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Governor  
SHEILA Y. OLIVER  
Lt. Governor

State of New Jersey  
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## NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Thursday, November 10, 2022 - 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: 839 8814 1205

### 1. Call to Order

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

### 2. Adoption of Minutes

- October 14, 2022

### 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. 1986-1336.005 - Monroe Township

Two lot resubdivision and no further development  
Monroe 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. 1995-1214.010 –Stafford Township  
Two lot subdivision and proposed improvements to an existing public sanitary sewer pump station  
Stafford Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Winslow Township Ordinance O-2022-028

7. Presentation: Commission and U.S. Geological Survey Endocrine Disruption Study

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

|                         |                                                                   |
|-------------------------|-------------------------------------------------------------------|
| Wed., November 30, 2022 | Policy & Implementation (P&I) Committee Meeting (9:30 a.m.)       |
| Wed., November 30, 2022 | Climate Committee Meeting (immediately following the P&I Meeting) |
| Fri., December 9, 2022  | 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](#) at [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov).

PINELANDS COMMISSION MEETING

MINUTES  
October 14, 2022

*All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: [https://www.youtube.com/watch?v=5imy6uB\\_3iq](https://www.youtube.com/watch?v=5imy6uB_3iq)*

Commissioners Participating in the Meeting

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

Commissioners Absent

Dan Christy, Jane Jannarone and Jonathan Meade.

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).

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

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's September 9, 2022 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.



The minutes from the September 9, 2022 Commission meeting were adopted by a vote of 9 to 0. Commissioner McCurry and Commissioner Lettman abstained from the vote.

### Committee Reports

Chair Matos provided a summary of the September 30, 2022 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of the August 26, 2022, meeting. The Committee received a brief update on Comprehensive Management Plan (CMP) amendments related to the Electric Transmission Line Right-of-Way Maintenance Pilot Program. The amendments will include prescriptions for mowing, vegetation debris removal, motor vehicle use, and other appropriate maintenance activities based on soil type in the rights-of-way. The Committee did not have to take any formal action on the matter.

The Committee discussed a recent trend where municipalities are consulting the Commission on appropriate rezoning strategies to permit warehouse development in Regional Growth Area residential zoning districts. Acting ED Grogan provided a comprehensive overview of the PDC program, including the purpose for its creation in the original CMP and the ways in which it has been adapted in the decades since. She gave hypothetical examples to demonstrate how the municipal flexibility provisions of the CMP could allow a municipality to essentially transfer PDC requirements from residential uses to nonresidential uses. She also discussed whether warehouse growth in the Pinelands triggers other consequences that the Commission should monitor. The Committee was generally supportive of extending mandatory PDC requirements to nonresidential development.

Commissioner Lohbauer provided a summary of the September 30, 2022 Climate Committee meeting:

The Committee received an update on the Governor's new Office of Climate Action and the Green Economy initiative. The Committee received a presentation on the state's No Net Loss Compensatory Reforestation Act.

The Committee discussed climate-related Pinelands CMP amendments, which will be prioritized at the Committee's November meeting.

### Acting Executive Director's Report

Acting ED Grogan provided information on the following matters:

- The Commission was awarded a grant from the New Jersey Historic Trust for the preparation of a Preservation Plan for Fenwick Manor. On today's agenda is a resolution to accept that grant and contract with a consultant who will prepare the

plan. A structural analysis will be performed as part of the work for the preservation plan.

- On November 18<sup>th</sup>, the Commission will host its second archaeology symposium. Fifty-three people have already registered.
- The 60-day public comment period for the Kirkwood-Cohansey rules is underway. A public hearing was held on October 12<sup>th</sup>. Due to a minor error in the notice, another hearing has been scheduled for November 2<sup>nd</sup>. Representatives from the mining industry have raised concerns with the proposed rules because they do not consider that their water use is non-consumptive.
- A second petition from Bill Wolfe has been submitted to the Commission, the Highlands Council and the New Jersey Department of Environmental Protection (NJDEP). Mr. Wolfe would like to see the CMP amended to require monitoring and compliance with the Environmental Protection Agency's final aluminum criteria for regulated activities that disturb soils, generate stormwater, and/or result in point and non-point discharge of pollutants to wetlands and surface waters, including development and forest management activities. It must first be determined if the petition request is complete.
- The October 28<sup>th</sup> P&I Committee meeting has been canceled.

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

- Tabernacle Township is moving forward with a subdivision application for its new municipal building on Carranza Road. Applicants are required to map wetlands. A neighboring property owner is not allowing the Township access on their property.
- Berkeley Township's applications for soil capping of its landfill and development of a solar energy facility remain inconsistent with CMP threatened and endangered (T&E) species protection standards. Staff has advised how the application can be revised to maintain consistency.
- The Commission is working with an applicant who is proposing to add a deli, custard stand and food pantry to an existing bar and restaurant in Manchester Township. The lot is 1.9 acres in size and served by an existing septic system and does meet the CMP's septic dilution standard nor the State's drinking water standard. The application is scheduled for a public hearing. Staff advised that the matter can be resolved by converting the existing septic to an alternate design septic system or connecting to sanitary sewer.

Stacey Roth, Chief of Legal & Legislative Affairs, said an email containing information related to annual ethics training and cannabis training will be shared later this month.

Paul Leakan, Communications Officer, provided information on the following:

- World Water Monitoring Day will take place on October 21, 2022 at Batsto Lake. Over 100 students will participate.
- Staff is working on the 2023 Pinelands National Reserve wall calendar.
- The Commission held its first-ever Moth night on October 6<sup>th</sup> (photos from the event are attached).

#### Resolution for James J. Florio

Chair Matos introduced a resolution to name the Commission's library after former Governor and Pinelands Commission Chairman James J. Florio.

Commissioner Lohbauer made a motion Approving With Conditions an Amended Application for Public Development (Application Number 2007-0318.001) (See Resolution # PC4-24-38). Commissioner Lloyd seconded the motion.

Chair Matos read the resolution into the record.

Commissioner Lloyd said Governor Florio was a friend and mentor. He said we all benefit from Governor Florio's accomplishments.

Commissioner Lohbauer said he got to know the former Governor while he was working at the Regional Plan Association and often talked with him about the Pinelands.

Commissioner McCurry said he was able to go to the memorial services and said Governor Florio was a remarkable person.

The resolution was adopted by a vote of 11 to 0.

Acting ED Grogan encouraged everyone to visit the James J. Florio Pinelands Library after the meeting. A permanent sign will be ordered.

#### Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution for the New Jersey Department of Environmental Protection (NJDEP), New Jersey Forest Service application for 1,304 acres of forestry and approximately 13 miles of forest firebreak in Bass River Township and Little Egg Harbor Township.

Commissioner Avery made a motion Approving With Conditions an Amended Application for Public Development (Application Number 2007-0318.001) (See Resolution # PC4-22-39). Commissioner Pikolycky seconded the motion.

Director Horner displayed a map of where the proposed forestry activities and fire break will occur (see attached). He said the application was before the Commission in late 2021 and did not receive the necessary eight votes in favor or against the application. The application has been amended and it was agreed that the application will not be sent to the Office of Administrative Law until December 15, 2022.

Director Horner provided details related to the changes in the application. He said the use of herbicide along the 13-mile firebreak has been eliminated and the width of the firebreak has also been reduced by five feet on each side of the road. The use of herbicide has been eliminated on a 255-acre portion of pine-shrub forest that is proposed to be thinned. He added that limited herbicide will be used on 1,041 acres of pine-dominated forest where non-chemical means is not practical.

Director Horner briefly reviewed the T&E conditions outlined in the report. He said T&E surveys must occur before any forestry activities begin. He said forestry can only occur when snakes are active. He said there are several known Pine Barrens treefrog breeding sites in the vicinity of the proposed activities, as well as T&E plants species, all of which require a 100-foot buffer. There are three existing snake study areas along Oswego Road. Staff consulted with the NJDEP and with the scientists conducting the studies and visited the area to fully understand the matter. He said a condition has been included in the report to require that the fuelbreak not be established in these areas until the NJDEP proposes and the Acting Executive Director approves measures for enhanced protection of these areas. Protection of the study areas must be accomplished in a way that does not create access for recreational vehicles.

Commissioner Wallner said he was supportive of the fuelbreak, and the conditions outlined in the report seemed reasonable. He said he would have liked to see a no-action alternative addressed and further clarity on why the 1,300 acres of forestry is necessary. He said it would have been helpful to know the consequences of extreme wildfire in this area, particularly whether there are communities at risk.

Director Horner said the fuelbreak and forestry activities are permitted uses under the CMP. He said NJDEP has advised that the fuelbreak and forestry activities are necessary to protect property and people. Commission staff relied on the expertise of the NJDEP and the NJ Forest Fire Service, which indicated that the forest thinning was necessary to reduce the potential for canopy spreading fires.

Commissioner Lohbauer said he appreciated the modifications that were made by the NJDEP to its application; however, he still has concerns. He said he understands that the application is consistent with the CMP but questions whether the CMP is up to date in terms of forestry, wildfire prevention measures and climate change. He said it is the Commission's duty to preserve the forest and its carbon sequestration power. He said substantial thinning is proposed and he doesn't believe it will be effective to prevent a wildfire. He added that cutting and removing wood from a forest is not consistent with the Governor's Executive Orders related to climate threats. He said it remains unclear how the T&E species will be protected, and Commissioners should have more involvement in

approving NJDEP's plan to provide additional protection to the snake study areas, not the Acting Executive Director alone.

Commissioner Lloyd said the scope of the project is vast and, according to his calculations, will result in the felling of over a million trees. He said this proposal is not perfect but is much better than the previous application. He commended Commission staff and the Forest Service for their efforts on the amended application.

Commissioner Irick said he had been prepared to vote in favor of the application, but other Commissioners raised valid points at today's meeting. He said the application proposes substantial clearing. He said he would like to see the application tabled. In addition, the Commission should amend the CMP to include updated forestry standards.

Acting ED Grogan called the vote:

Avery: Yes

Holroyd: Yes

Irick: Yes

Lettman: No

Lloyd: Yes

Lohbauer: No

McCurry: Yes

Pikolycky: Yes

Quinn: Yes

Wallner: Abstained (He said he did not have enough information.)

Matos: Yes

The resolution was adopted by a vote of 8 to 2, with Commissioner Lettman and Commissioner Lohbauer voting no. Commissioner Wallner abstained from the vote.

Chair Matos said the Climate Committee will be reviewing forestry practices as it looks to amend the CMP.

Chair Matos introduced a resolution to approve the following four projects: an addition to the Atlantic County Vocational Technical School in Hamilton Township, construction of a synthetic turf field at the Buena Regional High School, construction of an 11-acre overland drip irrigation system in Hammonton and clearing and soil disturbance at the former Pemberton Township landfill.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 1981-2437.018, 1984-1157.008, 1988-0706.024 & 2021-0112.003) (See Resolution # PC4-22-40). Commissioner Irick seconded the motion.

Director Horner said the first application is for a three-story classroom addition in Hamilton Township's Regional Growth Area. The school is serviced by sanitary sewer. A total of 2.8 acres of forest must be cleared in order to properly and safely construct the

addition. To ensure the safety of students, a one-acre section of the campus will remain as a grass area rather than be revegetated with trees.

Director Horner said the second application is for a synthetic turf field with an underground stormwater management system.

He said the third application is for an expansion of Hammonton's wastewater disposal system. He said the proposal is for an 11-acre, above-ground drip irrigation system that is collected and then treated at a plant and pumped to a facility where it is disposed of above ground, below ground and to several ponds. He said public comment was received from a neighboring property owner who has filed litigation against Hammonton, claiming that wastewater is running onto their property. The Commission staff asked Hammonton to respond to the claim. Hammonton has advised that it was a onetime incident and has been resolved.

Director Horner said the fourth application is to permit site activities to determine the limits of the former Pemberton Landfill. He said there are T&E species at the site. Any future application for a soil cap of the landfill and solar facility would need to be consistent with the Commission's T&E standards.

Commissioner Lettman requested clarification regarding the acreage for the Hammonton application and how far the drip irrigation will be from wetlands.

Director Horner said the acreage will cover an area where the Town had once proposed recreation fields and underground drip irrigation. The Town is no longer pursuing development of the recreation fields.

Ernest Deman, a Supervising Environmental Specialist with the Commission, said the closest wetlands are approximately 1,000 feet away.

Commissioner Lohbauer said he read though the public comment pertaining to Hammonton's application and wanted to be sure that Commissioners could vote on the application considering the pending litigation.

Ms. Roth said she reviewed the matter, and the Commission is not a party to the litigation. She said the Commission is not prohibited from proceeding with acting on the application today.

The resolution was adopted by a vote of 10 to 0. Commissioner McCurry abstained from the vote.

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

No public comment was provided.

#### Ordinances Not Requiring Commission Action

Chair Matos read the list of Ordinances:

- Chesilhurst Borough Ordinance 2017-3
- Egg Harbor City Ordinance 15-2021
- Jackson Township's 2021 Amended Housing Element and Fair Share Plan
- Lakehurst Borough Ordinance 07-08
- Ocean Township Ordinances 2013-8, 2015-19, 2017-2, 2018-19, 2019-7, 2020-17, 2021-18 & 2022-12
- Pemberton Township Ordinances 9-2022 & 14-2022

Acting ED Grogan said the list from Ocean Township is lengthy because the Township had not been submitting certain ordinances and redevelopment plans. Staff was reviewing a Coastal Area Facility Review Act (CAFRA) permit in the Pinelands National Reserve and realized a discrepancy in zoning, and that led to the submission of several older ordinances the Commission had not reviewed.

#### Other Resolutions

Chair Matos introduced a resolution to accept a grant from the New Jersey Historic Trust.

Commissioner Holroyd made a motion To Accept a Preserve New Jersey Historic Preservation Fund Grant from the New Jersey Historic Trust and Authorize the Acting Executive Director to Enter into a Contract for Development of a Preservation Plan for Historic Fenwick Manor. (See Resolution # PC4-22-41). Commissioner Irick seconded the motion.

The resolution was adopted by a vote of 11 to 0.

#### Presentations

Gina Berg, Resource Planner, provided highlights of the fiscal year 2022 Permanent Land Protection data. She said 2,007 acres were permanently preserved in the Pinelands Area from July 1, 2021 through June 30, 2022. She said the Pinelands Development Credit (PDC) severance process brought the largest gain to permanently protected lands. She provided the amount of acreage in each Pinelands Management Area that has been preserved. She said 51% of the Pinelands Area is now preserved. (See attached presentation slides for additional information.)

Acting ED Grogan delivered a presentation detailing how the PDC program works, data from the annual PDC Bank Report and recent trends related to the PDC program.

She said in 2011 the Commission entered into an agreement with the Department of Banking and Insurance (DOBI) to assume the responsibilities of the PDC Bank. At that time, the Executive Director of the PDC Bank retired and there was no staff and no

funding. Since that time, Commission staff has been providing daily support for all Bank inquiries and functions. Staff issues an annual PDC Bank report each August.

She said PDCs are allocated when the Pinelands Commission issues a Letter of Interpretation. She provided an overview of how many PDC have been allocated since the program's inception. She said if a landowner wants to sell their credits, they must first sever them from the property, which involves placing a deed restriction on the parcel. The Bank has seen a significant increase in severance activity during the last three years. She noted that sales transactions continue to be the most common function of the Bank. PDC sales prices have increased substantially and have not been this high since 2008. Acting ED Grogan reviewed redemptions by numbers and reasons for the redemption by application type. She said for the first time the Annual Report captures data on the type of housing PDCs are redeemed for.

