment, and the CMP further requires that a plan for such an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997: and

**WHEREAS**, available information indicates that the Borough of Woodbine landfill ceased operation in 1986, and

**WHEREAS**, a plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997, which constitutes a violation of the requirements of the CMP.

**WHEREAS**, the applicant proposes to address this violation by completing this application; and

**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 1986-0257.003 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

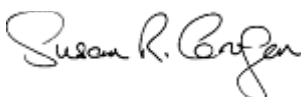
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky				R
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



# State of New Jersey

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Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

April 20, 2023

Dallas Manson (via email)  
Nexamp on behalf of the Borough of Woodbine  
101 Summer Street, 2nd Floor  
Boston, MA 02110

Re: Application # 1986-0257.003  
Block 117, Lot 1  
Borough of Woodbine

Dear Ms. Manson:

The Commission staff has completed its review of this application for soil capping of a closed municipal landfill. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 12, 2023 meeting.

**Available information indicates that the landfill ceased operation in 1986. The CMP requires that a landfill that ceased operation on or after January 14, 1981 be capped with an impermeable material or subject of an alternative landfill treatment. The CMP further requires that a plan for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. Completion of this application is intended to resolve the violation.**

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, Borough of Woodbine Planning Board (via email)  
Borough of Woodbine Construction Code Official (via email)  
Secretary, Cape May County Planning Board (via email)  
Eduardo Ortiz, Borough of Woodbine (via email)  
Chad Gaulrapp (via email)



## State of New Jersey

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Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

April 20, 2023

Dallas Manson (via email)  
Nexamp on behalf of the Borough of Woodbine  
101 Summer Street, 2nd Floor  
Boston, MA 02110

Application No.: 1986-0257.003  
Block 117, Lot 1  
Borough of Woodbine

This application proposes a soil cap on a closed 53 acre municipal landfill located on the above referenced 115.6 acre parcel in the Borough of Woodbine. The parcel is owned by the Borough of Woodbine.

The applicant proposes the removal of all forest and shrub vegetation from within the 53 acres comprising the limits of the closed landfill to accomplish the soil capping. The existing landfill will then be graded to final design grades. Any waste or existing cover soils disturbed during the proposed grading will remain within the limits of the existing landfill and ultimately be placed under the soil cap. The soil cap will be comprised of 18 inches of cover soil topped with 6 inches of topsoil. The soil capped landfill will then be revegetated with native Pinelands grasses.

Available information indicates that the landfill ceased operation in 1986. The CMP requires that a landfill that ceased operation on or after January 14, 1981 be capped with an impermeable material or subject of an alternative landfill treatment. The CMP further requires that a plan for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. Completion of this application is intended to resolve the violation.

The CMP (N.J.A.C. 7:50-4.2(c)1.ii) provides that, except for an application made exclusively to resolve an outstanding violation, no other application shall be deemed complete by the Executive Director if there are outstanding unresolved violations of the CMP on the parcel until such time as the violator has specifically agreed in writing to take all measures that have been specified by the Executive Director as being necessary to eliminate the violation in a time period acceptable to the Executive Director.

The Commission staff deemed an application complete for a proposed 39 acre solar energy facility on the parcel (App. No. 1986-0257.002). On January 27, 2022, the Commission issued a Certificate of Filing for the proposed solar energy facility. The solar energy facility will be located on the landfill soil cap proposed in this application. The Executive Director determined that the application for the solar energy facility could be deemed complete based upon the filing of this application for the capping of the landfill and imposition of a condition on the solar energy facility Certificate of Filing specifying that no development of the solar energy facility could occur prior to Commission approval and the subsequent development of either an impermeable landfill cap or an alternative treatment method. The Executive Director determined that the filing of an application for the capping of the landfill in combination with the conditions specified in the Certificate of Filing for the solar energy facility fulfilled the CMP requirement to eliminate the violation in a time period acceptable to the Executive Director.

### **CMP REVIEW STANDARDS**

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

#### **Land Use (N.J.A.C. 7:50-5.27)**

The parcel is located in the Pinelands Town of Woodbine. The capping of a closed landfill is permitted in all Pinelands land management areas.

#### **Wetlands Standards (N.J.A.C. 7:50-6.6)**

There are wetlands located on the parcel. All development associated with the soil capping of the closed landfill will be located at least 300 feet from the wetlands.

Available generalized wetlands mapping depicts wetlands within the limits of the closed landfill. The plan submitted to the Pinelands Commission for this application depicts small depressional areas on the surface of the closed landfill. These depressional areas were formed when soil cover was placed over areas of the landfill after disposal of solid waste after the January 14, 1981 effective date of the CMP. Upland areas that have been excavated or graded after the January 14, 1981 effective date of the CMP in such a manner as to retain or trap water and possibly support wetlands vegetation are not considered wetlands by the Commission. To do so would result in such development as stormwater management basins, agricultural irrigation ponds and mining areas developed in uplands after the January 14, 1981 effective date of the CMP, being considered wetlands.

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

The proposed development will be located within the limits of the existing landfill. The existing landfill has naturally revegetated with pine and hardwood trees. The proposed development will result in the clearing of approximately 53 acres of forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development associated with the soil capping of the closed landfill.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to revegetate the soil cap with a grass seed mixture which meets that recommendation.

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

In 2008, a threatened and endangered (T&E) species survey was completed on the parcel. The survey included searches for Northern pine snake, Barred owl, Southern gray treefrog, Slender nut rush and Pine Barrens reedgrass. A Barred owl was heard calling on the parcel on one night during a call-playback survey. Based upon the absence of suitable nesting trees and plucking stations, the survey concluded that the parcel did not contain critical habitat for Barred owl. Upon review of the 2008 T&E species survey, the Commission staff requested a supplemental Northern pine snake visual survey in 2010. During the 2010 visual survey, a Northern pine snake was observed, but not tracked, on the parcel. No further survey work was completed at that time.

In 2009, a T&E species survey for Northern pine snake was completed on the contiguous 659 acre Woodbine Airport parcel. That survey identified two Northern pine snakes on the Woodbine Airport parcel. Both a Northern pine snake winter den and a Northern pine snake nest were located on the cleared infield area of the Woodbine Airport. The cleared infield area of the Woodbine Airport is located approximately 1,250 feet from the disturbance associated with the soil capping of the closed landfill. One of the Northern pine snakes was tracked throughout the 2009 field season. The tracked Northern pine snake spent 90 percent of its time on the Woodbine Airport parcel, 0.5 percent of its time in a railroad right of way located between the Airport parcel and the landfill parcel and 9.5 percent of its time on the landfill parcel. The 2009 T&E species survey concluded that the Northern pine snake winter den and Northern pine snake nest locations on the Airport parcel were critical habitat. The survey further concluded that 7.63 acres on the Airport parcel were important habitat.

In 2022, another T&E species survey was completed on the landfill parcel for Northern pine snake, Cope's grey treefrog, Slender nut rush and Pine Barrens reedgrass. No Northern pine snake or other targeted T&E plant or animal species were documented on the parcel.

The CMP requires that development be designed to avoid irreversible adverse impacts on habitats critical to the survival of any local population of T&E animal species. A Barred owl was heard calling during the 2008 survey. The area where the Barred owl was observed is located to the south of the limits of the closed landfill. That area will not be disturbed by the proposed soil capping of the landfill. Two Northern pine snakes were located on the landfill parcel during surveys conducted in 2008 and 2009. Based upon historical aerial photography, at the time of those prior surveys, the closed landfill was mostly comprised of open sandy areas and native grassed areas. Currently, the closed landfill is mostly comprised of successional pitch pine forest. No Northern pine snakes were identified during the 2022 survey of the landfill parcel. That survey included the monitoring of 90 shelter boards placed on the landfill.

Critical habitat for Northern pine snake exists on the adjacent Airport parcel. Based upon the totality of the available information regarding Northern pine snake, it is the Commission staff's opinion that, while foraging habitat for Northern pine snake exists on the landfill parcel, no critical habitat for Northern pine snake exists on the portion of the landfill parcel proposed to be disturbed by the soil capping. After the 53 acre soil cap is completed, 62.6 acres of the 115.6 acre landfill parcel will continue to be available for Northern Pine snake foraging habitat. Based on the facts set forth above, it has been demonstrated that the proposed soil capping will not result in an irreversible adverse impact on habitats that are critical to the survival of any local population of Barred owl or Northern pine snake.