Acting ED Grogan provided information related to the historic supply and demand of PDCs and how the program has been adapted over time. She reviewed how many PDCs are currently for sale and the number of active projects that require the purchase and redemption of PDCs. Lastly, she shared recommendations made by former Commissioner Jordan Howell regarding the PDC Program. She also noted that legislation has been drafted to formally move the Bank from DOBI to the Commission. (See attached slides for additional details.)

Commissioner Irick said he would like to see more rule making occur.

Acting ED Grogan said the FY 23 work plan listed and prioritized rules on which the staff are currently working. She said Marci Green and Stacey Roth are currently working on the 1<sup>st</sup> group of rules that include Electric Transmission Right-of-Way Maintenance and protection of the Black Run watershed. She said the rule making process is a huge endeavor and lack of staff makes it difficult.

#### General Public Comment

Bill Wolfe called in to provide comment on NJDEP's forestry and fuelbreak application (Application Number 2007-0318.001) but before doing so he requested clarification on the following: acreage in which forestry activities will occur, staff's wildfire expertise, the current regulations which do not address climate change or carbon sequestration and Commissioner Wallner's earlier comments on the application. Mr. Wolfe said thinning does not mitigate a forest fire. He said the Commission's action of approving the project was irresponsible, and the plan is destructive. He provided additional reasons as to why he objects to NJDEP's forestry plan. He also said he submitted an Open Public Records Act (OPRA) request for documents related to meetings held between the Commission staff and the NJDEP staff in August. He said there were no responsive documents. He said the Governor should veto the minutes to stop this project.

Georgina Shanley of Citizens United for Renewable Energy said she does not support NJDEP's forestry application and referred to it as "massacre of the Pinelands." She said the



clearing will cause habitat fragmentation and a means for off-road vehicle destruction to continue. She said the Commission should be reviewing this application based on the science and protection of the ecosystem rather than the potential for wildfire risk.

Commissioner Irick said he believes that meeting notes or minutes should be taken and made available to the public when Commission staff holds a meeting with another agency.

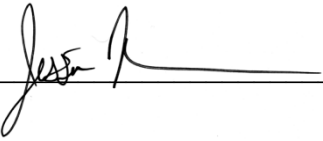
Commissioner Lohbauer agreed.

Chair Matos said staff provided numerous and sufficient updates on the status of meetings held with the NJ Forest Fire Service regarding the progress of this specific application during multiple public meetings.

### Adjournment

Commissioner Pikolycky moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:56 a.m.

Certified as true and correct:

  
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Date: October 24, 2021



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 38

**TITLE:** Designating the James J. Florio Pinelands Library at the New Jersey Pinelands Commission’s Headquarters

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

- WHEREAS**, Governor James J. Florio passed away on September 25, 2022, and his life of public service and extraordinary vision, wisdom and determination to protect the environment has benefited and will continue to benefit future generations of New Jerseyans; and
- WHEREAS**, Governor Florio served in the U.S. Navy, as a State Assemblyman from 1969 to 1974, as a member of the U.S. Congress from 1975 to 1990, as the Governor of the State of New Jersey from 1990 to 1994, and as the Chairman of New Jersey Pinelands Commission from November 8, 2002 to June 28, 2005; and
- WHEREAS**, Governor Florio was a strong proponent of Pinelands protection, helping to craft and steer passage of the National Parks and Recreation Act of 1978, which established the 1.1-million-acre Pinelands National Reserve. The federal act created a planning process to preserve the resources in the Pinelands and set the stage for the adoption of the New Jersey Pinelands Protection Act; and
- WHEREAS**, as a Congressman, Governor Florio authored the landmark Comprehensive Environmental Response, Compensation and Liability Act, also known as the “Superfund” law, that cleaned up hundreds of the most polluted sites in the country, including sites in the Pinelands and in other areas of New Jersey; and
- WHEREAS**, as the Governor of New Jersey, he signed the Clean Water Enforcement Act, which was one of the country’s strongest environmental laws of its type; and
- WHEREAS**, during his tenure as Chairman of the Pinelands Commission, the Commission launched a \$5.5 million study of the Kirkwood-Cohansey aquifer system, amended the Comprehensive Management Plan (CMP) to expand the list of protected plant species, successfully halted the construction of a proposed waste-transfer station in the Pinelands, launched an in-depth review of forestry policies in the Pinelands, created a task force to assess housing opportunities in Regional Growth Areas, completed smart growth planning projects in several Pinelands municipalities, instituted innovative conservation measures that protected thousands of acres in the Toms River, Oyster Creek and Waretown Creek watersheds, and established the Pinelands Conservation Fund, which has since helped to fund numerous scientific studies, planning initiatives, the construction of the Candace McKee Ashmun Pinelands Education Exhibits, and the permanent preservation of nearly 9,000 acres of land in the state Pinelands Area; and
- WHEREAS**, the members of the Commission want to formally recognize Governor Florio’s significant contributions and express their appreciation for his efforts to preserve, protect and enhance the Pinelands; and
- WHEREAS**, the Pinelands Commission has sought to raise awareness and foster stewardship of the Pinelands through educational exhibits located in the Richard J. Sullivan (RJS) Center for Environmental Policy and Education; and
- WHEREAS**, the exhibit area in the RJS Center is adjacent to a library filled with Pinelands-related books, Pinelands-themed artwork, and professional, framed photos showcasing the beauty of the Pinelands, and it serves as an important meeting space for Commission staff and the public; and
- WHEREAS**, naming the library in honor of Governor Florio will serve to memorialize the Commission’s gratitude for his immeasurable contributions to preserve, protect and enhance the Pinelands.

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission hereby expresses their appreciation and gratitude to Governor Florio for his significant contributions to the protection of the Pinelands by designating the existing library at the Richard J. Sullivan Center for Environmental Policy and Education as the James J. Florio Pinelands Library.

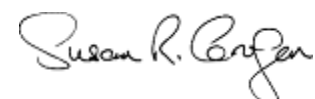
**Record of Commission Votes**

| AYE   NAY   NP   A/R* |   |  |   | AYE   NAY   NP   A/R* |   |  |   | AYE   NAY   NP   A/R* |   |  |  |
|-----------------------|---|--|---|-----------------------|---|--|---|-----------------------|---|--|--|
| Avery                 | X |  |   | Lettman               | X |  |   | Pikolycky             | X |  |  |
| Christy               |   |  | X | Lloyd                 | X |  |   | Quinn                 | X |  |  |
| Holroyd               | X |  |   | Lohbauer              | X |  |   | Wallner               | X |  |  |
| Irick                 | X |  |   | McCurry               | X |  |   | Matos                 | X |  |  |
| Jannarone             |   |  | X | Meade                 |   |  | X |                       |   |  |  |

\*A = Abstained / R = Recused

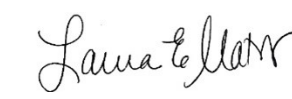
Adopted at a meeting of the Pinelands Commission

Date: October 14, 2022



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Susan R. Grogan  
Acting Executive Director



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Laura E. Matos  
Chair



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

**NO. PC4-22- 39**

**TITLE:**     **Approving** With Conditions an Amended Application for **Public Development** (Application Number 2007-0318.001)

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

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

|                              |                                                                                                               |
|------------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>2007-0318.001</b>         |                                                                                                               |
| <b>Applicant:</b>            | <b>NJDEP, NJ Forest Service</b>                                                                               |
| <b>Municipality:</b>         | Bass River Township<br>Little Egg Harbor Township                                                             |
| <b>Management Area:</b>      | Pinelands Preservation Area District                                                                          |
| <b>Date of Report:</b>       | September 23, 2022                                                                                            |
| <b>Proposed Development:</b> | Amended application for approximately 1,304 acres of forestry and approximately 13 miles of forest firebreak. |

**WHEREAS**, on November 18, 2021, the Commission staff issued a Public Development Application Report recommending approval of certain proposed forestry activities and a proposed forest firebreak; and

**WHEREAS**, that Public Development Application Report was voted on at the December 10, 2021 Pinelands Commission monthly meeting; and

**WHEREAS**, a public development application requires a majority vote of eight of the fifteen Pinelands Commissioners to be either approved or denied; and

**WHEREAS**, that public development application received neither eight Commissioner votes to approve or eight Commissioner votes to deny; and

**WHEREAS**, the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.56) provides that if the Pinelands Commission fails to take any action on the application at its meeting, the recommendation of the Acting Executive Director shall be referred to the New Jersey Office of Administrative Law unless an extension of time for the Commission to act is extended by agreement of the applicant and the Acting Executive Director; and

**WHEREAS**, the applicant requested, and the Acting Executive Director agreed, that the application subject of the November 18, 2021 Public Development Application Report not be referred to the New Jersey Office of Administrative Law for a hearing until December 15, 2022; and

**WHEREAS**, the applicant has completed an amended application for public development resulting in the issuance of an Amended Public Development Application Report; and

**WHEREAS** no request for a hearing before the Office of Administrative Law regarding the Acting Executive Director’s recommendation has been received for this amended application for public development; and

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director contained in the Amended Public Development Application Report; and

**WHEREAS**, the Pinelands Commission hereby determines that the proposed amended public development application 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 Acting 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 2007-0318.001 for amended public development is hereby **APPROVED** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

| AYE NAY NP A/R* |   |  |   | AYE NAY NP A/R* |   |   |   | AYE NAY NP A/R* |   |  |   |
|-----------------|---|--|---|-----------------|---|---|---|-----------------|---|--|---|
| Avery           | X |  |   | Lettman         |   | X |   | Pikolycky       | X |  |   |
| Christy         |   |  | X | Lloyd           | X |   |   | Quinn           | X |  |   |
| Holroyd         | X |  |   | Lohbauer        |   | X |   | Wallner         |   |  | A |
| Irick           | X |  |   | McCurry         | X |   |   | Matos           | X |  |   |
| Jannarone       |   |  | X | Meade           |   |   | X |                 |   |  |   |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 14, 2022

Susan R. Grogan

Susan R. Grogan  
Acting Executive Director

Laura E. Matos

Laura E. Matos  
Chair



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

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



LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

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

September 23, 2022

John Sacco, State Forester (via email)  
NJDEP, NJ Forest Service  
Mail Code 501-04  
PO Box 3420  
Trenton NJ 08625

Re: Application # 2007-0318.001  
Allen Road right-of-way  
Oswego Road right-of-way  
Blocks/Lots: See Attachment A  
Bass River Township  
Little Egg Harbor Township

Dear Mr. Sacco:

The Commission staff has completed its review of this amended application for approximately 1,304 acres of forestry and approximately 13 miles of forest firebreak. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the amended application with conditions at its October 14, 2022 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 Acting 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  
Attachment A

c: Secretary, Bass River Township Planning Board (via email)  
Bass River Township Construction Code Official (via email)  
Secretary, Little Egg Harbor Township Planning Board (via email)  
Little Egg Harbor Township Construction Code Official (via email)  
Little Egg Harbor Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Secretary, Ocean County Planning Board (via email)  
Todd Wyckoff (via email)  
Jason Howell (via email)  
Carleton Montgomery, Executive Director, Pinelands Preservation Alliance (via email)  
William J. Cutts (via email)



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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  
Acting Executive Director

## **AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT**

September 23, 2022

John Sacco, State Forester (via email)  
NJDEP, NJ Forest Service  
Mail Code 501-04  
PO Box 3420  
Trenton NJ 08625

Application No.: 2007-0318.001  
Allen Road right-of-way  
Oswego Road right-of-way  
Blocks/Lots: See Attachment A  
Bass River Township  
Little Egg Harbor Township

This amended application proposes approximately 1,304 acres of forestry on the above referenced 1,383 acre parcel in Bass River Township. This amended application also proposes approximately 13 miles of forest firebreak on either side of Oswego Road and Allen Road in Bass River and Little Egg Harbor Townships.

On November 18, 2021, the Commission staff issued a Public Development Application Report recommending approval of certain forestry and a forest firebreak on the above referenced parcel and road rights-of-way. The application was voted on at the December 10, 2021 Pinelands Commission monthly meeting. An application requires a majority vote of eight of the fifteen Pinelands Commissioners to be either approved or denied. That application received neither eight Commissioner votes to approve or eight Commissioner votes to deny. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.56) provides that if the Pinelands Commission fails to take any action on the application at its meeting, the recommendation of the Acting Executive Director shall be referred to the New Jersey Office of Administrative Law unless an extension of time for the Commission to act is extended by agreement of the applicant and the Acting Executive Director. The applicant has requested, and the Acting Executive Director has agreed, that the application subject of the November 18, 2021 Public Development Application Report not be transmitted to the New Jersey Office of Administrative Law for a hearing until December 15, 2022.

### **Summary of the Amended Application**

This amended application has eliminated the use of herbicides from the approximately 78 acres of forest proposed to be cleared for the 13 mile forest firebreak. The amended application also proposes to reduce the total width of clearing for the forest firebreak from 60 feet to 50 feet. The amended application eliminates herbiciding from the 255 acres of pine-shrub forest type that are proposed to be thinned. The



amended application further clarifies that the spot treatment of herbicide in the 1,041 acres of pine-dominated forest type subject of forestry will only occur where control by non-chemical means, including prescribed burning, is not practical.

### Proposed Forestry

A total of approximately 1,304 acres of forest thinning is proposed to occur in a pine-dominated forest type and a pine-shrub oak forest type. The applicant represents that the acreage subject of the proposed forestry contains an abnormally high density of tree and shrub layer and is classified as overstocked. The applicant further represents that this overstocking creates a very high forest fire fuel load and encourages the persistence of ladder fuels, which in turn lead to a very high risk of wildfire.

Approximately 1,041 acres of pine-dominated forest type will be thinned twice. The applicant proposes that this acreage will be “thinned low and from below.” This type of thinning cuts and removes those trees that are the shortest in height and smallest in diameter. The applicant indicates that these trees generally act as forest fire “ladder fuels” by connecting the plants and shrubs on the ground with the upper canopy of taller trees. The proposed “low and from below” thinning will reduce the forest from 2,075 trees per acre to 204 trees per acre. Canopy cover will be reduced from 68% to 43%.

Approximately 255 acres of pine-shrub oak forest type will be subject to a variable density thinning treatment. This thinning will reduce the forest from 1,940 trees per acre to 74 trees per acre. Canopy cover will be reduced from 74% to 30%.

Approximately 8 acres of pine-shrub oak forest type along the western outside edge of the Allen Road firebreak will be subject to a “feathered” variable density thinning treatment. The applicant indicates that this type of thinning creates a gradual transition in tree density from zero trees per acre created by the proposed forest firebreak to 33 trees per acre for a distance back from the proposed forest firebreak of 75 feet. Canopy cover will be reduced from 74% to 19% by the “feathered” variable density thinning treatment. The applicant indicates that this “feathered” treatment is intended to reduce the harsh forest edges and create a more visually appealing aesthetic between the proposed forest firebreak and the variable density thinning treatment.

To control competitive plant species, including invasives, in the approximately 1,041 acre pine dominated forest type, the application proposes a combination of mechanical site preparation methods, prescribed burning and the spot application of herbicides.

To control competitive plant species, including invasives, in the approximately 255 acre pine-shrub oak forest type, the application proposes only mechanical site preparation methods and prescribed burning. No herbiciding is proposed in the approximately 255 acre pine-shrub oak forest type.

Prescribed burning does not require application to the Pinelands Commission.

### Proposed Forest Firebreak

The application also proposes the creation of a forest firebreak along both sides of Allen Road. The forest firebreak will be created by clearing all trees within a 25 foot wide strip for approximately five miles on both sides of Allen Road between the southern boundary of the Warren Grove Gunnery Range and Stage Road. The application also proposes the creation of a 25 foot wide forest firebreak along both

sides of Oswego Road for approximately eight miles between Cutts Road and County Route 539. In total, the proposed forest firebreak will result in the clearing of approximately 78 acres of forest.

Mowing, drum chopping, disking and prescribed burning are proposed to maintain the forest firebreak. No herbiciding is proposed to maintain the forest firebreak. Mowing of the forest firebreak on an ongoing basis constitutes a routine and customary maintenance activity and does not require application to the Commission.

Drum chopping and disking do not constitute routine and customary maintenance activities. The CMP (N.J.A.C. 7:50-6.45) provides that permits and approvals authorizing forestry activities shall be valid for a period of 10 years. After October 14, 2032, any proposed drum chopping or disking for the proposed forest firebreak require application to the Commission.

#### Proposed Allen Road and Oswego Road Maintenance Activities

The applicant also proposes road maintenance activities in the Allen and Oswego Roads rights-of-way. Proposed road maintenance activities include grading and the addition of gravel to the existing sand/gravel roadways. Routine and customary road maintenance activities do not require application to the Commission.

For Allen Road and the portion of Oswego Road located in Bass River Township, the Township tax map indicates that both roads are 66 foot wide municipal road rights-of-way. In Little Egg Harbor Township, the Township tax map indicates that Oswego Road is a 30 foot wide municipal road right-of-way. A portion of Allen Road is comprised of broken deteriorated pavement and a portion is sand. Oswego Road is entirely a sand road. Both roads range in width from 13 feet to 24 feet. A condition is included in this Amended Public Development Application Report requiring that the applicant obtain any necessary municipal authorization to undertake vegetation removal or maintenance activities within either of the two road rights-of-way.

### **STANDARDS**

The Commission staff has reviewed the proposed forestry and forest firebreak 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. 7:50-5.22(a)3 & (b)4)

The proposed forestry and forest firebreak are located in the Pinelands Preservation Area District. Forestry is permitted in the Pinelands Preservation Area District.

#### Forestry (N.J.A.C. 7:50-6.41)

The application proposes herbiciding in association with the approximately 1,041 acres of proposed forestry in the pine-dominated forest type. The CMP permits herbicide treatment as a forestry practice for site preparation provided the following five conditions are met:

1. Condition One: The proposed treatment is identified in an application submitted to the Pinelands Commission.

The submitted Pinelands application identifies the proposed herbicide treatment.

2. Condition Two: Control of competitive plant species is clearly necessary.

For the proposed forestry in the approximately 1,041 acre pine dominated forest type, the applicant represents that herbiciding may be necessary to control competitive plant species, including invasives. The applicant further represents that herbicides will be used to the minimum amount necessary to achieve the silvicultural objectives of the proposed forestry activities. Additional details on the use of herbicides are provided in condition three below.

3. Condition Three: Control of competitive plant species by other non-chemical means is not practical.

For the proposed 1,041 acres of forestry within the pine-dominated forest type, the applicant represents that targeted spot spraying of herbicides may be used to control competitive plant species, including invasives, where control by other non-chemical means and prescribed burning is not practical. The applicant further represents that no more than one application will occur in any given growing season.

4. Condition Four: All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.

For the proposed forestry, the applicant has indicated that the chemicals proposed for use are labeled for forestry use and will be applied by a licensed pesticide applicator.

5. Condition Five: In pine-shrub oak native forest type, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment.

No use of herbicides is proposed within the 255 acre pine-shrub oak native forest type subject of proposed forestry in this application.

The applicant has demonstrated that the five conditions to permit the use of herbicide for forestry will be met.

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

Available information identifies known sightings of threatened and endangered (T&E) animal and wetland associated plant species in the vicinity of the proposed forestry and the forest firebreak. The applicant represents that the New Jersey Department of Environmental Protection (NJDEP), Division of Fish and Wildlife, Endangered and Nongame Species Program, Office of Natural Lands Management and the Natural Heritage Review Group reviewed the proposed activities and concluded that the proposed activities will pose no irreversible adverse impacts to any threatened or endangered species.

The Commission staff reviewed the proposed forestry and forest firebreak to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

To avoid potential irreversible adverse impacts on any T&E avian species that may be present, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests. Any identified and marked trees will not be harvested.

To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes that the proposed forestry and the creation of the forest firebreak shall only occur between April 15 to November 15, the period when the concerned snake species are active.

The applicant represents that they are aware of an ongoing snake research study in the vicinity of the project area. The applicant further represents that based upon discussion with leaders of the study as well as the NJDEP, Division of Fish and Wildlife, Endangered and Nongame Species Program, there will be no impacts to the study and that the study area and project area do not overlap. There are three known T&E snake species denning and nesting sites associated with the snake research study located along Oswego Road. This application proposes to clear 25 feet of forest for a forest fire break on both sides of Oswego Road. To ensure that the three concerned denning and nesting sites are protected, this Amended Public Development Application Report includes a condition requiring the applicant to provide protective barriers to all three sites or modify the proposed forest firebreak to prevent the inadvertent creation of improved recreational vehicle access to the three concerned sites.

To avoid potential irreversible adverse impacts on the survival of any local populations of Pine Barrens treefrog, the applicant proposes that a 100 foot buffer shall be maintained between the proposed forestry and proposed forest firebreak to potential Pine Barrens treefrog breeding habitat.

There are known sightings of wetland associated T&E plant species in the project area. To avoid potential irreversible adverse impacts on the survival of any local populations of wetland associated T&E plant species, the applicant proposes to maintain a 100 foot buffer to any identified T&E plant species. A condition is included in this Amended Public Development Application Report requiring that, prior to undertaking the proposed forestry and creating the forest firebreak, the applicant shall conduct visual surveys to identify any wetlands associated T&E plant species within 100 feet of the proposed forestry and forest firebreak.

With the conditions included in this Amended Public Development Application Report, the proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

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

There are wetlands located within the area proposed for forestry and the forest firebreak. The CMP permits forestry in both wetlands and the required buffer to wetlands. To maintain consistency with the T&E species protection standards, the application proposes to maintain a 100 foot buffer to any wetlands containing potential Pine Barrens treefrog breeding habitat and a 100 foot buffer to any wetlands associated T&E plant species. The application proposes an 80 foot buffer to wetlands for all other proposed forestry and the forest firebreak.

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

No new or temporary access roads are proposed as part of this application. The proposed forestry and forest firebreak will result in minimal soil disturbance. As a result, a cultural resource survey was not required for the proposed forestry or forest fire fuel break.

**PUBLIC COMMENT**

The applicant has provided the required public notices. Newspaper public notice was completed on August 22, 2022. Notice to required landowners within 200 feet of the above referenced parcel was completed on August 24, 2022. The application was designated as complete on the Commission's website on August 30, 2022. The Commission's public comment period closed on September 9, 2022.

The Commission received three oral comments at its September 9, 2022 meeting regarding this application. The Commission appreciates the commenters interest in the Pinelands Area. Each commenter will receive a copy of this Amended Report on an Application for Public Development.

Public Comment:

- Oral Commenter One (Jason Howell): The commenter raised concerns regarding critical T&E species habitat within the project area.

Staff Response: The application was reviewed by the Pinelands Commission staff for consistency with the CMP threatened and endangered species standards. The Commission staff concluded that with the conditions recommended in this Amended Public Development Application Report, no irreversible adverse impacts will occur on habitats critical to the survival of any local populations of T&E animal species or on any local populations of T&E plant species known to be in the project area. The application was also reviewed by the New Jersey Division of Fish and Wildlife, Endangered and Nongame Species Program, the NJDEP Office of Natural Lands Management and the NJDEP Natural Heritage Review Group. The NJDEP concluded that the proposed activities would pose no irreversible adverse impacts to any threatened or endangered species.

- Oral Commenter Two (Bill Cutts): The commenter stated that he farms three sets of bogs in the vicinity of the proposed firebreak. He noted the risks in growing cranberries, including frost, drought, hail, insects and wildfire. He stated that this project will be of great help in addressing wildfire concerns and expressed support for the forest firebreak proposed in the application.

Staff Response: The Commission appreciates the commenter's support for the proposed forest firebreak.

- Oral Commenter Three (Carleton Montgomery): The commenter raised concerns regarding a possible, inadvertent increase in ORV access to isolated vernal ponds in the vicinity of the proposed forestry and forest firebreak.

Staff Response: The Commission does not directly regulate offroad vehicle usage in the Pinelands Area. However, both the proposed forestry and forest firebreak will maintain a 100 foot buffer to any wetlands containing potential Pine Barrens treefrog breeding habitat and a 100

foot buffer to any wetlands associated T&E plant species. The three vernal ponds in question contain potential Pine Barrens treefrog breeding habitat. No forestry will occur within 100 feet of the three concerned vernal ponds.

### **CONDITIONS**

1. The proposed forestry activities shall adhere to the “Proposal for Silvicultural Activity on State Forest and Park Lands New Jersey State Forestry Service,” dated August 22, 2022.
2. Prior to any forestry or creation of the forest firebreak proposed in this application, the applicant shall obtain any other necessary permits and approvals.
3. No forestry or vegetation clearing for the forest firebreak shall occur on any privately owned lands without the written consent of the property owner.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, all forestry and the creation of the forest firebreak shall occur between April 15 and November 15, the time period when the snakes are active.
5. Prior to any proposed forest firebreak vegetation clearing occurring on the north side of Oswego Road, west of its intersection with Allen Road, and on either side of Oswego Road east of its intersection with Coal Road as depicted on the USGS quadrangle map for Oswego Lake, NJDEP shall submit a detailed sketch(es) to the Commission depicting the relationship of the Oswego Road forest firebreak to the three concerned T&E snake research study sites. The detailed sketch(es) shall depict the Oswego Road right-of-way, the limits of the existing cleared roadway, the limits of existing forest vegetation, the proposed limits of forest vegetation clearing associated with the forest firebreak and any existing barriers or gates on the three concerned snake research study sites. The detailed sketch(es) must also depict the location of additional barriers or any necessary modifications to the proposed forest firebreak proposed by NJDEP to prevent the inadvertent creation of improved recreational vehicle access to the three concerned sites. No forest firebreak clearing shall occur in the above described sections of the Oswego Road right-of-way until the Commission’s Acting Executive Director issues written approval for NJDEP’s proposed barriers or modifications to the proposed forest firebreak.
6. To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry and forest firebreak, visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests shall be conducted. Any tree containing potential T&E avian species cavities or nests shall not be harvested.
7. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E Pine Barrens treefrog, a 100 foot buffer to potential treefrog breeding habitat shall be maintained.
8. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of wetlands associated T&E plant species, prior to undertaking the proposed forestry and forest firebreak, the applicant shall conduct visual surveys to

identify and mark any wetlands associated T&E plant species located within 100 feet of the proposed forestry and forest firebreak. A 100 foot buffer shall be maintained to any identified wetlands associated T&E plant species.

9. No vegetation removal shall occur in the Allen Road right-of-way or the Oswego Road right-of way until any municipal authorization that may be necessary is obtained from Bass River Township and Little Egg Harbor Township.
10. No forest thinning or creation of a forest firebreak shall occur after October 14, 2032 unless a new application has been completed with and approved by the Pinelands Commission.

### **CONCLUSION**

As the proposed forestry and forest firebreak 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 forestry and forest firebreak subject to the above conditions.



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

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### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on October 11, 2022 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.



# ATTACHMENT "A"

## Tax Block and Lot Numbers Of Lands Included in Application

|                                         |
|-----------------------------------------|
| Allen Road, Road Maintenance/Firebreak  |
| Oswego Road, Road Maintenance/Firebreak |
| Forest Management                       |

### Bass River Township (B, L)

|        |        |        |         |          |          |
|--------|--------|--------|---------|----------|----------|
| 49, 12 | 78, 6  | 83, 2B | 83, 26  | 100, 7   | 103C, 18 |
| 65, 4  | 78, 6A | 83, 2D | 83, 27  | 100, 7   | 103C, 19 |
| 64, 10 | 78, 6A | 83, 2E | 83, 28  | 100, 9   | 103C, 20 |
| 65, 5  | 78, 6B | 83, 2F | 83, 28  | 100, 9   | 103C, 21 |
| 65, 5  | 78, 6C | 83, 5  | 91, 5A  | 100, 166 | 103C, 22 |
| 73, 11 | 78, 6C | 83, 6  | 94, 13  | 100, 166 | 103F, 1  |
| 73, 14 | 78, 8  | 83, 6  | 94, 5   | 101, 34  | 103F, 2  |
| 73A, 1 | 78, 10 | 83, 8  | 94, 6   | 101, 34  | 103F, 3  |
| 73B, 1 | 78, 10 | 83, 9  | 94, 8   | 101, 36  | 103F, 4  |
| 73C, 1 | 78, 11 | 83, 9  | 94, 9   | 101, 36  | 103F, 5  |
| 73D, 1 | 78, 11 | 83, 9A | 94, 9A  | 101, 37  | 103F, 6  |
| 73E, 1 | 78, 12 | 83, 9A | 94, 10  | 101, 37  | 103F, 7  |
| 73G, 2 | 78, 12 | 83, 9B | 94, 11  | 101, 37  | 103F, 8  |
| 73H, 1 | 78, 13 | 83, 9B | 94, 12  | 101, 39  | 103F, 9  |
| 73K, 3 | 78, 15 | 83, 9C | 95, 9   | 101, 39  | 103G, 1  |
| 73K, 4 | 78, 15 | 83, 9C | 95, 8   | 101, 39  | 103H, 1  |
| 73K, 5 | 78, 15 | 83, 9D | 96E, 1  | 101, 42  | 103I, 1  |
| 73K, 6 | 78, 16 | 83, 10 | 96E, 9  | 101, 42  | 103J, 1  |
| 73K, 7 | 78, 16 | 83, 10 | 96E, 10 | 101, 44  | 105, 2   |
| 73K, 8 | 78, 16 | 83, 11 | 96E, 24 | 101, 44  | 105, 4   |
| 77, 2  | 78, 17 | 83, 11 | 96E, 29 | 102, 1   |          |
| 77, 3  | 78, 17 | 83, 12 | 96E, 32 | 103, 1A  |          |
| 77, 4  | 78, 17 | 83, 12 | 96E, 33 | 103, 2   |          |
| 77, 5  | 78, 19 | 83, 14 | 96E, 35 | 103, 3   |          |
| 77, 6  | 78, 19 | 83, 14 | 96E, 38 | 103, 4   |          |
| 77, 7  | 78, 19 | 83, 15 | 96E, 44 | 103, 6   |          |
| 77, 16 | 78, 20 | 83, 15 | 96E, 45 | 103, 167 |          |
| 77, 17 | 78, 20 | 83, 16 | 96E, 46 | 103, 168 |          |
| 77, 18 | 78, 20 | 83, 16 | 96E, 47 | 103, 169 |          |
| 77, 27 | 78, 21 | 83, 17 | 96E, 48 | 103, 170 |          |
| 77, 41 | 78, 21 | 83, 18 | 96E, 49 | 103, 171 |          |
| 77, 42 | 78, 21 | 83, 18 | 96E, 50 | 103, 172 |          |