Landfill Standards (N.J.A.C. 7:50-6.75)

The CMP requires that all landfills located in a Pinelands Town that ceased operation on or after January 14, 1981 be capped with an impermeable material unless it can be clearly demonstrated that one of four CMP specified conditions can be met. If one of those four conditions can be met, the landfill can be subject of an alternative treatment, other than an impermeable cap. One of the four CMP specified conditions that can be met to allow for an alternative landfill treatment is that if a leachate plume associated with the landfill exists, it poses no significant ecological risk to wetlands.

There is a leachate plume associated with this landfill. The nearest downgradient wetland in the path of the leachate plume is located approximately 300 feet south of the landfill. To demonstrate that the leachate plume poses no significant ecological risk to that wetland, the applicant prepared and submitted a detailed conceptual site model that depicts and evaluates the landfill and its surrounding environs, a hydrogeologic framework model, groundwater monitoring data, New Jersey Department of Environmental Protection ecological screening criteria and an ecotoxicology report. The applicant also evaluated the hydraulic conditions of the water table and submitted information demonstrating that a diving plume exists due to a slight hydraulic gradient present at this location. A diving plume refers to a gradual downward vertical migration of a contaminant plume. In this case, the diving plume prevents landfill leachate constituents detected in the plume from having a migration pathway to the wetland. A certification was submitted by the applicant's New Jersey Licensed Site Remediation Professional indicating that the landfill does not pose a significant ecological risk to wetlands and may be closed by using a soil cap. The applicant has demonstrated that the proposed soil cap is consistent with the landfill closure standards of the CMP.

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

The applicant has demonstrated that the proposed development is consistent with CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing two stormwater infiltration basins.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on November 22, 2022. Newspaper public notice was completed on November 23, 2022. The application was designated as complete on the Commission's website on March 24, 2023. The Commission's public comment period closed on April 14, 2023. 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 two sheets (Sheets 9 & 10 of 38), prepared by Pennoni Associates Inc., and dated December 4, 2020.
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.



## State of New Jersey

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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 and received by the Commission's office no later than 5:00 PM on May 9, 2023 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.



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 21

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1991-1291.003)

Commissioner Irick moves and Commissioner Pikolycky 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:

**1991-1291.003**

<b>Applicant:</b>	<b>Buena Regional Board of Education</b>
Municipality:	Buena Vista Township
Management Area:	Pinelands Town Pinelands Rural Development Area
Date of Report:	April 20, 2023
Proposed Development:	Expansion of an existing school bus student drop off area at the Milanese Elementary School.

**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 1991-1291.003 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*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023

Susan R. Grogan  
Executive Director

Laura E. Matos  
Chair



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

April 20, 2023

David Cappuccio, Superintendent (via email)  
Buena Regional Board of Education  
P.O. Box 309  
Buena NJ 08310

Re: Application # 1991-1291.003  
Current Block 5301, Lot 1  
Former Block 5301, Lots 1 & 35  
Former Block 5402, Lot 11  
Buena Vista Township

Dear Mr. Cappuccio:

The Commission staff has completed its review of this application for expansion of an existing school bus student drop off area at the Milanese Elementary School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 12, 2023 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Buena Vista Township Planning Board (via email)  
Buena Vista Township Construction Code Official (via email)  
Buena Vista Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)

Atlantic County Division of Public Health (via email)  
David Scheidegg, PE (via email)



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LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

April 20, 2023

David Cappuccio, Superintendent (via email)  
Buena Regional Board of Education  
P.O. Box 309  
Buena NJ 08310

Application No.: 1991-1291.003  
Current Block 5301, Lot 1  
Former Block 5301, Lots 1 & 35  
Former Block 5402, Lot 11  
Buena Vista Township

This application proposes expansion of an existing school bus student drop off area at the Milanese Elementary School located on the above referenced 133.49 acre parcel in Buena Vista Township.

The application also proposes the realignment of an existing driveway that services the existing school bus student drop off area. The applicant has indicated that the proposed development will improve student and vehicle safety.

#### **CMP REVIEW 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(a))**

The parcel is located partially within the Pinelands Town of Buena (13.75 ac) and partially within a Pinelands Rural Development Area (119.74 ac). The proposed development is located within the portion of the parcel located in the Pinelands Town of Buena. The proposed development is a permitted land use in a Pinelands Town.

##### **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 contained in the CMP. To meet the stormwater management standards, the applicant will be constructing two stormwater management basins and enlarging an existing stormwater management basin.

### Wetlands Standards (N.J.A.C. 7:50-6.6, 6.7 & 6.13)

There are wetlands located within 300 feet of the proposed development. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

The CMP permits linear improvements (driveways) in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The proposed realigned driveway will be located within the required buffer to wetlands. The realigned driveway will be located in an existing maintained lawn area. The applicant has demonstrated that there is no feasible alternative to the proposed realigned driveway that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. The proposed realigned driveway will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the realigned driveway is necessary to improve student and vehicle safety. The applicant has demonstrated that the need for the proposed realigned driveway overrides the importance of protecting the wetlands.

The existing school fronts on U.S. Route 40 (Harding Highway). The proposed expansion of the existing school bus student drop off area will be located approximately 175 feet from an existing maintained grassed wetland swale located along Harding Highway and approximately 225 feet from a forested wetlands located across Harding Highway from the school parcel. The expansion of the existing school bus student drop off area will be located in an existing maintained lawn area.

One proposed stormwater management basin will be located approximately 80 feet from the existing grassed wetland swale located along Harding Highway and approximately 130 feet from the forested wetlands located across Harding Highway from the school parcel. A second proposed stormwater management basin will be located approximately 20 feet from the existing grassed wetland swale located along Harding Highway and approximately 105 feet from the forested wetlands located across Harding Highway from the school parcel. These two proposed stormwater management basins will be located in existing maintained lawn areas.

A third existing stormwater basin, located behind the school, is proposed to be enlarged. This basin is located greater than 300 feet from wetlands.

The applicant has demonstrated that the proposed expansion of the existing school bus student drop off area and the two proposed stormwater management basins that will be located within 300 feet of wetlands will not result in a significant adverse impact to the wetlands (N.J.A.C. 7:50-6.7).

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

The proposed development will be located within existing paved and maintained 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. The applicant proposes to utilize a seed mixture which meets that recommendation.

## 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 February 6, 2023. Newspaper public notice was completed on February 3, 2023. The application was designated as complete on the Commission's website on April 4, 2023. The Commission's public comment period closed on April 14, 2023. 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 seven sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC and dated as follows:

Sheets 1, 6 & 7 - December 6, 2021; last revised April 11, 2023

Sheet 2 - December 6, 2021; last revised April 12, 2022

Sheets 3 & 4 - December 6, 2021; last revised April 17, 2023

Sheet 5 - December 6, 2021; last revised April 18, 2023

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

## CONCLUSION

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



## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 and received by the Commission's office no later than 5:00 PM on May 8, 2023 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.



# **RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-23- 22**

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 2005-0232.006)

**Commissioner Lohbauer moves and Commissioner Pikolycky 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:

**2005-0232.006**

<b>Applicant:</b>	<b>Borough of South Toms River</b>
Municipality:	Borough of South Toms River
Management Area:	Pinelands Regional Growth Area
Date of Report:	March 23, 2023
Proposed Development:	A four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot.

**WHEREAS**, all of the development, including the two subdivisions, subject of this application occurred prior to the completion of an application with the Commission in violation of the application requirements of the Borough of South Toms River and the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the applicant has completed this application to address the violations associated with the two subdivisions and the construction of an 800 square foot addition to an existing 3,898 square foot public works garage; and

**WHEREAS**; the applicant proposes to address a 16,000 square foot gravel parking lot expansion that occurred by completing an application for a 5,500 square foot portion of the gravel parking lot expansion and removing and revegetating an approximately 10,500 square foot portion of the gravel parking lot; and

**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 2005-0232.006 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

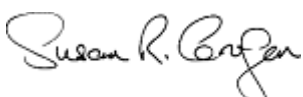
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello				R					
Irick	X				Meade	X								

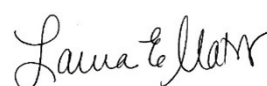
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

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Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

March 23, 2023

Joseph Kostecki, Administrator (via email)  
Borough of South Toms River  
19 Double Trouble Road  
South Toms River NJ 08757

Re: Application # 2005-0232.006  
Block 20, Lot 1  
Borough of South Toms River

Dear Mr. Kostecki:

The Commission staff has completed its review of this application for a four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot. The two proposed subdivisions will result in a total of five lots. 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 April 14, 2023 meeting.