### <sup>1</sup>Little Egg Harbor Township (B, L)

|        |
|--------|
| 49, 1  |
| 49, 10 |
| 49, 3  |
| 49, 4  |
| 49, 5  |
| 49, 6  |
| 49, 7  |
| 50, 1  |
| 50, 5  |
| 50, 6  |
| 51, 6  |
| 51, 7  |
| 51, 8  |
| 52, 1  |
| 52, 3  |
| 52, 4  |
| 52, 5  |
| 52, 6  |
| 53, 1  |
| 54, 3  |
| 58, 1  |
| 59, 1  |
| 59, 3  |
| 59, 8  |
| 62, 2  |
| 62, 3  |
| 62, 7  |
| 64, 1  |

**Bass River Township (B, L)**

|        |        |        |         |          |  |
|--------|--------|--------|---------|----------|--|
| 77, 42 | 78, 23 | 83, 18 | 96E, 51 | 103, 173 |  |
| 77, 42 | 78, 33 | 83, 21 | 96E, 52 | 103, 174 |  |
| 77, 43 | 78, 33 | 83, 21 | 96E, 53 | 103, 175 |  |
| 77, 43 | 82, 2  | 83, 21 | 96E, 54 | 103, 208 |  |
| 78, 1  | 82, 2  | 83, 22 | 96E, 55 | 103, 209 |  |
| 78, 1  | 82, 4  | 83, 22 | 97A, 1  | 103, 214 |  |
| 78, 2  | 82, 4  | 83, 22 | 97D, 1  | 103B, 2  |  |
| 78, 2  | 83, 1  | 83, 23 | 101, 1  | 103B, 7  |  |
| 78, 4  | 83, 2  | 83, 23 | 100, 3  | 103B, 9  |  |
| 78, 4  | 83, 2  | 83, 25 | 100, 3  | 103B, 11 |  |
| 78, 5  | 83, 2A | 83, 25 | 100, 3A | 103B, 12 |  |
| 78, 5  | 83, 2A | 83, 25 | 100, 3A | 103B, 13 |  |
| 78, 6  | 83, 2B | 83, 26 | 100, 7  | 103C, 17 |  |



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 40

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1981-2437.018, 1984-1157.008, 1988-0706.024 & 2021-0112.003)

Commissioner Lohbauer moves and Commissioner Irick seconds the motion that:

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

|                       |                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------|
| 1981-2437.018         |                                                                                                  |
| Applicant:            | Atlantic County Vocational Technical School District                                             |
| Municipality:         | Hamilton Township                                                                                |
| Management Area:      | Pinelands Regional Growth Area                                                                   |
| Date of Report:       | September 22, 2022                                                                               |
| Proposed Development: | Construction of a 140,130 square foot three story building and a 97 space parking lot;           |
| 1984-1157.008         |                                                                                                  |
| Applicant:            | Buena Regional School District                                                                   |
| Municipality:         | Buena Vista Township                                                                             |
| Management Area:      | Pinelands Rural Development Area                                                                 |
| Date of Report:       | September 16, 2022                                                                               |
| Proposed Development: | Construction of a synthetic turf athletic field at the Buena Regional High School;               |
| 1988-0706.024         |                                                                                                  |
| Applicant:            | Town of Hammonton                                                                                |
| Municipality:         | Town of Hammonton                                                                                |
| Management Area:      | Pinelands Town                                                                                   |
| Date of Report:       | September 21, 2022                                                                               |
| Proposed Development: | Construction of an 11 acre overland drip irrigation system for treated wastewater; and           |
| 2021-0112.003         |                                                                                                  |
| Applicant:            | Pasadena Pemberton Solar Farm, LLC                                                               |
| Municipality:         | Pemberton Township                                                                               |
| Management Area:      | Pinelands Preservation Area District                                                             |
| Date of Report:       | September 22, 2022                                                                               |
| Proposed Development: | Vegetation clearing and soil disturbance to establish the limits of a former Township landfill . |

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director’s recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director for each of the proposed developments; and

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1981-2437.018, 1984-1157.008, 1988-0706.024 & 2021-0112.003 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

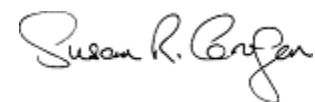
Record of Commission Votes

| AYE NAY NP A/R* |   |  |   | AYE NAY NP A/R* |   |  |   | AYE NAY NP A/R* |   |  |  |
|-----------------|---|--|---|-----------------|---|--|---|-----------------|---|--|--|
| Avery           | X |  |   | Lettman         | X |  |   | Pikolycky       | X |  |  |
| Christy         |   |  | X | Lloyd           | X |  |   | Quinn           | X |  |  |
| Holroyd         | X |  |   | Lohbauer        | X |  |   | Wallner         | X |  |  |
| Irick           | X |  |   | McCurry         |   |  | A | Matos           | X |  |  |
| Jannarone       |   |  | X | Meade           |   |  | X |                 |   |  |  |

\*A = Abstained / R = Recused

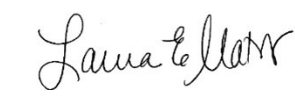
Adopted at a meeting of the Pinelands Commission

Date: October 14, 2022



---

Susan R. Grogan  
Acting Executive Director



---

Laura E. Matos  
Chair



State of New Jersey  
THE PINELANDS COMMISSION  
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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  
Acting Executive Director

September 22, 2022

Nick Brown, Business Administrator (via email)  
Atlantic County Vocational Technical School District  
5080 Atlantic Avenue  
Mays Landing NJ 08330

Re: Application # 1981-2437.018  
Block 994, Lot 47  
Hamilton Township

Dear Mr. Brown:

The Commission staff has completed its review of this application for the construction of a 140,130 square foot three story building and a 97 space parking lot. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its October 14, 2022 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 Acting 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, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
David J. Fleming, PE (via email)







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

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Chair  
SUSAN R. GROGAN  
Acting Executive Director

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

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

September 22, 2022

Nick Brown, Business Administrator (via email)  
Atlantic County Vocational Technical School District  
5080 Atlantic Avenue  
Mays Landing NJ 08330

Application No.: 1981-2437.018  
Block 994, Lot 47  
Hamilton Township

This application proposes the construction of a 140,130 square foot three story classroom building and a 97 space parking lot at the Atlantic County Institute of Technology High School located on the above referenced 53.39 acre parcel in Hamilton Township.

### **STANDARDS**

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

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

The proposed development will be located over existing impervious surfaces, maintained grassed areas and within wooded areas.

As required by the CMP (N.J.A.C. 7:50-6.23(a)), the proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The CMP (N.J.A.C. 7:50-6.23(b)) also provides that, where practical, all clearing, and soil disturbance associated with the proposed development shall avoid wooded areas. The parcel is primarily developed with school buildings, parking areas and recreational fields. Approximately 1.25 acres of woods will be cleared to accommodate two proposed stormwater management facilities. Approximately 1.6 acres of additional woods will be cleared for a construction material and equipment staging area. The

construction staging area will be located adjacent to the proposed building. The applicant has indicated that the construction staging area is needed to provide a safe work area for both the construction of the building and students that will be on the campus during building construction. The applicant has indicated that other potentially available construction staging areas on the parcel, such as existing and proposed parking areas, are not feasible. The applicant has demonstrated that it is not practical to avoid clearing the approximately 1.6 acre wooded area for the construction staging area.

The CMP (N.J.A.C. 7:50-6.23(b)2) requires the revegetation or landscaping of areas temporarily cleared during development. For student security reasons, the applicant proposes to revegetate the construction staging area with grasses rather than trees.

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

#### 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 infiltration facility and a stormwater infiltration basin and expanding an existing stormwater infiltration basin.

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

The proposed development will be serviced by public sanitary sewer.

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

### **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 July 28, 2022. Newspaper public notice was completed on August 2, 2022. The application was designated as complete on the Commission's website on August 29, 2022. The Commission's public comment period closed on September 9, 2022. 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 28 sheets, prepared by Marathon Engineering and Environmental Services and all sheets dated December 7, 2021 and revised to September 13, 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 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.



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

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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

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

## **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on October 11, 2022 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.



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

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

September 16, 2022

Pasquale Yacovelli (via email)  
Buena Regional School District  
P.O. Box 309  
Buena NJ 08310

Re: Application # 1984-1157.008  
Block 3701, Lots 7 & 8  
Buena Vista Township

Dear Mr. Yacovelli:

The Commission staff has completed its review of this application for the construction of a synthetic turf athletic field at the Buena Regional High School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its October 14, 2022 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 Acting 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)  
Marianne G. Risley (via email)





PHILIP D. MURPHY  
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## **PUBLIC DEVELOPMENT APPLICATION REPORT**

September 16, 2022

Pasquale Yacovelli (via email)  
Buena Regional School District  
P.O. Box 309  
Buena NJ 08310

Application No.: 1984-1157.008  
Block 3701, Lots 7 & 8  
Buena Vista Township

This application proposes the construction of a synthetic turf athletic field at the Buena Regional High School located on the above referenced 77.82 acre parcel in Buena Vista Township.

The application proposes to replace an existing grassed athletic field with a synthetic turf athletic field. The replacement athletic field will be in the same location as the existing athletic field.

### **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. 7:50-5.26(a)11)**

The proposed development is located in a Pinelands Rural Development Area. Institutional uses, including accessory athletic fields, are a permitted land use in a Pinelands Rural Development Area.

#### **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 grassed athletic field. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize the disturbed areas beyond the limits of the proposed synthetic turf athletic field, the application proposes to utilize a seed mixture which meets that recommendation.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct a subsurface stormwater infiltration system beneath the proposed synthetic turf athletic field and adjacent areas.

**PUBLIC COMMENT**

The applicant completed the requisite public notices. Newspaper public notice was completed on December 9, 2021. Notice to required land owners within 200 feet of the above referenced parcel was completed on December 30, 2021. The application was designated as complete on the Commission's website on August 30, 2022. The Commission's public comment period closed on September 9, 2022. 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 20 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:  
  
Sheet 1 - August 2022  
Sheets 2-9, 11, 13-15 & 18-20 - May 2022  
Sheets 10, 12, 16 & 17 - May 2002; last revised August 2, 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 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.



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

State of New Jersey  
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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

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

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on October 4, 2022 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.



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

September 21, 2022

Robert Vettese (via email)  
Town of Hammonton  
100 Central Avenue-Town Hall  
Hammonton NJ 08037

Re: Application # 1988-0706.024  
Block 4204, Lots 8 - 9 & 13 - 15  
Town of Hammonton

Dear Mr. Vettese:

The Commission staff has completed its review of this application for construction of an 11 acre overland drip irrigation system for treated wastewater. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its October 14, 2022 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 Acting 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

Attachments(3): 7/8/22 Cody Public Comment Letter w/encls.  
8/19/22 Hammonton letter w/ enc.  
9/9/22 Ackers Public Comment Letter

c: Secretary, Town of Hammonton Planning Board (via email)  
Town of Hammonton Construction Code Official (via email)  
Town of Hammonton Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Fred Akers (via email)  
Douglas Cody, Esq. (via email)





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LAURA E. MATOS  
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## **PUBLIC DEVELOPMENT APPLICATION REPORT**

September 21, 2022

Robert Vettese (via email)  
Town of Hammonton  
100 Central Avenue-Town Hall  
Hammonton NJ 08037

Application No.: 1988-0706.024  
Block 4204, Lots 8 - 9 & 13 - 15  
Town of Hammonton

This application proposes the construction of an 11 acre overland drip irrigation system for treated wastewater located on the above referenced 142.77 acre parcel in Hammonton Town.

The Town of Hammonton's Boyer Avenue treated wastewater land application facility is located on the parcel. The land application facility includes one wastewater storage lagoon, five infiltration trenches, 26 acres of overland drip irrigation and eight acres of underground recharge. There are also existing municipal recreational fields located on the parcel.

The proposed overland drip irrigation system will be located within 11 acres of wooded uplands. The infiltration piping will be placed on the soil surface. The infiltration piping will have emitting holes for the discharge of treated wastewater. The proposed drip irrigation system will be fed from the existing treated wastewater storage lagoon by an existing pump station. A series of soil probes will control the flow rate to the proposed drip irrigation system depending on soil moisture, permeability and precipitation.

The land application facility accepts treated wastewater from Hammonton's Pleasant Mills Road wastewater treatment plant. The wastewater treatment plant has a design capacity of 1.6 million gallons of wastewater per day. To date in 2022, the average daily flow from the wastewater treatment plant is approximately 0.95 million gallons of wastewater per day. The current land application facility is accommodating those 0.95 million gallons of wastewater per day.

Through a series of New Jersey Department of Environmental Protection Administrative Consent Orders and Pinelands Commission approvals, Hammonton was required to cease all discharge of treated wastewater from the Pleasant Mills Road wastewater treatment plant into Hammonton Creek by December 10, 2013.

On March 14, 2014, the Commission approved a Long Term Comprehensive Plan for Treatment and Disposal of Wastewater from the Town of Hammonton (“Hammonton Plan”). In that approval, the Commission provided that Hammonton could only discharge wastewater from the Pleasant Mills Road wastewater treatment plant directly into Hammonton Creek on an emergency basis. The applicant represents that no wastewater has been discharged from the Pleasant Mills Road wastewater treatment plant into Hammonton Creek since March of 2015.

The proposed 11 acre overland drip irrigation system for treated wastewater will be located in an area designated in the Hammonton Plan for a 5.3 acre underground drip irrigation system for treated wastewater. The proposed 5.3 acre underground drip irrigation system had a capacity to infiltrate 105,560 gallons of treated wastewater per day. The applicant anticipates that the proposed 11 acre overland drip irrigation system proposed in this application will have the capacity to infiltrate 275,000 gallons of treated wastewater per day.

### **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 in the Pinelands Town of Hammonton. The proposed development is a permitted land use in a Pinelands Town.

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

There are wetlands located within 300 feet of the parcel. The proposed development will be located greater than 300 feet from the wetlands.

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

The proposed development will be located within an existing forested area. The applicant proposes to mow understory shrubs to facilitate placement of the above ground infiltration piping. The proposed clearing 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 does not propose revegetation.

### **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 June 27, 2022. Newspaper public notice was completed on June 29, 2022. The application was designated as complete on the Commission’s website on August 30, 2022. The Commission’s public comment period closed on September 9, 2022. The Commission received one oral/written public comment ([attached](#)) and one written public comment ([attached](#)) regarding this application.

Public Comment One:           At the Commission’s September 9, 2022 meeting and by letter dated

September 9, 2022, the commenter express support for the application and suggested that the Commission consider amending the Pinelands Infrastructure Trust Master Plan so that projects located in the Pinelands Town of Hammonton would be eligible for infrastructure funding.

**Staff Response:**

The Commission appreciates the commenter's support of the application and suggestion regarding the Pinelands Infrastructure Master Plan, which was adopted by the Commission to implement the 1985 Pinelands Infrastructure Bond Act. Following adoption of the Bond Act, New Jersey voters approved a bond issue that provided for \$30 million to be disbursed in grants and loans for infrastructure projects serving the needs of Pinelands Regional Growth Areas. Allocation of these funds to projects in Pinelands Towns requires an act of the State Legislature and/or a vote of the citizens of New Jersey. The Commission is not authorized to award infrastructure funds to projects outside the Regional Growth Area.