**The development, including the two subdivisions, subject of this application occurred prior to the completion of an application with the Commission in violation of the application requirements of the Borough of South Toms River and the Pinelands Comprehensive Management Plan (CMP). The applicant proposes to remove and revegetate an approximately 10,500 square foot portion of a 16,000 square foot gravel parking lot expansion that occurred in violation of the application requirements of the Borough of South Toms River and the CMP. This will result in a 5,500 square foot expansion of the existing gravel parking lot.**

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, Borough of South Toms River Planning Board (via email)  
Borough of South Toms River Construction Code Official (via email)  
Borough of South Toms River Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
F. William Groff, III, PE, CME (via email)  
Robin La Bue, Esq. (via email)  
Marjorie Condren (via email)  
Christina Fragoso (via email)



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

March 23, 2023

Joseph Kostecki, Administrator (via email)  
Borough of South Toms River  
19 Double Trouble Road  
South Toms River NJ 08757

Application No.: 2005-0232.006  
Block 20, Lot 1  
Borough of South Toms River

This application proposes a four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot located on the above referenced 42.15 acre parcel in the Borough of South Toms River. The two proposed subdivisions will result in a total of five lots. There is also an existing municipal landfill and an 11,132 square foot recreation center building and athletic fields located on the parcel.

The development, including the two subdivisions, subject of this application occurred prior to the completion of an application with the Commission in violation of the application requirements of the Borough of South Toms River and the Pinelands Comprehensive Management Plan (CMP). The applicant proposes to remove and revegetate an approximately 10,500 square foot portion of a 16,000 square foot gravel parking lot expansion that occurred in violation of the application requirements of the Borough of South Toms River and the CMP. This will result in a 5,500 square foot expansion of the existing gravel parking lot.

Available information indicates that the existing municipal landfill on the parcel accepted waste until 1986. The CMP requires that the existing landfill be capped with an impermeable material or be subject of an alternative landfill treatment. The CMP requires that plans for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment at the existing landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. By letter dated January 5, 2023, an attorney representing the Borough of South Toms River advised the Commission that, in fiscal year 2023, the Borough received a \$5 million dollar state appropriation to fund the capping of the landfill. By letter dated February 3, 2023, the Commission staff requested that the Borough submit a schedule for the completion of an application for the capping of the landfill.

The CMP (N.J.A.C. 7:50-4.2(c)1.ii) provides, in part, that, except for an application made exclusively to resolve an outstanding violation, no other application shall be deemed complete by the Executive Director if there are outstanding unresolved violations of the CMP on the parcel which is subject of the application. This application is made exclusively to resolve the four outstanding violations on the parcel subject of this application.

### **STANDARDS**

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed four lot subdivision, two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot are all permitted 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 on existing gravel and disturbed soil areas. No clearing or soil disturbance will be located within the limits of the existing landfill on the parcel. The clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development associated with the building addition and expanded gravel parking lot.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation. To resolve the violation associated with the gravel parking lot that was expanded without application to the Commission, a 10,500 square foot portion of the gravel parking lot will be removed, topsoiled and seeded with grass species that are tolerant of droughty, nutrient poor conditions.

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

The existing and proposed development is serviced by public sanitary sewer.

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

The applicant has demonstrated that the proposed development is consistent with CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing an underground stormwater infiltration trench.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on December 21, 2022. Newspaper public notice was completed on January 6, 2023. The application was designated as complete on the Commission's website on February 27, 2023. The Commission's public comment period closed on March 10, 2023. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the following plans:
  - Site plan consisting of eight sheets, prepared by O'Donnell, Stanton & Associates, all sheets dated March 25, 2021 and revised to June 29, 2021
  - Minor subdivision plan prepared by Van Cleef Engineering and dated November 15, 2022
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. 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.



## State of New Jersey

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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 and received by the Commission's office no later than 5:00 PM on April 10, 2023 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.



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-23- 23**

**TITLE:** Issuing an Order to Certify Monroe Township Ordinance O:04-2023, Adopting the Hexa Builders Redevelopment Plan

**Commissioner Lohbauer moves and Commissioner Pikolycky seconds the motion that:**

**WHEREAS**, on September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Monroe Township; and

**WHEREAS**, Resolution #PC4-83-76 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and review of amendments to certified municipal master plans and land use ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-83-76 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on February 28, 2023, the Monroe Township Council adopted Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance O:04-2023 on March 1, 2023; and

**WHEREAS**, by letter dated March 6, 2023, the Executive Director notified the Township that Ordinance O:04-2023 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Monroe Township Ordinance O:04-2023 was duly advertised, noticed and remotely held on April 5, 2023 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

**WHEREAS**, the Executive Director has found that Monroe Township Ordinance O:04-2023 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Monroe Township Ordinance O:04-2023 is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Monroe Township Ordinance O:04-2023 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Monroe Township Ordinance O:04-2023 and has reviewed the Executive Director's report; and

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

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

expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

**NOW, THEREFORE BE IT RESOLVED** that

1. An Order is hereby issued to certify that Monroe Township Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Monroe Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

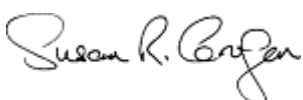
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta				A	Lettman		X			Pikolycky	X			
Avery	X				Lloyd	X				Wallner		X		
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick				A	Meade	X								

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



State of New Jersey  
THE PINELANDS COMMISSION  
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SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## Report on Monroe Township Ordinance O:04-2023, Adopting the Hexa Builders Redevelopment Plan

April 28, 2023

Monroe Township  
125 Virginia Avenue  
Williamstown, NJ 08094

### Findings of Fact

#### I. Background

The Township of Monroe is located in the western section of the Pinelands Area in Gloucester County. Pinelands municipalities that abut Monroe Township include Franklin Township in Gloucester County, Winslow Township in Camden County and the Borough of Folsom and the Township of Buena Vista in Atlantic County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Comprehensive Land Management Ordinance of Monroe Township, now codified as Chapter 175 (Land Management) of the Township's Code.

On February 28, 2023, the Monroe Township Council adopted Ordinance O:04-2023, approving the Hexa Builders Redevelopment Plan, which is located in a Pinelands Regional Growth Area and a Pinelands Rural Development Area. The Pinelands Commission received a certified copy of Ordinance O:04-2023 on March 1, 2023.

By letter dated March 6, 2023, the Executive Director notified the Township that Ordinance O:04-2023 would require formal review and approval by the Pinelands Commission.

#### II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- \* Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan, introduced on February 13, 2023, and adopted on February 28, 2023

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

**1. Natural Resource Inventory**

Not applicable.

**2. Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards**

Ordinance O:04-2023 adopts the Hexa Builders Redevelopment Plan, dated August 4, 2022. This new redevelopment area consists of three lots (Block 8401, Lots 8, 9, and 10) approximating 158 acres fronting the Black Horse Pike (U.S. Route 322) (see Exhibit #1). The redevelopment area is composed of undeveloped forested areas and agricultural lands. Approximately 127 acres are located within the Township's Regional Growth Mixed-Use (RG-MU) District and the remaining 31 acres (a portion of Lot 9) are located within the Rural Development Residential Receiving (RD-RR) District. The RG-MU District is located within a Pinelands Regional Growth Area and the RD-RR District is located within a Pinelands Rural Development Area.

In 2010, Monroe Township adopted, and the Commission certified, Ordinance O:07-2010 establishing the RG-MU District. The RG-MU District permits agriculture, public service infrastructure and planned development. Planned development within this district requires a minimum tract size of 100 acres, of which at least 15 acres, and up to 30 acres, must be devoted to community commercial uses. Planned development also requires at least one of the following uses: congregate care facility, long-term care facility, nursing home, assisted living facility, independent living facility or continuing care retirement community. The remaining residential component of the planned development must provide a minimum of 400 units and allows for up to six dwelling units per acre within the residential portion of the overall tract. A variety of housing types are permitted, including single-family detached dwellings, single-family semidetached dwellings, single-family attached dwellings, multifamily dwellings, apartments, independent living facilities and assisted living facilities. RG-MU District standards provide for a maximum lot coverage that ranges from 50% for single-family detached units up to 75% for townhouses and community commercial uses. Pinelands Development Credits (PDCs) must be used for 25% of market-rate units. Additionally, if a planned development fails to meet the 400-unit minimum requirement, one-quarter of a PDC must be purchased and redeemed for every residential unit less than 400 units.

The RD-RR District permits residential uses, agriculture, forestry, recreational facilities, public service infrastructure, and institutional uses. Residential dwelling units are permitted at one unit per 3.2 acres. Clustering of residential units on 1-acre lots is required whenever two or more units are proposed as part of a residential development. The municipal Density Transfer Program also permits residential development on lots as small as one acre, provided that sufficient land (either contiguous or noncontiguous) is purchased and deed restricted within the Rural

Development Residential Sending (RD-RS) District which, when combined with the acreage of the lot proposed for development, equals at least five acres.

The purpose of the Hexa Builders Redevelopment Plan is to fulfill a regional commercial need for warehousing and a local desire to develop the Township's Regional Growth Areas along U.S. Route 322. To that end, the redevelopment plan establishes new land development regulations for the Regional Growth Area portion of the redevelopment area that expressly supersede the RG-MU District regulations. However, if the redevelopment plan is not implemented by a redeveloper, the underlying RG-MU district remains in effect. In recognition of the minimal development potential in the Rural Development Area portion of the redevelopment area, due to wetlands and wetland buffers, the existing underlying RD-RR District regulations are maintained.

Within the Regional Growth Area, the redevelopment plan permits warehouse, storage, and distribution facilities as well as office space specific to warehouse operations. The plan provides area and bulk standards. Development standards are also provided for parking and loading, lighting, signage and landscaped buffers. The plan allows for a maximum lot coverage of 65% (the preliminary concept plan shared by the Township shows approximately 42% lot coverage). A 100-foot setback is required when abutting an existing residential use or residential zone. The residential setback is required to have adequate landscaping and screening to minimize visual and noise impacts. The development standards also require that all buildings of 100,000 square feet or more must be designed and constructed to support rooftop solar installation in accordance with P.L. 2021, c.290. The plan also requires PDCs to be acquired and redeemed for the development of any principal, non-residential use in the Regional Growth Area portion of the redevelopment area at a rate of one-quarter PDC for every 18,000 square feet of gross floor area. Lastly, the redevelopment plan expressly requires that any development within the redevelopment area meet the minimum environmental standards of the Pinelands Comprehensive Management Plan.

#### *Impacts to the Residential Zoning Capacity of Monroe Township's Regional Growth Area*

As noted above, if the Hexa Builders Redevelopment Plan is not implemented, the underlying RG-MU District regulations remain in effect. Therefore, the residential zoning capacity of the Township's Regional Growth Area theoretically remains unchanged. The previously certified RG-MU District established a residential zoning capacity that allowed for a maximum of 636 new residential units. Such a residential density is significantly higher than that prescribed by the CMP for Monroe Township's Regional Growth Area. The CMP requires the Township to zone for a density of only three units per upland acre in its Regional Growth Area, which translates to 357 units (N.J.A.C. 7:50-5.28(a)1 and 3). In certifying the RG-MU District, the Commission previously found that the area met the CMP criteria for increased residential densities in the Regional Growth Area (N.J.A.C. 7:50-5.28(a)7).

However, based on application information submitted to the Commission and information provided by the Township (see Exhibit #8), there is a strong likelihood that the Hexa Builders Redevelopment Area will be developed exclusively for non-residential use if Ordinance O:04-2023 is certified. Given these facts, Commission staff evaluated whether the Regional Growth Area portion of the redevelopment area is appropriate for non-residential development and whether the PDC program would be negatively impacted by the expected loss in residential development potential in that area.

It is important to note that Ordinance O:07-2010, which established the RG-MU District, was part of a larger Township-wide comprehensive rezoning involving Pinelands management area changes. The certification of the 127-acre RG-MU District necessitated a redesignation of the underlying lands from Rural Development Area to Regional Growth Area. (This was approved alongside other zoning changes that redesignated 2,785 acres from Rural Development Area to Forest Area within the Township). Prior to this zoning change, the Pinelands Commission's Ecological Integrity Assessment (EIA) Project had recommended this site as suitable for redesignation to Regional Growth Area. A number of contributing factors were considered in staff's recommendation, including the fact that most of the area has a relatively low ecological integrity assessment score; the fact that the area consists largely of non-habitat (i.e., agricultural fields); the fact that the area is contiguous with an existing Regional Growth Area; the area's proximity to a major public road and other infrastructure necessary to support growth; the lack of any public development plans for the area that would be inconsistent with additional development there; and, the lack of any data presently on hand that would indicate the presence of threatened and endangered species or their habitat. These findings are still valid, and it must be reiterated that U.S. Route 322 is a long-established, commercial corridor within the Township with a variety of non-residential uses fronting the highway within the Township's Regional Growth Area. The fronting highway, existing development patterns and prior zoning support the appropriateness of this area for non-residential development.

Importantly, the redevelopment plan includes a PDC requirement for permitted non-residential development in recognition of the potential elimination of up to 636 residential units and opportunities for the use of up to 127 PDC rights if the area is developed for nonresidential use. When a municipality has determined that an area is appropriate for residential development in its Regional Growth Area, zoned it for residential uses and established a PDC obligation, the Commission must carefully evaluate proposals to rezone for strictly non-residential uses with a careful eye to the impacts to the Pinelands Development Credit Program. As discussed in Section 8 below, the PDC requirements for the redevelopment area ensure that the PDC Program is not negatively impacted by these amendments.

Ordinance O:04-2023 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

**4. Requirement for Municipal Review and Action on All Development**

Not applicable.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

The certified RG-MU District requires that PDCs be acquired and redeemed for 25% of all market-rate residential units. The use of PDCs is not required for those units made affordable to low- and moderate-income households. At least 20% of the units within the RG-MU District are required to be made affordable. Based on the six unit per acre maximum density and the 20% affordable housing set-aside, the RG-MU District provides an opportunity for the use of up to 127 rights (31.75 full Credits). If the Hexa Builders Redevelopment Plan is not implemented, these PDC provisions and PDC potential remain unchanged.

However, if the redevelopment plan is implemented, any non-residential development permitted under the Hexa Builders Redevelopment Plan must redeem Pinelands Development Credits (PDCs) at a rate of one quarter (1/4) PDC for every 18,000 square feet of gross floor area within principal use buildings. The Township included these provisions in recognition of the significant reduction in potential residential units and potential use of PDCs if the redevelopment plan is implemented.

To evaluate whether the PDC requirements of the Hexa Builders Redevelopment Plan adequately protect the Pinelands Development Credit Program, staff evaluated the potential PDC yield for the portion of the redevelopment area within the Regional Growth Area under the minimum residential density requirements prescribed by the CMP. If this 127-acre area were zoned for residential development, the CMP would require that it allow for a minimum base density of two units per upland acre with a bonus density achieved through PDC use of an additional one unit per upland acre. This would result in the opportunity for the use of 119 rights.

Commission staff evaluated the potential level of PDC redemption under the Hexa Builders Redevelopment Plan based on application information submitted to the Commission. A prospective redeveloper has proposed a warehouse facility within the Regional Growth Area portion of the redevelopment area with a gross square footage of approximately 1,632,000 square feet. This equates to a PDC obligation of 91 PDC rights under the redevelopment plan's PDC provisions, which is comparable to imposing a 25% mandatory PDC requirement for this area if zoned for the minimum density permitted by the CMP.

While 25% is not as high a number as would be provided through the more traditional zoning approach where Pinelands Development Credits would account for 33% of the total number of permitted units, it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of Pinelands Development Credits. There is no requirement under the traditional approach that any credits be used in any particular development project. Ordinance O:04-2023 *guarantees* that Pinelands Development Credits will be purchased and redeemed as part of the approval of any non-residential development within the Hexa Builders Redevelopment Area.