**Public Comment Two:**

By letter dated July 8, 2022 with attachments, the commenter indicated that there is a pending citizen suit filed by an adjacent property owner against the Town of Hammonton. The commenter further indicated that the Town of Hammonton's Boyer Avenue land application site is unable to infiltrate the treated wastewater that is supplied to the parcel, that treated wastewater has flowed overland onto adjacent properties and that the inability to infiltrate the treated wastewater is polluting surface water and damaging the environment

**Staff Response:**

The Commission staff provided the July 8, 2022 public comment to the applicant and requested that the applicant provide a written response.

The applicant provided the Commission with a letter from the municipal Public Works Manager dated August 19, 2022 ([attached](#)), responding to the public comment. In that response, the applicant noted that there had been accidental discharges from the Boyer Avenue land application site, primarily involving a disconnected drip irrigation line allowing water to flow into the ground surface at a rate greater than what would normally occur. In response to the accidental discharges, the applicant has instituted several corrective measures including reducing the run time of the drip irrigation system along the boundary of the site and relocating drip irrigation lines further from those areas. The applicant has also instituted greater oversight in those areas to find and repair any faults with the drip irrigation system.

On September 20, 2022, the Commission staff conducted a site inspection of the Boyer Avenue land application facility. During that site inspection, no evidence of overland flow of treated wastewater was observed.

Based upon its review of the written response provided by the applicant and the Commission staff site inspection, the Commission staff believes it has exercised due diligence in its review of this application. The Commission staff believes that the citizen suit filed by the neighboring

property owner is a civil litigation matter to be resolved between the two adjacent property owners.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Adam, Rehmann & Heggan Associates, Inc., all sheets dated August 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.
5. On a monthly basis, the applicant shall submit a report to the Commission documenting the amount of treated wastewater that has been recharged on the above referenced parcel.

### **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.



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

State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
New Lisbon, NJ 08064  
(609) 894-7300  
[www.nj.gov/pinelands](http://www.nj.gov/pinelands)



LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

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

## **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 October 11, 2022 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.

## **Attachments**

There are over 600 pages of attachments.

Click below (or cut/paste the link into your browser) to view the public comment attachments:

<https://www.dropbox.com/sh/h3wufui4vrah1gk/AACsXexmBmHWcn0Eng24nJ7ma?dl=0>



State of New Jersey  
THE PINELANDS COMMISSION  
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PHILIP D. MURPHY  
Governor  
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General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

September 22, 2022

Gary Cicero (via email)  
Pasadena Pemberton Solar Farm, LLC  
On Behalf of Pemberton Township  
331 Newman Springs Road  
Red Bank NJ 07701

Re: Application # 2021-0112.003  
Block 906, Lot 1.01  
Pemberton Township

Dear Mr. Cicero:

The Commission staff has completed its review of this application for a site investigation to establish the limits of a former Township landfill. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its October 14, 2022 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 Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)  
Pemberton Township Construction Code Official (via email)  
Pemberton Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Rodger Ferguson, Jr., LSRP (via email)  
Michelle Forman







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

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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)

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

September 22, 2022

Gary Cicero (via email)  
Pasadena Pemberton Solar Farm, LLC  
On Behalf of Pemberton Township  
331 Newman Springs Road  
Red Bank NJ 07701

Application No.: 2021-0112.003  
Block 906, Lot 1.01  
Pemberton Township

This application proposes a site investigation to delineate the limits of a former Township landfill located on the above referenced 27.21 acre parcel in Pemberton Township.

The landfill ceased operation prior to September 23, 1980. Based upon the regulations contained in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.75(c)), there is no regulatory obligation to install a soil cap on the landfill.

The application proposes limited vegetation clearing and soil disturbance associated with the site investigation. To establish the limits of the former landfill, the applicant proposes to mow 10 foot wide transect lines on a 200 foot by 200 foot grid across the parcel. No soil grubbing will occur. The transect lines will be field established to avoid woody vegetation to the maximum extent possible. The applicant will utilize the mowed transect lines as paths for investigative equipment. Investigative equipment to be utilized to determine the limits of the existing landfill includes ground penetrating radar, a track mounted compact excavator and a track mounted drill rig. A total of 22 test pits and 10 soil borings will be completed. The test pits will be excavated to the minimum depth necessary to observe the type of waste within the former landfill and to collect samples of that waste. The borings will be advanced through the waste to provide a detailed cross-section of the former landfill. All of the disturbed areas will be regraded with the material (sand and soil) removed during the investigation.

### **STANDARDS**

The Commission staff has reviewed the proposed site investigation 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. 7:50-5.22)

The parcel is located within the Pinelands Preservation Area District. The proposed site investigation is intended to determine the extent and limits of the former landfill on the parcel. It is anticipated that an application will be filed with the Pinelands Commission in the future proposing a two foot soil cap on the landfill and the installation of a solar energy facility. The placement of a two foot soil cap and a proposed solar facility on the former landfill is a permitted land use in the Pinelands Preservation Area District.

### Wetlands Standards (N.J.A.C. 7:50-6.7)

There are wetlands located within 300 feet of the parcel. The CMP prohibits most development, including vegetation clearing and soil disturbance, within wetlands and the required buffer to wetlands. No vegetation clearing or soil disturbance will occur within wetlands. The closest vegetation clearing and soil disturbance will occur approximately 200 feet from wetlands.

The CMP (N.J.A.C. 7:50-6.7) identifies nine specific criteria that must be addressed to determine whether a proposed buffer to wetlands of less than 300 feet will result in an irreversible adverse impact on the wetlands. Based upon the presence of the former landfill and the location of the proposed vegetation clearing and soil disturbance, it has been demonstrated that the site investigation will not result in a significant adverse impact on the wetlands.

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

The proposed site investigation will occur within grassed and wooded areas. The proposed vegetation clearing and soil disturbance is limited to that which is necessary to accommodate the proposed site investigation.

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

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

The applicant completed a visual survey of the parcel for the potential presence of threatened and endangered (T&E) snake species. During that visual survey, the applicant confirmed the presence of Northern pine snake (threatened) and Timber rattlesnake (endangered) on the parcel.

The CMP requires that development, including vegetation clearing and soil disturbance, be designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of a T&E animal species.

To avoid potential impacts to habitat critical to the survival of any local population of Northern pine snake or Timber rattlesnake, the site investigation has been designed to limit the number of transect lines and required soil test pits and soil borings. A 100 foot undisturbed buffer will be provided to the areas where the concerned T&E snakes were observed.

The site investigation is limited to a timeframe between November 1<sup>st</sup> and March 30<sup>th</sup> of any year. This

timing restriction limits the site investigation to the hibernating season of the T&E snakes and avoids the time of year when snakes may be actively utilizing the parcel.

The applicant proposes that a qualified herpetologist will be present on the parcel during vegetation clearing or soil disturbance associated with the site investigation.

Discovery of any snake species on the parcel between November 1<sup>st</sup> and March 30<sup>th</sup> could be indicative of a nearby den site or that air temperatures are warm enough that snake species are not yet hibernating. If any snake species is discovered on the parcel during vegetation clearing or soil disturbance, those site investigation activities shall immediately cease and the Commission will be notified within 24 hours. The qualified herpetologist shall recommend an appropriate course of action to the Commission for continuing vegetation clearing or soil disturbance associated with site investigation. No further vegetation clearing or soil disturbance associated with site investigation shall occur without the written approval of the Commission's Acting Executive Director.

Based on the proposed plan and the conditions recommended below, the site investigation has been designed to avoid irreversible adverse impacts on habitats critical to the survival of the local populations of Northern pine snake and Timber rattlesnake.

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Newspaper public notice was completed on June 10, 2022. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 21, 2022. The application was designated as complete on the Commission's website on August 30, 2022. The Commission's public comment period closed on September 9, 2022. The Commission received one oral public comment at its September 9, 2022 meeting regarding this application.

Public Comment: The commenter inquired as to the size of a proposed solar facility on the parcel.

Staff Response: An application for a solar energy facility on the referenced parcel has not been submitted to the Commission. Based on the size of the parcel, any potential solar energy facility would be 27 acres or less.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed site investigation shall adhere to the plan, prepared by PennJersey Environmental Consulting, and dated August 30, 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 vegetation clearing or soil disturbance associated with the site investigation, the applicant shall obtain any other necessary permits and approvals.
5. The vegetation clearing and soil disturbance associated with the proposed site investigation shall only occur between November 1st and March 30th of any year.
6. A qualified herpetologist shall be on the parcel during vegetation clearing and soil disturbance associated with the site investigation.
7. Upon discovery of any snake on the parcel during the vegetation clearing or soil disturbance associated with the site investigation, all vegetation clearing or soil disturbance associated with the site investigation shall immediately cease and the Commission will be notified within 24 hours of the discovery. The qualified herpetologist shall recommend an appropriate course of action to the Commission for continuing vegetation clearing or soil disturbance associated with the site investigation. No further vegetation clearing or soil disturbance associated with the site investigation shall occur without the written approval of the Commission's Acting Executive Director.
8. In addition to condition 7 above, if any T&E snake is discovered during the vegetation clearing and soil disturbance associated with the site investigation, the qualified herpetologist shall immediately take all necessary steps to protect that T&E snake.
9. Any future application for a soil cap or solar energy facility on the parcel must demonstrate consistency with all standards of the Pinelands Comprehensive Management Plan, including the threatened and endangered species protection standards.

### **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.



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

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### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on October 11, 2022 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. PC4-22- 41**

**TITLE:** To Accept a Preserve New Jersey Historic Preservation Fund Grant from the New Jersey Historic Trust and Authorize the Acting Executive Director to Enter into a Contract for Development of a Preservation Plan for Historic Fenwick Manor

**Commissioner Holroyd moves and Commissioner Irick seconds the motion that:**

**WHEREAS**, on March 11, 2022, the Pinelands Commission adopted Resolution PC4-22-13, authorizing the Acting Executive Director to submit an application to the New Jersey Historic Trust for a 2022 Preserve New Jersey Historic Preservation Fund Grant to fund the preparation of a Preservation Plan for historic Fenwick Manor;

**WHEREAS**, Resolution PC4-22-13 also certified the availability of matching funds to be provided by the Commission should the Historic Trust grant be received; and

**WHEREAS**, prior to submitting the grant application to the New Jersey Historic Trust, the Commission issued a Request for Proposals (RFP) to procure the services of a qualified consultant to develop a Preservation Plan for historic Fenwick Manor; and

**WHEREAS**, the RFP expressly stated that any contract award was contingent on the Commission’s receipt of grant funding from the New Jersey Historic Trust; and

**WHEREAS**, the RFP was issued on March 14, 2022, posted on the Commission’s website and emailed to 13 prospective bidders; and

**WHEREAS**, the Commission received six proposals prior to the deadline of 1 p.m. on April 1, 2022 and shortly thereafter submitted its application to the New Jersey Historic Trust for a Preserve New Jersey Historic Preservation Fund Grant; and

**WHEREAS**, on April 13, 2022, the Commission submitted an application to the New Jersey Historic Trust, requesting a grant of \$31,387 for the preparation of a Preservation Plan for Fenwick Manor and confirming the Commission’s obligation and ability to provide the required matching funds; and

**WHEREAS**, on September 28, 2022, the New Jersey Historic Trust announced that grant funding in the amount of \$31,387 had been awarded to the Pinelands Commission for preparation of a Preservation Plan for Fenwick Manor; and

**WHEREAS**, shortly thereafter, a three-member evaluation committee composed of Pinelands Commission staff completed its evaluation process for the six proposals received in response to the RFP, including reference checks; and

**WHEREAS**, based on the firm’s overall proposal and the positive responses from references, the evaluation committee recommended to the Acting Executive Director that the contract be awarded to the firm of Connolly & Hickey Historical Architects LLC, P.O. Box 1726, Cranford, New Jersey 07016 in the amount of \$41,850; and

**WHEREAS**, a report containing the evaluation committee’s recommendation was approved by the Acting Executive Director and subsequently reviewed and endorsed by the Chairman of the Commission’s Personnel & Budget Committee; and

**WHEREAS**, the Commission’s adopted budget for Fiscal Year 2023 includes sufficient funds to satisfy the 25% match requirement for the grant received from the New Jersey Historic Trust; 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.      The Pinelands Commission hereby accepts the \$31,387 grant from the New Jersey Historic Trust and expresses its gratitude to the Trust for its support of the Commission’s efforts to preserve and maintain historic Fenwick Manor.
2.      The Acting Executive Director is authorized to enter into a contract with the firm of Connolly & Hickey Historical Architects LLC, P.O. Box 1726, Cranford, New Jersey 07016 in the amount of \$41,850.

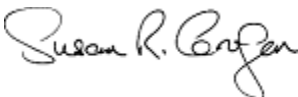
**Record of Commission Votes**

| AYE    NAY    NP    A/R* |   |  |   | AYE    NAY    NP    A/R* |   |  |   | AYE    NAY    NP    A/R* |   |  |  |
|--------------------------|---|--|---|--------------------------|---|--|---|--------------------------|---|--|--|
| Avery                    | X |  |   | Lettman                  | X |  |   | Pikolycky                | X |  |  |
| Christy                  |   |  | X | Lloyd                    | X |  |   | Quinn                    | X |  |  |
| Holroyd                  | X |  |   | Lohbauer                 | X |  |   | Wallner                  | X |  |  |
| Irick                    | X |  |   | McCurry                  | X |  |   | Matos                    | X |  |  |
| Jannarone                |   |  | X | Meade                    |   |  | X |                          |   |  |  |

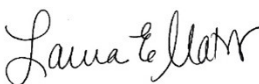
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 14,2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



# **Pinelands Commission Moth Night**



October 6, 2022



## Event Setup:

Painting on the all-natural “moth bait” earlier in the day







## Moth Bait Ingredients:

Overripened,  
mashed bananas,  
peaches in their  
juice, apple juice,  
molasses, brown  
sugar and malt liquor