The CMP focuses on the use of PDCs as a means of increasing permitted residential densities in Regional Growth Areas. However, N.J.A.C. 7:50-5.28(a)7i expressly authorizes municipalities to adopt bonus or incentive programs for Regional Growth Area that go beyond the minimum required by the CMP, provided that such programs do not interfere with or otherwise impair the municipality's obligation to provide sufficient opportunities for the use of PDCs. While this provision has not often been used in association with nonresidential development, three other municipalities (Waterford, Berlin and Winslow townships) previously adopted PDC requirements applicable to nonresidential uses in their commercial and industrial zones. The Commission found that the Waterford, Berlin and Winslow Township ordinances represented an appropriate exercise of municipal flexibility that did not interfere with any other CMP standards and certified them on that basis. Monroe Township Ordinance O:04-2023 adopts a similarly creative approach, one that facilitates the municipality's redevelopment goals while ensuring that all CMP standards, particularly those related to the PDC program, continue to be met.

This standard for certification is met.

**9. Referral of Development Applications to Environmental Commission**

Not applicable.

**10. General Conformance Requirements**

Ordinance O:04-2023 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Ordinance O:04-2023 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

### **13. Procedure to Resolve Intermunicipal Conflicts**

The redevelopment plan related to Ordinance O:04-2023 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

#### **Public Hearing**

A public hearing to receive testimony concerning Monroe Township's application for certification of Ordinance O:04-2023 was duly advertised, noticed and held on April 5, 2023 at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call in during the public hearing to provide testimony. Oral testimony was provided as follows:

Michael Silvestra stated that the Pinelands just keep getting overdeveloped, and that developing 170 acres in an area that is mostly forest seems excessive when there is plenty of other land to develop. He also stated that it seemed a little biased that developers can get approvals to build all kinds of stuff when residents wanting to build a shed have to jump through hoops. He stated that he was hoping that the woods can stay there and that another location could be found for the mixed-use, residential, commercial zone.

Written comments on Ordinance O:04-2023 were accepted through April 7, 2023 and were received from the following individuals:

Tyler Boonstra (Exhibit #2)  
 Robin Beeler (Exhibit #3)  
 D. Papaneri (Exhibit #4)  
 Nicole Ollek (Exhibit #5)  
 Christine Friend (Exhibit #6)  
 Debbi Baranski (Exhibit #7)  
 Stephen Boraske, Esq., Monroe Township Solicitor (Exhibit #8)  
 Brooke Handley, River Administrator, Great Egg Harbor Watershed Association (Exhibit #9)

#### **Executive Director's Response**

The oral testimony summarized above as well as the written comment attached in Exhibits 2-5 and 7 object to the development of the land within the Hexa Builders Redevelopment Area. The commenters express a variety of concerns, including the clearing of existing wooded areas and wildlife habitat and the environmental impacts of additional residential and commercial development within the Township. Another commenter (Exhibit 9) noted the presence of wetlands in the redevelopment area and requested that the maximum buffer to wetlands be maintained and that redevelopment comply with the most current stormwater management rules, with no waivers or variances provided.

Several important factors discussed above in the body of this report must be reiterated. First, the undeveloped portion of the redevelopment area that is located within the Rural Development Area will maintain its existing, underlying zoning and management area designation. This area has significant

wetlands and wetlands buffers and has minimal development potential that is in no way increased by the new redevelopment plan. This fact is expressly noted within the Hexa Builders Redevelopment Plan. It is highly unlikely that any clearing or development within this 31-acre portion of the area will occur or be permitted.

Second, within the Regional Growth Area portion of the redevelopment area, the existing, certified zoning (the Regional Growth Mixed-Use District) permits high-density, mixed-use development. The new redevelopment plan affords the opportunity for the area to be developed exclusively for nonresidential use, as opposed to a combination of single-family dwellings, townhouses, apartments, congregate-care facilities and community commercial uses. Provided all CMP environmental standards and PDC requirements are met, the CMP provides Pinelands municipalities broad discretion to determine which uses they believe are appropriate in their Regional Growth Areas and adopt and amend their zoning plans accordingly.

Third, the majority of the Regional Growth Area portion of the redevelopment area, where any new warehouses would have to be located, is comprised of old, cleared agricultural lands. This was one of the primary factors in the prior identification of the area as appropriate for designation as a Regional Growth Area as part of the Commission's Ecological Integrity Assessment (EIA) Project. The clearing of woods, particularly along the Route 322 frontage, may be necessary to accommodate the new uses permitted by the redevelopment plan as well as the mixed-use development permitted by the existing, certified zoning. In either case, the CMP provides that clearing and soil disturbance must be limited to that which is necessary to accommodate the permitted development.

Finally, any development or redevelopment of the area will be subject to all CMP environmental standards. This includes continued protection of the wetlands along the rear of site and in the Rural Development Area, imposition of the appropriate wetlands buffer requirement called for by N.J.A.C. 7:50-6.14, and compliance with the CMP's new stormwater management regulations. Under those stormwater rules, no variance or exception may be granted from the prohibition on direct discharge of runoff to wetlands, buffers or waterbodies.

### **Conclusion**

Based on the Findings of Fact cited above, the Executive Director has concluded that Monroe Township Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan, complies with the Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance O:04-2023 of Monroe Township.

SRG/DBL/KLE/CMO  
Attachments

# Monroe Township

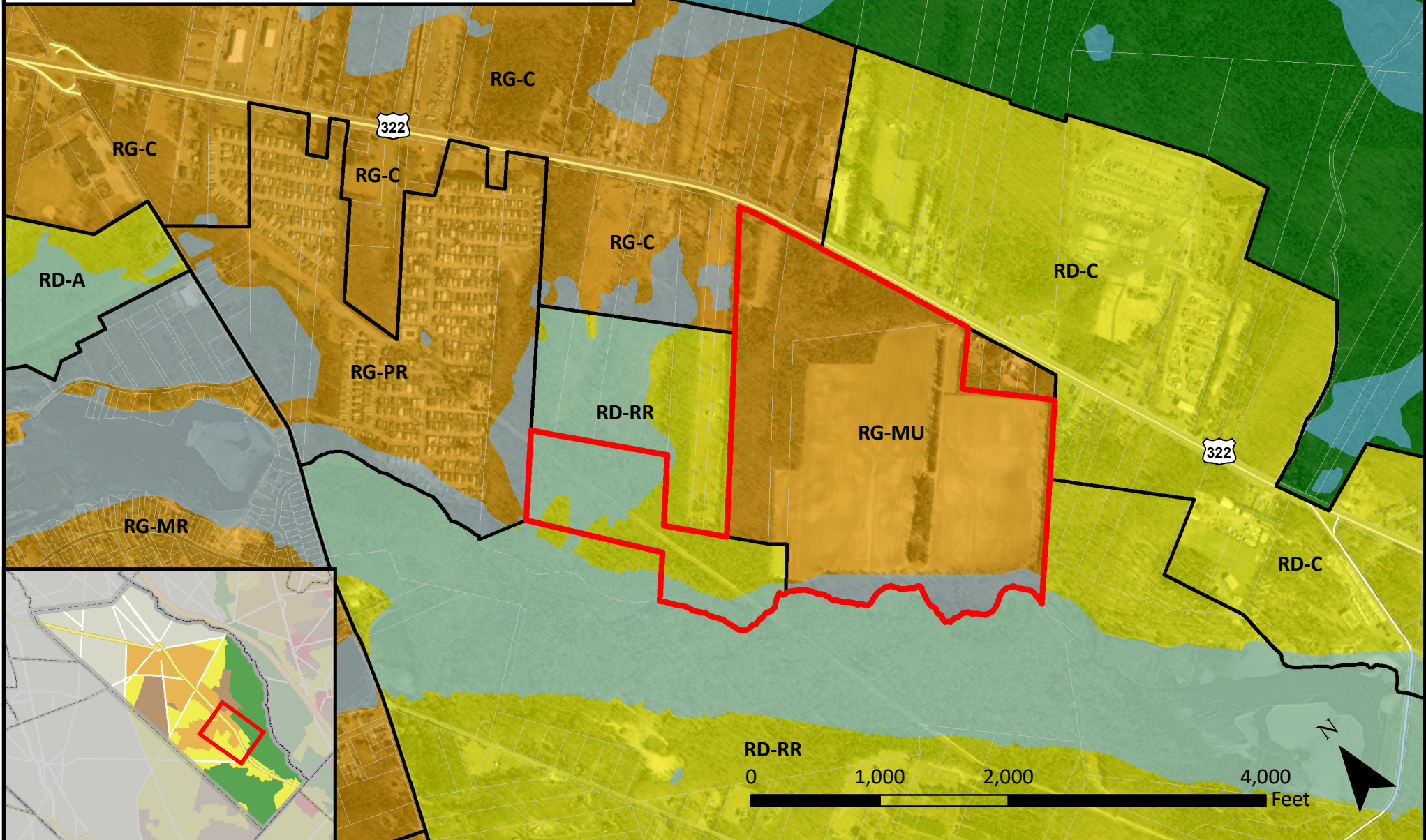
## Hexa Builders Redevelopment Area

Executive Director's Report  
Monroe Twp Ord. O:04-2023  
4/28/2023  
Exhibit #1

### Pinelands Management Area

- Regional Growth Area
- Rural Development Area
- Forest Area

- Redevelopment Area
- Existing Zoning
- Lots
- Pinelands Wetlands



**From:** [Tyler Boonstra](#)  
**To:** [Comments, PC \[PINELANDS\]](#)  
**Subject:** Public Comment Submissions  
**Date:** Tuesday, April 4, 2023 4:06:29 PM

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Below is the result of your feedback form. It was submitted by  
Tyler Boonstra (Tboon32@hotmail.com) on Tuesday, April 4, 2023 at 16:06:25

-----  
email: Tboon32@hotmail.com

subject: Public Comment Submissions

Name: Tyler Boonstra

Mailing Address: 153 E. Piney Hollow rd. Williamstown NJ

Comment Topic: selected=

Message: This ordinance can not pass. Okie e must preserve our forest and farmland area. Changing this land to houses and commercial buildings is bad for the environment and adds additional strain to our public area due to increased population.

Submit: Submit

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**From:** [Robin Beeler](#)  
**To:** [Comments, PC \[PINELANDS\]](#)  
**Subject:** Public Comment Submissions  
**Date:** Tuesday, April 4, 2023 9:14:17 PM

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Below is the result of your feedback form. It was submitted by  
Robin Beeler (Rbeelermoresales@comcast.net) on Tuesday, April 4, 2023 at 21:14:11

-----  
email: Rbeelermoresales@comcast.net

subject: Public Comment Submissions

Name: Robin Beeler

Mailing Address: 906 Whitehall Rd Williamstown NJ

Phone Number: 856-562-6263

Comment Topic: selected=

Message: No No No..stop the building. You are destroying all the natural habitats. Just because they are offering millions doesn't mean it needs to get done. Stop being bought! I want to know who's pockets are getting full on this deal. The twp needs to say no!

Submit: Submit

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**From:** [D. Papaneri](#)  
**To:** [Comments, PC \[PINELANDS\]](#)  
**Subject:** Public Comment Submissions  
**Date:** Tuesday, April 4, 2023 10:55:42 PM

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Below is the result of your feedback form. It was submitted by  
D. Papaneri (dpapaneri@aol.com) on Tuesday, April 4, 2023 at 22:55:36

-----  
email: dpapaneri@aol.com

subject: Public Comment Submissions

Name: D. Papaneri

Mailing Address: 652 Clayton Rd., Williamstown NJ 08094

Phone Number: 8562970386

Comment Topic: selected=

Message: As a long time resident of Monroe Twp., I oppose rezoning pinelands areas for other purposes, further destroying wildlife areas and their habitats. Our town has enough new buildings for commercial purposes and more homes in an area deemed to be protected by PINELANDS ACT. Do your job that you are supposed to. Protect our Pinelans and wetlands in Monroe Township. Pineland ends the protection originally outlined and intended should be upheld and this application denied!

Submit: Submit

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**From:** [Nicole Ollek](#)  
**To:** [Comments, PC \[PINELANDS\]](#)  
**Subject:** Public Comment Submissions  
**Date:** Wednesday, April 5, 2023 7:09:46 AM

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Below is the result of your feedback form. It was submitted by  
Nicole Ollek (ollekbusiness@gmail.com) on Wednesday, April 5, 2023 at 07:09:42

-----  
email: ollekbusiness@gmail.com

subject: Public Comment Submissions

Name: Nicole Ollek

Mailing Address: 310 Florence Blvd, 08094

Phone Number: 8567400212

Comment Topic: selected=

Message: The housing growth within the 08094 community has disappointed most. Despite the business model needs for tax revenue, there are many other areas which can be utilized for economic development (s). Irresponsible actions of human land treatments, continuing to disrupt and strip nature, its habitats, and nature's well necessary processes to add more housing, is a lose lose, when trees are continuing to be bulldozed down. I can't express how important trees are to our climate's environment and such. Responsible human actions would be to maintain our Pine lands and pur community's woods, land, forest, and habitats. Irresponsible building has and will create long term effects. Leave our woodlands alone, please. As as resident of over 50 years in 08094, it's more than irritating. Bottom lines can be reached with other plans of actions. Leave our woods , forests and trees alone. No more destruction and no more new construction plans should include bulldozing trees and forests. Despite it being he easier plan of developing, focus on the vacancies and the redevelopment procesd plan. Vote NO.

Submit: Submit

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**From:** [Christine Friend](#)  
**To:** [Comments, PC \[PINELANDS\]](#)  
**Subject:** Public Comment Submissions  
**Date:** Wednesday, April 5, 2023 7:09:56 PM

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Below is the result of your feedback form. It was submitted by  
Christine Friend (chris@friendfamily.us) on Wednesday, April 5, 2023 at 19:09:48

-----  
email: chris@friendfamily.us

subject: Public Comment Submissions

Name: Christine Friend

Mailing Address: 524 Schoolhouse Rd Williamstown nj 08094

Phone Number: 215-651-7535

Comment Topic: selected=

Message: Pls do not approve listing of restrictions for home or business development in Pinelands.

Submit: Submit

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**From:** [Debbie](#)  
**To:** [Comments, PC \[PINELANDS\]](#)  
**Subject:** Public Comment Submissions  
**Date:** Wednesday, April 5, 2023 11:36:33 PM

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Below is the result of your feedback form. It was submitted by  
Debbie (dbaranski151@gmail.com) on Wednesday, April 5, 2023 at 23:36:28

-----  
email: dbaranski151@gmail.com

subject: Public Comment Submissions

Name: Debbie

Mailing Address: 541 East Malaga Road

Comment Topic: selected=

Message: The wildlife in this area needs this preserved land more then ever! We do not need these commercial buildings in this area, but these animals NEED their home! I have seen such an increase in the amount of wildlife being hit by cars, because they are literally being forced out if their land.

Where are they to go?

I truly hope the approval for this project to be reconsidered.

Submit: Submit

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STEINHARDT  
CAPPELLI  
TIPTON &  
TAYLOR LLC

1010 Kings Highway South, Building 1, 2nd Floor  
Cherry Hill, NJ 08034

856.853.5530  
856.354.8318

Executive Director's Report  
Monroe Township Ord. O:04-2023  
4/28/2023  
Exhibit #8

Stephen J. Boraske | Associate

201-373-8951  
[sboraske@floriolaw.com](mailto:sboraske@floriolaw.com)

April 7, 2023

**VIA EMAIL**

State of New Jersey Pinelands Commission  
Attn: Susan R. Grogan, P.P., AICP, Executive Director  
PO Box 359, New Lisbon, NJ 08064  
(e): [susan.grogan@pinelands.nj.gov](mailto:susan.grogan@pinelands.nj.gov)

**RE: Application for Certification of Ordinance O:04-2023 “An Ordinance of the Township of Monroe Adopting the Redevelopment Plan for a Portion of the Commercial Corridor Rehabilitation Area Pursuant to N.J.S.A. 40A:12-7”**

Dear Ms. Grogan:

This office serves as Township Solicitor for the Township of Monroe (the “Township”). Please accept this letter in further support of the Township’s application to the New Jersey Pinelands Commission (the “Commission”) for CMP certification of Township Ordinance O:04-2023 “An Ordinance of the Township of Monroe Adopting the Redevelopment Plan for a Portion of the Commercial Corridor Rehabilitation Area Pursuant to N.J.S.A. 40A:12-7” (“Ordinance O:04-2023” or the “Ordinance”).