Setting up the moth  
screens and powerful  
lights







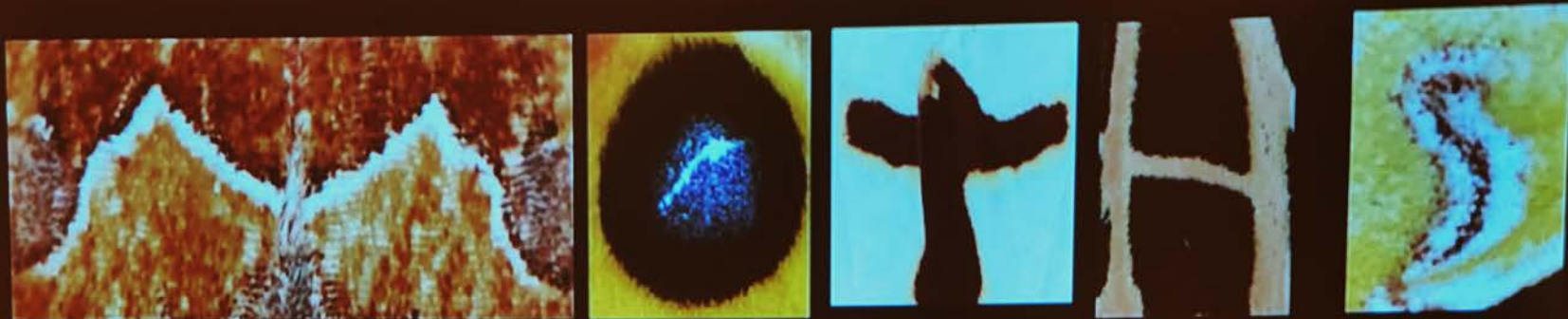




Glow in the dark T-shirt



## Indoor Presentation



# of Fall in the New Jersey Pinelands



Presentation and Photography by Ann-Marie Woods







# Outdoor “mothing”





























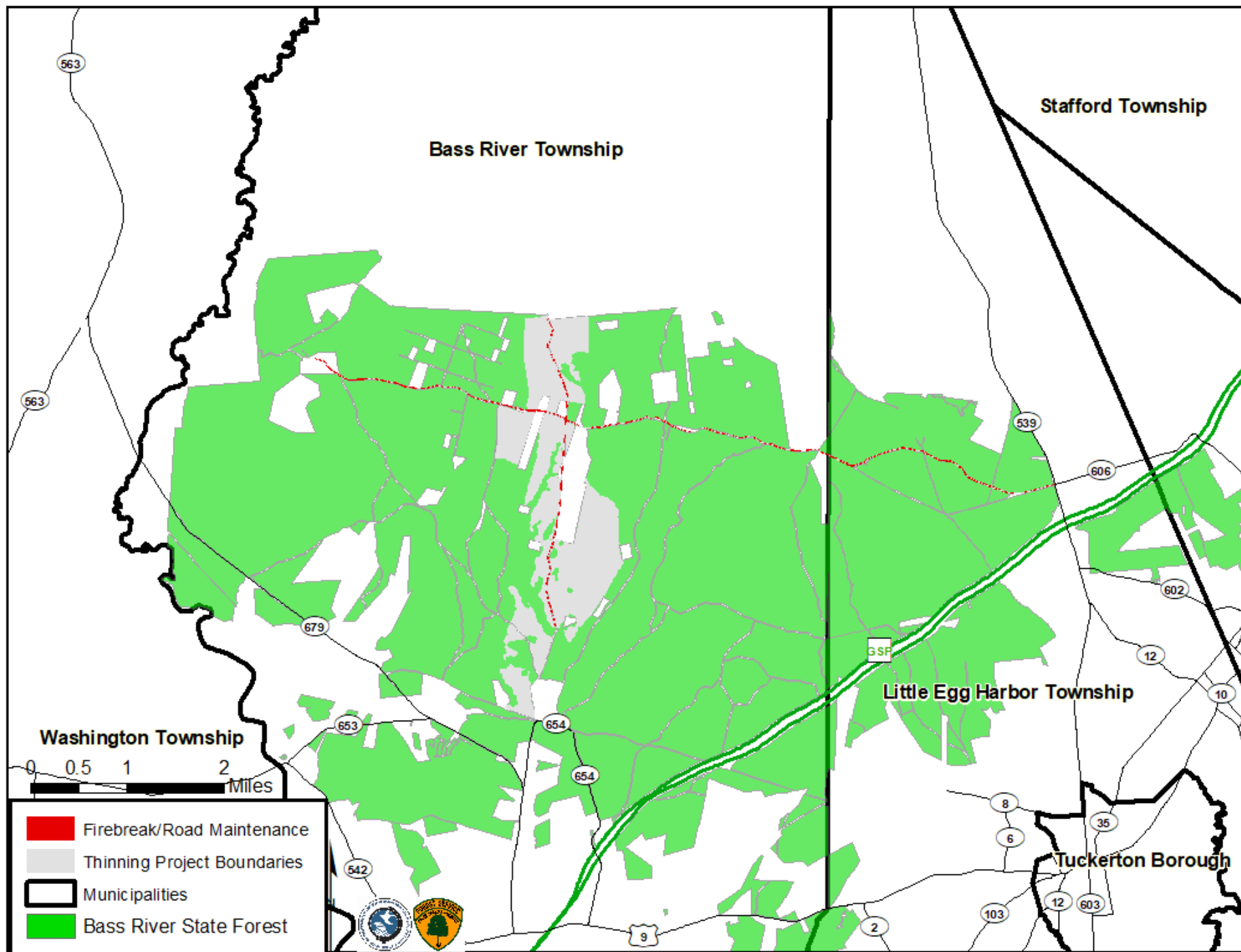






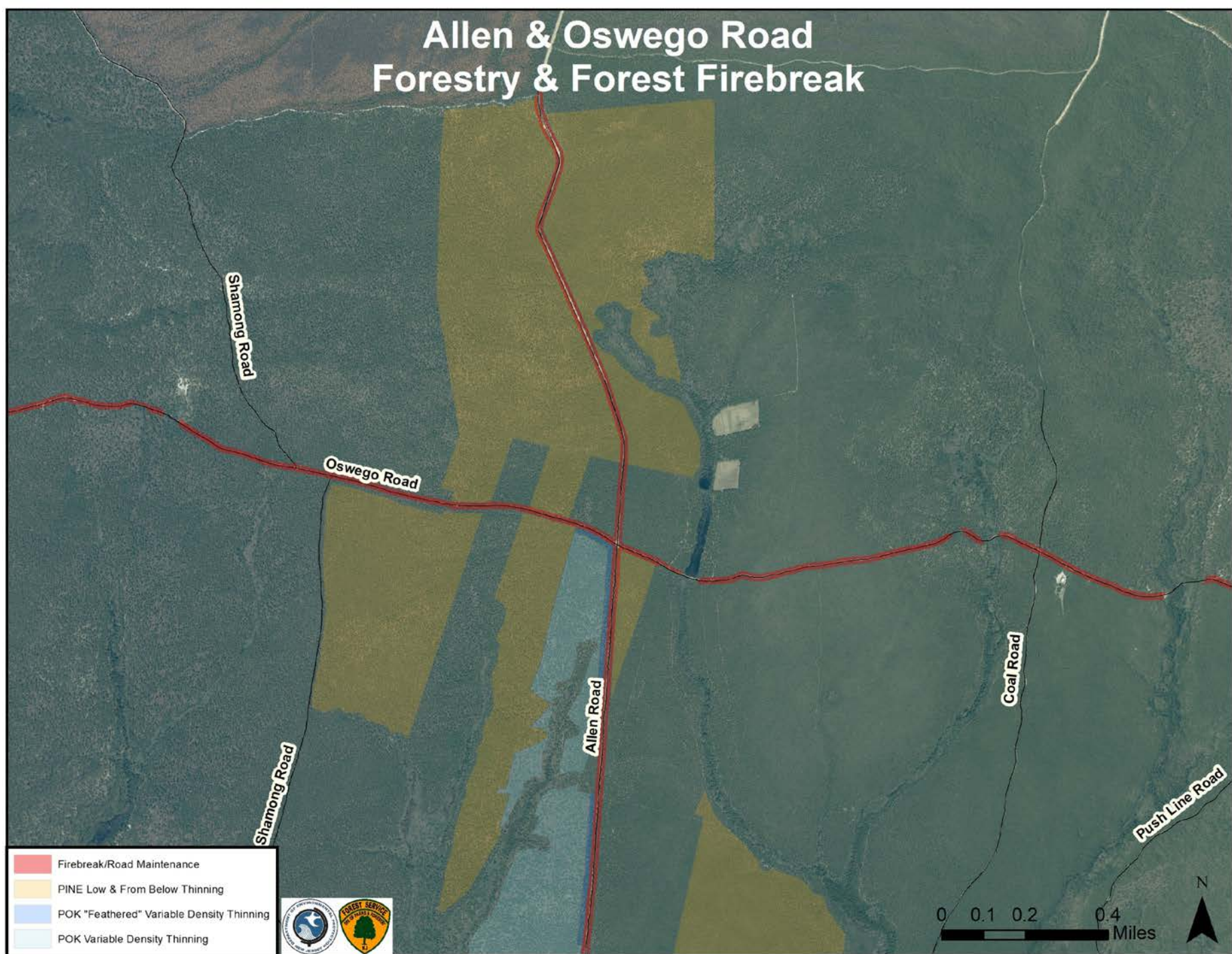






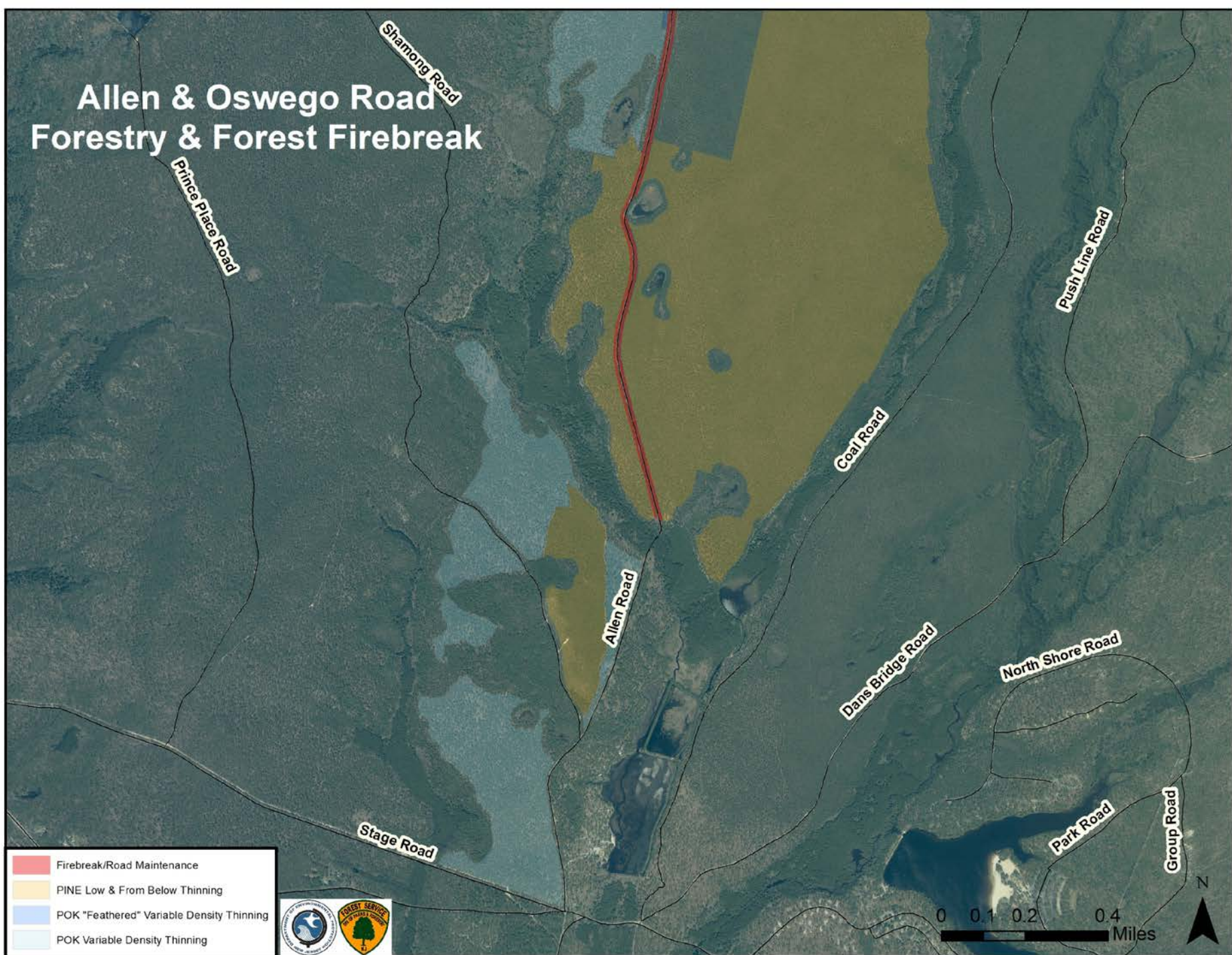


# Allen & Oswego Road Forestry & Forest Firebreak





# Allen & Oswego Road Forestry & Forest Firebreak





An aerial photograph of a forested area. A wide, light-colored path or road runs diagonally from the top center towards the bottom left. The surrounding area is covered in dense green trees and vegetation. In the bottom right corner, the roofs of some buildings are visible through the trees.

# Permanent Land Protection

Annual Update FY 2022

July 1, 2021 – June 30, 2022



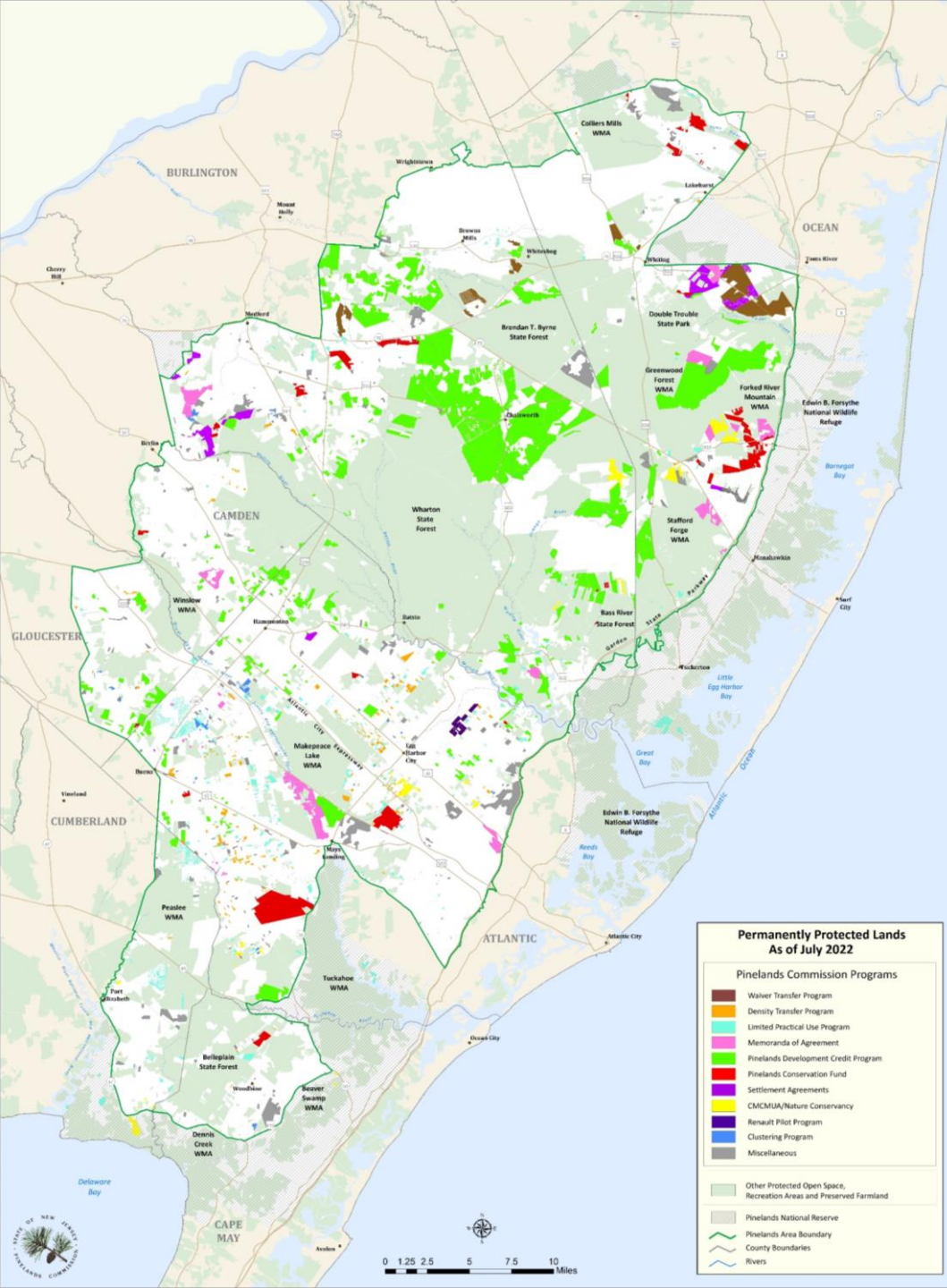
## Highlights

- 1,317 acres in PDC Severance
- 55 acres in Mule Road settlement (Berkeley Township)
- 115 Acres through clustering in Forest Area and Rural Development Area
- 2,007 Total New Acres Preserved in FY2022