Ordinance O:04-2023 adopts the Hexa Builders Redevelopment Plan, dated August 4, 2022, prepared by Richard W. Hunt, PP, AICPA, of Alaimo Group (the “Redevelopment Plan”) as an explicit amendment to the Township Zoning Map. The three parcels included in the Redevelopment Plan are Block 8401, Lots 8, 9, and 10 as identified on the Township Tax Map (the “Property”). The Property is approximately 158.7 acres, with about 127.4 acres located within the Regional Growth Mixed-Use (RG-MU) District and about 31.3 acres located within the Rural Development Residential Receiving (RD-RR) District. The Redevelopment Plan proposes the following permitted principal uses for the RG-MU portion of the Property: (1) “warehouse, storage, and distribution facilities; and (2) office space specific to Warehouse operations” (collectively, “Warehouse Development”).

The Township’s reasons for adopting Ordinance O:04-2023 and for its determination that the Property is suitable for Warehouse Development are fully set forth within the Redevelopment Plan and all related Township Council and Township Planning Board resolutions thereto. The purpose of this letter is to briefly reiterate and emphasize some of the Township’s important findings as set forth on the following pages.

### **Reasons for Adopting Ordinance O:04-2023**

1. The Redevelopment Plan fulfills a regional commercial need as the Property is proximate to the regional and national highway transportation systems.
2. The Redevelopment Plan implements the community's desire to develop regional growth areas along U.S. Route 322.
3. The Redevelopment Plan provides for employment opportunities in an existing developed area of Monroe Township consistent with Township's smart growth objectives. Most of the Township population lives near the Township's downtown area and are within easy driving and biking distance to the Property, providing conveniently located employment opportunities for Township residents. All employers are encouraged to hire locally.
4. The Planning Board unanimously found that the Redevelopment Plan is consistent with the Township's 2004 Comprehensive Master Plan, which provides a strategic vision for the Township, calling for economic redevelopment and encouraging "a pattern of compact and contiguous growth within appropriate areas of the Township;" (2004 Master Plan, II.A. p. 12 of 60).
5. The Redevelopment Plan is consistent with the New Jersey State Development and Redevelopment Plan (SDRP) and Pinelands Comprehensive Management Plan (CMP), and furthers the important policies therein for the Pinelands area.
6. The Redevelopment Plan is consistent with the goals, objectives, and policies of the Gloucester County 2040 Vision Plan and Delaware Valley Regional Planning Commission.
7. Adoption of Ordinance O:04-2023 and the Redevelopment Plan is in the best interest of the Township for rehabilitation of the Property.

### **Suitability of the Property for Warehouse Development**

1. The Property is proximate to the regional and national highway transportation systems. The Property has immediate regional access via U.S. Route 322; is located within 10 miles of interchanges for the Atlantic City Expressway and U.S. Route 73. Access to the NJ Turnpike is via U.S. Route 322, approximately 25 miles west of the site. The Property is within an hour drive of the Philadelphia Airport and a 30 minute drive to the Atlantic City Airport. Access to these transit systems renders the Property well-suited for Warehouse Development.
2. The Property lies entirely within the Township's commercial corridor and has been determined to be an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-14 et seq. The Township has determined that the designation of rehabilitation areas to allow for commercial development and uses, including Warehouse Development, will foster the investment of private capital, the

construction of commercial projects, and the rehabilitation of business that will benefit the Township, its residents, and property owners.

3. The Property is adequately serviced by water and sewer utilities owned by the Monroe Township Municipal Utilities Authority, as well as natural, electric, communications, and fiber optic utilities owned by other providers.
4. Permitting Warehouse Development on the Property will prevent further deterioration of the area and promote the overall development of the Township's commercial corridor, thereby benefitting the general welfare of the Township's citizens.

Thank you for your consideration of this correspondence. The Township respectfully requests that a copy of this letter be attached to your report for the Commission's consideration. If you have any questions regarding this letter or wish to discuss this matter further, please do not hesitate to contact me.

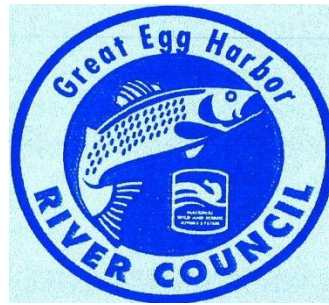
Very truly yours,

**FLORIO PERRUCCI STEINHARDT  
CAPPELLI TIPTON & TAYLOR LLC**

By:

  
\_\_\_\_\_  
Stephen J. Boraske, Esquire  
*Monroe Township Solicitor*

- cc. D. Brad Lanute, PP, AICP, Commission Planning Specialist ([brad.lanute@pinelands.nj.gov](mailto:brad.lanute@pinelands.nj.gov))  
Richard Hunt, PP, AICP, Planning Board Planner ([rhunt@alaimogroup.com](mailto:rhunt@alaimogroup.com))  
Ninette Orbaczewski, Planning Board Secretary ([norbaczewski@monroetownshipnj.org](mailto:norbaczewski@monroetownshipnj.org))  
Timothy Kernan, PP, AICP, Township Planner ([tim.kernan@collierseng.com](mailto:tim.kernan@collierseng.com))  
Aileen Chislenko, RMC, Township Clerk ([achiselko@monroetownshipnj.org](mailto:achiselko@monroetownshipnj.org))



## The Great Egg Harbor Watershed Association & River Council

**Brooke Handley – River Administrator**

P.O. Box 109  
Newtonville, NJ 08346

(609) 602-0334

[bhandley99@gmail.com](mailto:bhandley99@gmail.com)

**Julie Akers**  
President  
**Paul Ludgate**  
Vice President  
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**Clay Emerson**  
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**Carol Jones**  
**Bill Stuempfig**

### **RIVER COUNCIL**

**Chair:**

**Gregory Gregory**  
Somers Point

**Vice Chair:**

**Richard Coe**  
Monroe Twp.

### **COUNCILLORS**

**Julie Akers**  
Buena Vista Twp.

**Ali Stefanik**  
Corbin City

**Bill Christman**  
Hamilton Twp.

**Ralph Bernard**  
Weymouth

**Clark Sprigman**  
Winslow Twp.

**John Keenan**  
Hammonton

**Jim Owen**  
Estell Manor

**Greg Conway**  
Borough of Folsom

**David Brown**  
Egg Harbor Twp.

**William Handley**  
Upper Twp.

**Dick Colby**  
GEHWA

RE: Monroe Twp Ord. O:04-2023

Dear Pinelands Commission,

The Great Egg Harbor Watershed Association and River Council manages and protects the Great Egg Harbor Watershed and 129 river miles of the federally designated scenic and recreational Great Egg Harbor River. The Great Egg Harbor River Council includes twelve municipalities including Monroe Township.

Since Block 8401, Lots 8,9,10 in Monroe are designated Regional Growth Mixed Use and Rural Development Residential Receiving, we do not oppose development. However, Block 8401, Lots 8, 9, and 10 in Monroe are adjacent to Hospitality Branch and contain wetlands, and wetlands buffers.

The Great Egg Harbor Watershed Association and River Council requests that maximum buffers to wetlands and the most current stormwater management rules be included in the redevelopment plans for Block 8401, Lots 8, 9, and 10 in Monroe Township. We would also ask that there are no waivers or variances in regards to the stormwater rules.

Thank you for your consideration of our request.