# Newly Protected Land in the Pinelands Area July 2021 – June 2022



| All Programs FY 2022         | Acres Protected |
|------------------------------|-----------------|
| Pinelands Programs           | 282             |
| PDC Severance                | 1,317           |
| State Acquisitions           | 157             |
| County Farmland Preservation | 46              |
| County Open Space            | 3               |
| Non-Profit Organizations     | 202             |
| <b>Total Acres</b>           | <b>2,007</b>    |

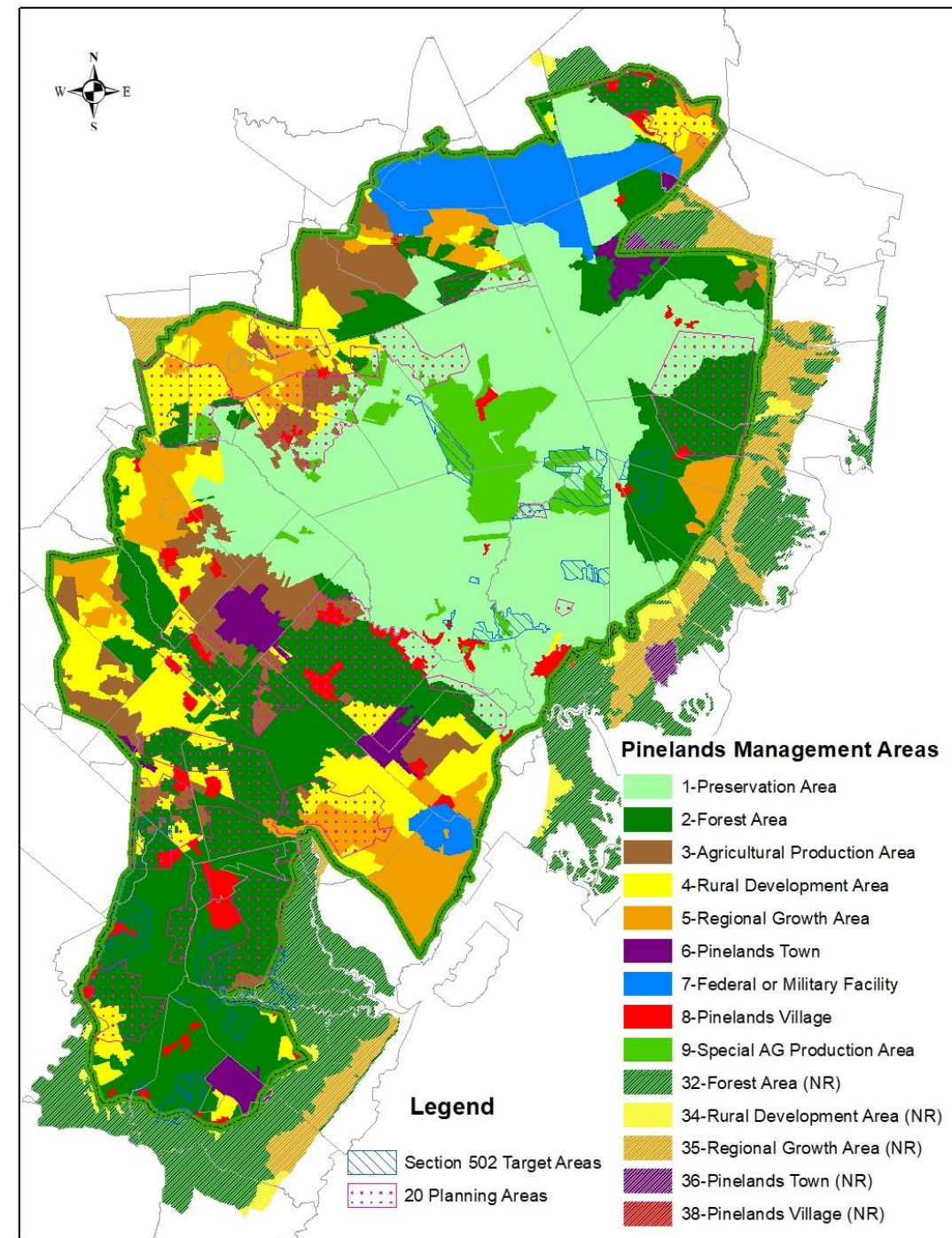
# Planning Areas & Section 502 Target Areas

## Section 502 Target Areas

- Refers to National Parks & Recreation Act of 1978, Title 16 sec.471i
- Appropriated funding, identified acquisition goals and target areas
- 65% of total acreage in Section 502 Target Areas is preserved

## Planning Areas

- Identified by the Pinelands Commission
- Some overlap with Section 502 targets
- 30% of total acreage in 20 Planning Areas is preserved







## Preservation by Agency Group

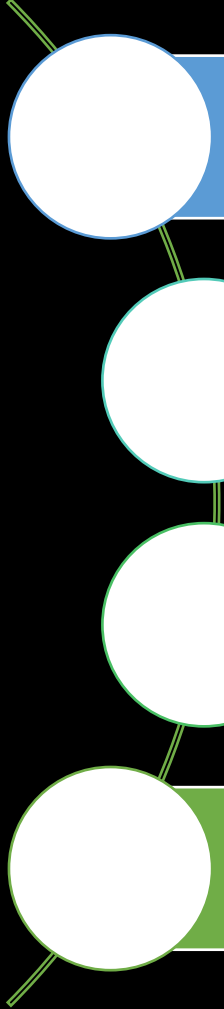
202 ac = Non-Governmental Organizations (Trust for Public Land)

245 ac = Government Agencies (farmland, open space, municipal acquisition)

282 ac = Pinelands Programs (app conditions, settlements, Ocean Acres ordinance)

1,317 ac = Pinelands Development Credit Program

# Pinelands Programs



Forest Area & Rural Development Area Clustering – 115 acres

Density Transfer – 93 acres

Mule Road Settlement (Berkeley Twp.) – 55 acres

Ocean Acres – 19 acres



# Green Acres/NJDEP Pinelands Area Acquisitions

| Municipality        | Management Area                      | Area     |
|---------------------|--------------------------------------|----------|
| Dennis Township     | Forest Area                          | 31 acres |
| Tabernacle Township | Forest Area & Rural Development Area | 92 acres |
| Shamong Township    | Forest Area                          | 34 acres |

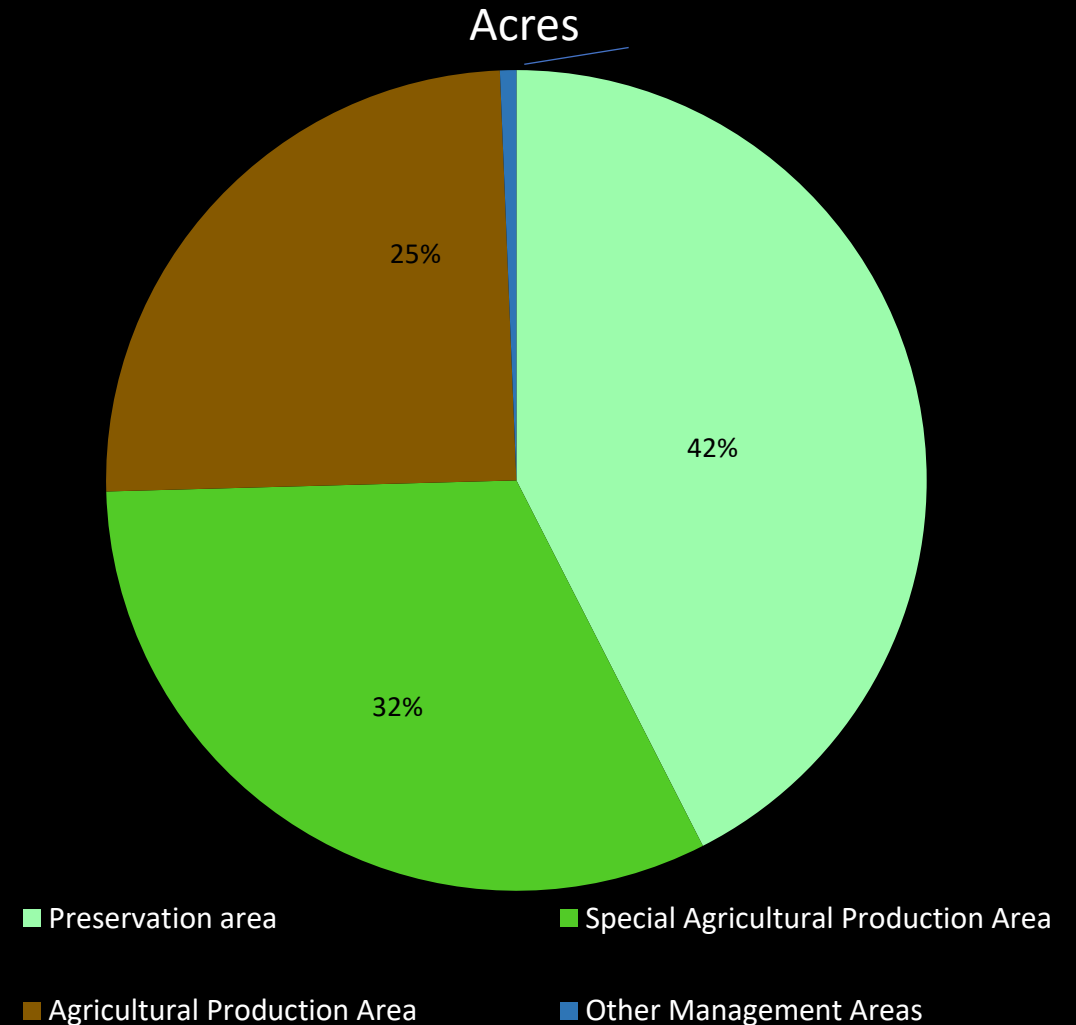
# Protected Land by Management Area 2022

| Management Area                      | Total Acres in Management Area | % Protected |
|--------------------------------------|--------------------------------|-------------|
| Preservation Area District           | 295,000                        | 85%         |
| Special Agricultural Production Area | 37,500                         | 66%         |
| Forest Area                          | 257,000                        | 57%         |
| Agricultural Production Area         | 68,500                         | 42%         |
| Rural Development Area               | 109,500                        | 21%         |
| Regional Growth Area                 | 76,500                         | 8%          |
| Pinelands Village                    | 26,000                         | 4%          |
| Pinelands Town                       | 21,500                         | 6%          |
| Military/Federal Installation Area   | 47,000                         | 1%          |

# PDC Program

## Lands Preserved through FY 2022

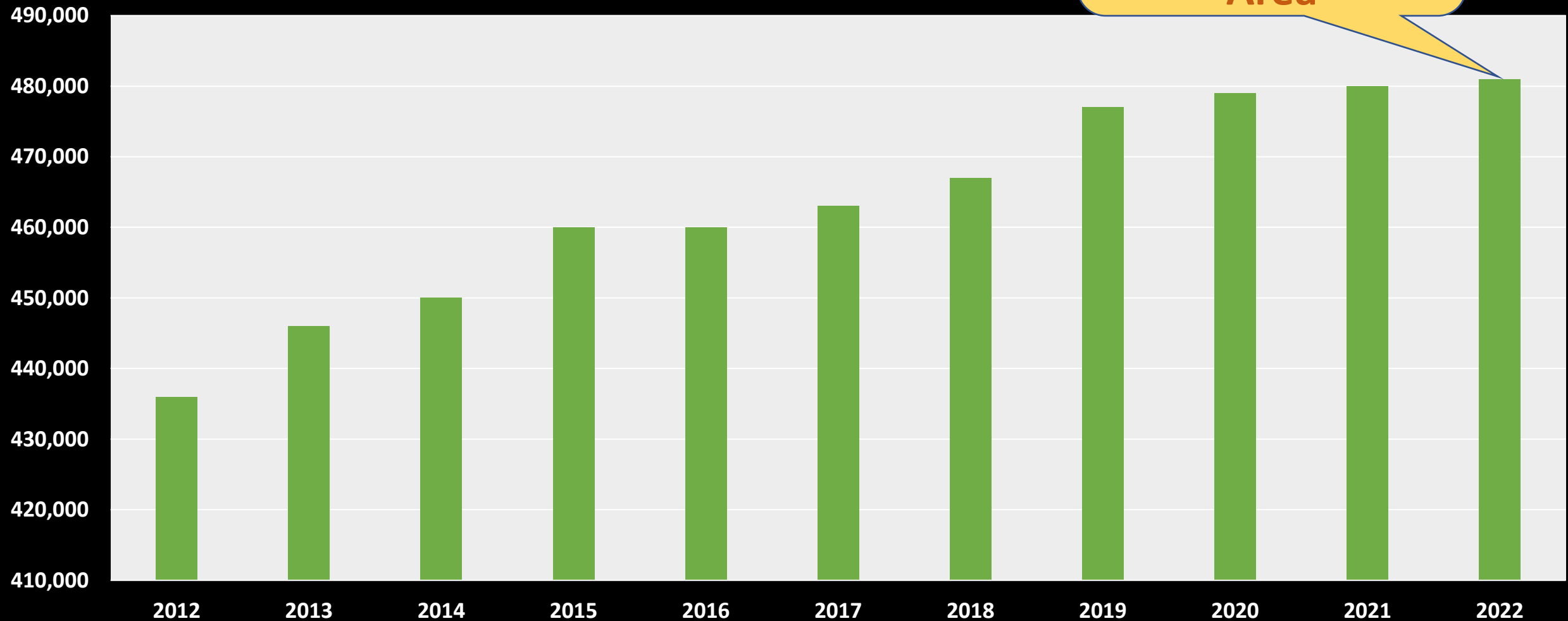
| Management Area                      | Acres Preserved |
|--------------------------------------|-----------------|
| Preservation Area District           | 24,333          |
| Special Agricultural Production Area | 18,371          |
| Agricultural Production Area         | 14,196          |
| Other Management Areas               | 368             |
| <b>Total</b>                         | <b>57,268</b>   |



# Acres Preserved

(rounded to the nearest thousand)