Respectfully,

Brooke Handley, River Administrator  
Great Egg Harbor Watershed Association and River Council



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23-\_\_\_\_\_

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1995-1676.004)

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:

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

**1995-1676.004**

<b>Applicant:</b>	<b>New Jersey Department of Transportation</b>
Municipality:	Galloway Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	May 19, 2023
Proposed Development:	Demolition of four buildings, 50 years old or older, and the construction of two material storage buildings

**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 1995-1676.004 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*
Asselta					Lettman					Pikolycky				
Avery					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Susan R. Grogan  
Executive Director

\_\_\_\_\_  
Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

May 19, 2023

Brendan Brock (via email)  
New Jersey Department of Transportation  
P.O. Box 600  
Trenton NJ 08625

Re: Application # 1995-1676.004  
Block 738, Lot 1  
Galloway Township

Dear Mr. Brock:

The Commission staff has completed its review of this application for the demolition of four buildings, 50 years old or older, and the construction of two material storage buildings. 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 June 9, 2023 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, Galloway Township Planning Board (via email)  
Galloway Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Bryan VanderGheynst, PE (via email)



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PHILIP D. MURPHY  
 Governor  
 SHEILA Y. OLIVER  
 Lt. Governor

General Information: Info@pinelands.nj.gov  
 Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

May 19, 2023

Brendan Brock (via email)  
 New Jersey Department of Transportation  
 P.O. Box 600  
 Trenton NJ 08625

Application No.: 1995-1676.004  
 Block 738, Lot 1  
 Galloway Township

This application proposes demolition of four buildings, 50 years old or older, and the construction of two material storage buildings located on the above referenced 4.39 acre parcel in Galloway Township. There is an existing New Jersey Department of Transportation Maintenance Facility located on the parcel.

This application proposes the demolition of two material storage buildings, a garage and a salt storage shed. The four buildings proposed for demolition total approximately 4,200 square feet. This application also proposes the construction of a 3,200 square foot salt storage building and a 1,740 square foot material storage building.

**STANDARDS**

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

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

The proposed development is located in a Pinelands Regional Growth Area. The CMP permits the proposed development in a Pinelands Regional Growth Area.

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

There are wetlands located within 300 feet of the above referenced parcel. The wetlands are located on the opposite side of US Route 30 from the parcel. The proposed development will be located no closer to wetlands than existing development.

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

The proposed development will be located over existing paved and gravel surfaces. The proposed disturbance is limited to that which is necessary to accommodate the proposed development.

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

The parcel is serviced by public sanitary sewer.

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

The proposed demolition and development will result in a decrease of impervious surfaces by 480 square feet. There will be no increase in the volume and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with CMP stormwater management standards.

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

A cultural resource survey was conducted on the parcel. The survey determined that the project area contains no significant cultural resources.

**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 August 16, 2022. Newspaper public notice was completed on August 19, 2022. The application was designated as complete on the Commission's website on April 20, 2023. The Commission's public comment period closed on May 12, 2023. 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 five sheets, prepared by NV5, all sheets dated August 4, 2022.
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 demolition and 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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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 and received by the Commission's office no later than 5:00 PM on June 5, 2023 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.



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-23-\_\_\_\_\_

**TITLE:** To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2024 at the Same Level of Expenditures as Fiscal Year 2023 until the Adoption of the Fiscal Year 2024 Budgets

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:

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

**WHEREAS**, based on the Governor’s proposed budget, it is anticipated that the Commission will receive an appropriation of at least \$3,549,000 to support its operations during Fiscal Year 2024; and

**WHEREAS**, confirmation of the State appropriation is expected in July, after which the Commission will be able to finalize and adopt its FY24 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 actions shall become effective upon such approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Director is authorized to continue to expend funds during Fiscal Year 2024 at the same level of expenditures as Fiscal Year 2023 until the Commission’s adoption of the Fiscal Year 2024 Budgets.

**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta					Lettman					Pikolycky				
Avery					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Susan R. Grogan  
Executive Director

\_\_\_\_\_  
Laura E. Matos  
Chair



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General Information: Info@pinelands.nj.gov  
 Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Executive Director

## MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*  
 Planning Specialist

Date: May 30, 2023

Subject: No Substantial Issue Findings

During the past month, the Planning Office reviewed 25 ordinance amendments and one master plan that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP). It included the following:

**Bass River Township Ordinance 2023-5** – amends Chapter 13.08, Stormwater Management, of the Code of Bass River Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Beachwood Borough Ordinance 2023-02** – amends Chapter 17, Development Regulations, of the Code of Beachwood Borough in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Berkeley Township Ordinance 23-17-OAB** – amends Chapter 35, Land Development, of the Code of Berkeley Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Berlin Borough Ordinance 2023-02** – amends Chapter 335, Zoning and Land Use, and Chapter 336, Stormwater, of the Code of Berlin Borough in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Buena Vista Township Ordinance 129-2023** – amends Chapter 115, Development Regulations, of the Code of Buena Vista Township, and implement recommendations of the Township’s 2022 Master Plan Reexamination Report. The ordinance revises standards related to private swimming pools, home occupations, and accessory structure height, as well as other minor revisions to update cross-references within the Code.

**Corbin City Ordinance 6-2023** – amends Chapter 82, Pinelands Area, of the Code of Corbin City in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Egg Harbor Township Ordinance 9-2023** – amends Chapter 94, Design, Performance, and Improvement Standards, and Chapter 225, Article VI, Pinelands Area Development Requirements, of the Code of Egg Harbor Township, in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Evesham Township Ordinance 8-3-2023** – amends Chapter 62, Stormwater Facilities and Stormwater Management Systems in Pinelands Areas, of the Code of Evesham Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Evesham Township Ordinance 9-3-2023** – amends Chapter 160, Zoning, of the Code of Evesham Township. The ordinance amends signage regulations for cannabis related businesses.

**Folsom Borough Ordinance 05-2023** – repeals and replaces Chapter 164, Stormwater Management, and amends Chapter 200, Zoning, of the Code of Folsom Borough in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Jackson Township Ordinance 13-2023** – amends Chapter 244, Land Use and Development Regulations, of the Code of Jackson Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Maurice River Township Ordinance 723** – amends Chapter 35, Land Development, of the Code of Maurice River Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Monroe Township Ordinance O:24-2021** – repeals Ordinance O:03-2021, of Monroe Township. Ordinance O:03-2021 was disapproved by the Gloucester County Planning Board because it did not incorporate the latest New Jersey Department of Environmental Protection (NJDEP) stormwater management regulations.

**Monroe Township Ordinance O:19-2023** – amends Chapter 175, Land Management, of the Code of Monroe Township, in response to amendments to the CMP. The amendments establish Section 175-140.1, Stormwater management in Pinelands Area, and incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**North Hanover Township Ordinance 2023-02** – amends Chapter 15, Land Subdivision and Site Plan Review, of the Code of North Hanover Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Ocean Township Ordinance 2023-4** – amends Chapter 322, Stormwater Control, of the Code of Ocean Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Pemberton Township Ordinance 9-2023** – amends Chapter 159, Subdivision of Land, and Chapter 190, Zoning, of the Code of Pemberton Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Shamong Township Ordinance 2023-4** – amends Chapter 110, Land Development, of the Code of Shamong Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**South Toms River Borough Ordinance 2023-4** – amends Chapter 24, Stormwater Management, of the Code of South Toms River Borough in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Vineland City Ordinance 2023-26** – amends Chapter 425, Land Use, of the Code of Vineland City in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Waterford Township Ordinance 2023-6** – amends Chapter 176, Land Use, Development and Zoning, of the Code of Waterford Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Weymouth Township Ordinance 589-2023** – amends Chapter 155, Land Use, of the Code of Weymouth Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Winslow Township 2022 Stormwater Management Plan** – documents the Township’s strategy to address stormwater-related impacts. The Plan incorporates Chapter 297, Stormwater Control, which details stormwater management design requirements within Pinelands and Non-Pinelands areas of the Township and Chapter 296, Zoning Within Pinelands Area, which includes additional stormwater management requirements for projects located within areas of the Township regulated by the CMP.

**Winslow Township Ordinance O-2023-013** – amends Chapter 296, Zoning Within Pinelands Area, and establishes Chapter 298, Stormwater Control Within Pinelands Area, of the Code of Winslow Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area previously included in Chapter 297 of the Township’s Code.

**Woodbine Borough Ordinance 614-2023** – amends Chapter 21, Stormwater Control, and Chapter 26, Zoning, of the Code of Woodbine Borough in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

**Wrightstown Borough Ordinance 2023-02** – amends Chapter 184, Stormwater Management, and Chapter 219, Zoning and Land Development, of the Code of Wrightstown Borough in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.