**481,000 ACRES =  
51% of Pinelands  
Area**





# **PDC Bank Annual Report**

## **FY 2022**



**October 14, 2022**

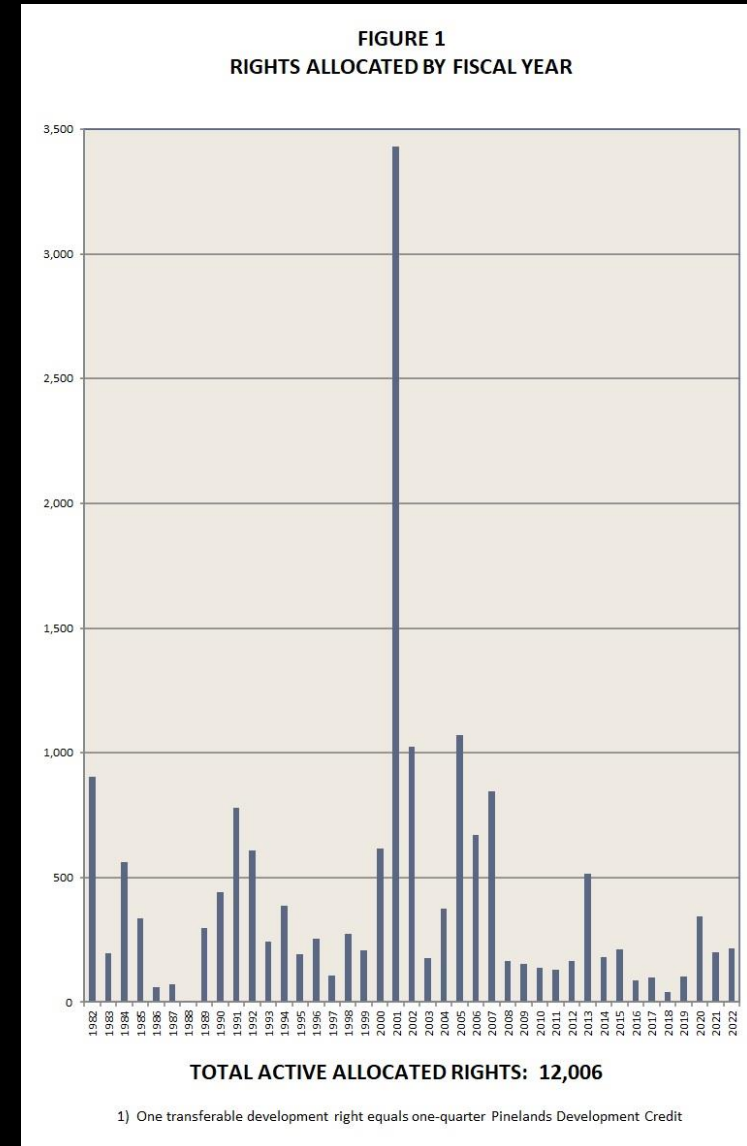


# PDC Bank FY22 Annual Report

- PDC Statistics
  - Allocations
  - Severances
  - Transactions
  - Prices
  - Redemptions
- Executive Summary
- Narrative & interpretive content to provide context
- New tables & graphs for deeper analysis

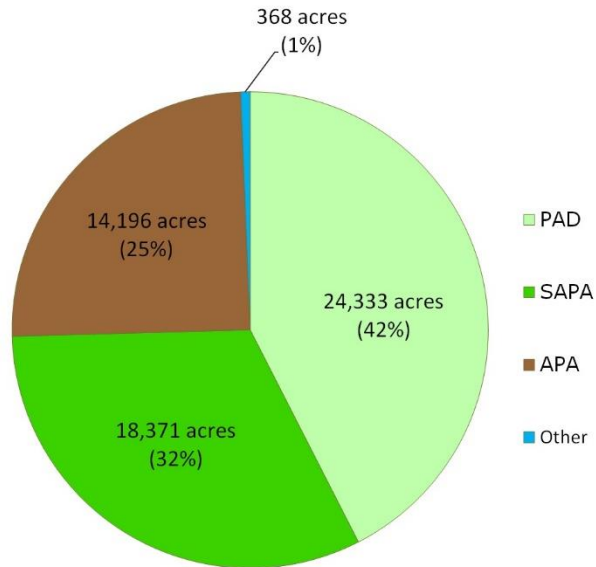
# FY22 Allocations

- Total number of allocations & number of PDCs allocated were comparable to FY 2021
  - FY 2021: 26 allocations, 49.75 PDCs (199 rights)
  - FY 2022: 22 allocations, 53.75 PDCs (215 rights)
- Typical of last 15 years
- 16,880 rights allocated since program inception
- 12,006 “active” rights
  - Not expired
  - Initial if not amended
  - Amended
  - Severed



# FY22 Severances

FIGURE 2  
PINELANDS DEVELOPMENT CREDIT PROGRAM  
LANDS PRESERVED BY MANAGEMENT AREA  
THROUGH FISCAL YEAR 2022



Total: 57,268 acres

- PDC Severance activity remained high, increased relative to FY 2021
- FY 2021
  - Total severances: 4
  - PDCs severed: 18.25
  - Acres preserved: 559.22
- FY 2022
  - Total severances: 7
  - PDCs severed: 40.25
  - Acres preserved: 1,316.86
- More than four times as many PDCs have been severed in the first three years of the 2020s than in all the 2010s
  - 2010s – 30.00 PDCs
  - 2020s – 128.25 PDCs

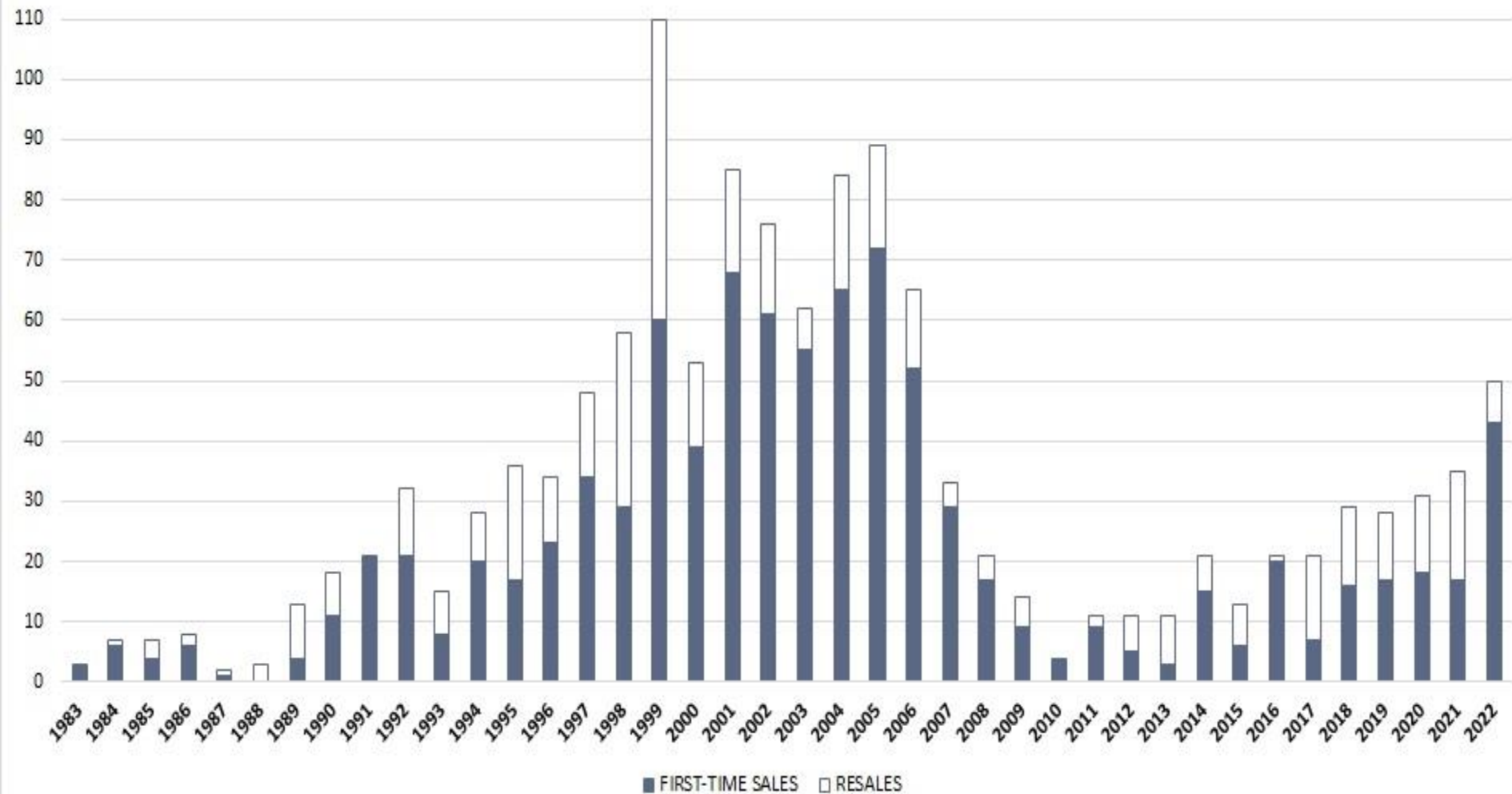


# FY22 Sales

- Data reflect only “arm’s-length” transactions
  - First-time sales
  - Resales
- FY 2022 saw an increase in PDC sales transactions, driven by first-time sales
  - 43 first-time sales
  - 7 resales
- FY 2022 also saw a decrease in:
  - Total PDCs sold (34.50 PDCs)
  - Average number of development rights per transaction (2.76 rights)

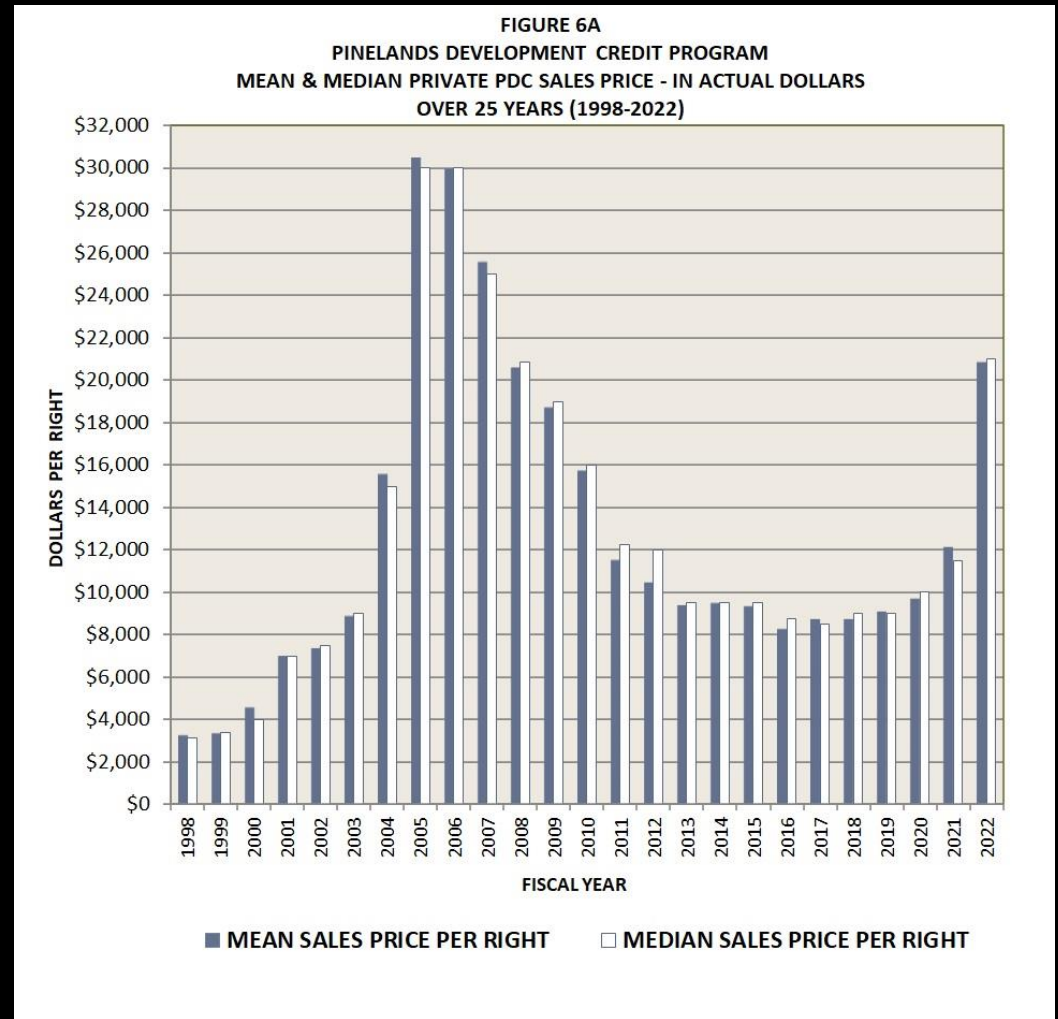
# FY22 Sales

FIGURE 5A  
PINELANDS DEVELOPMENT CREDIT PROGRAM  
PDC SALES TRANSACTIONS PER FISCAL YEAR



# FY22 Sales Prices

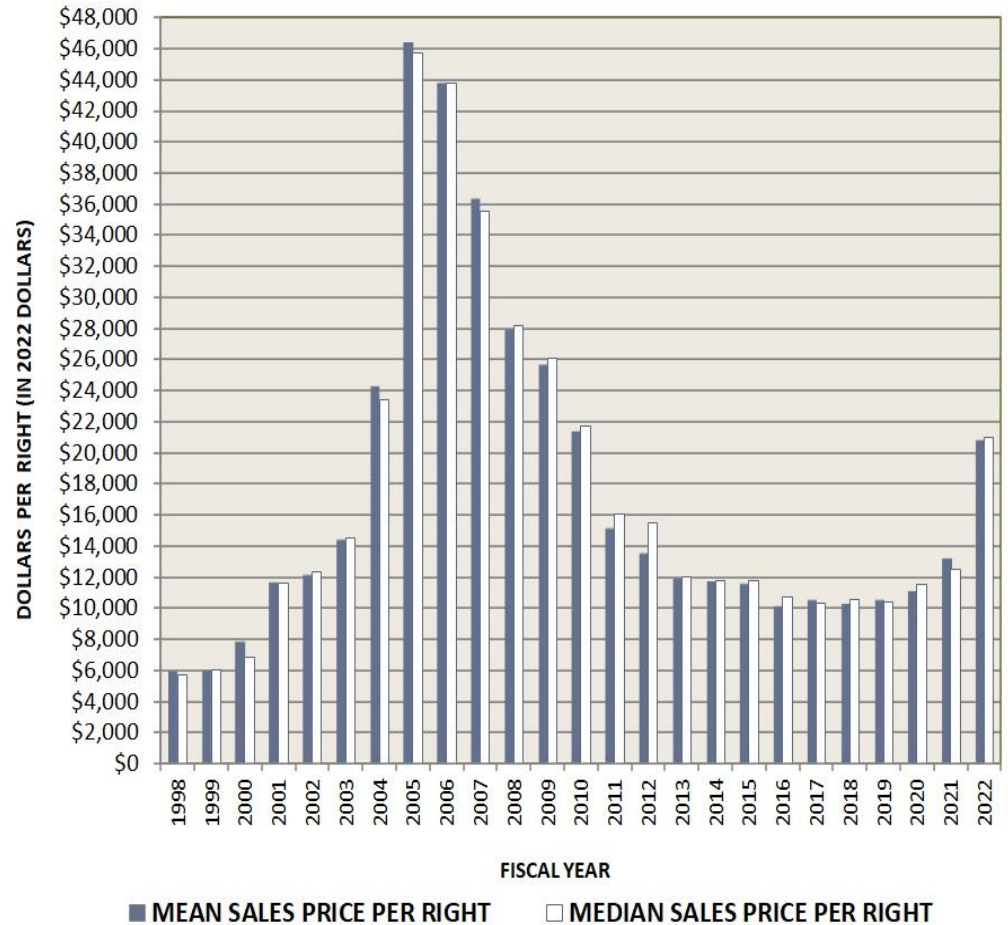
- Between FY 2021 and FY 2022, the average sales price of a development right nearly doubled
  - FY 2021: \$12,165
  - FY 2022: \$20,862
- First time since 2008 mean sales price was above \$20,000



# FY22 Sales Prices

- When adjusted for inflation, FY 2022's mean & median prices were just above the 25-year average (~\$17,400)
- Less than half of all-time highs of mid-2000s

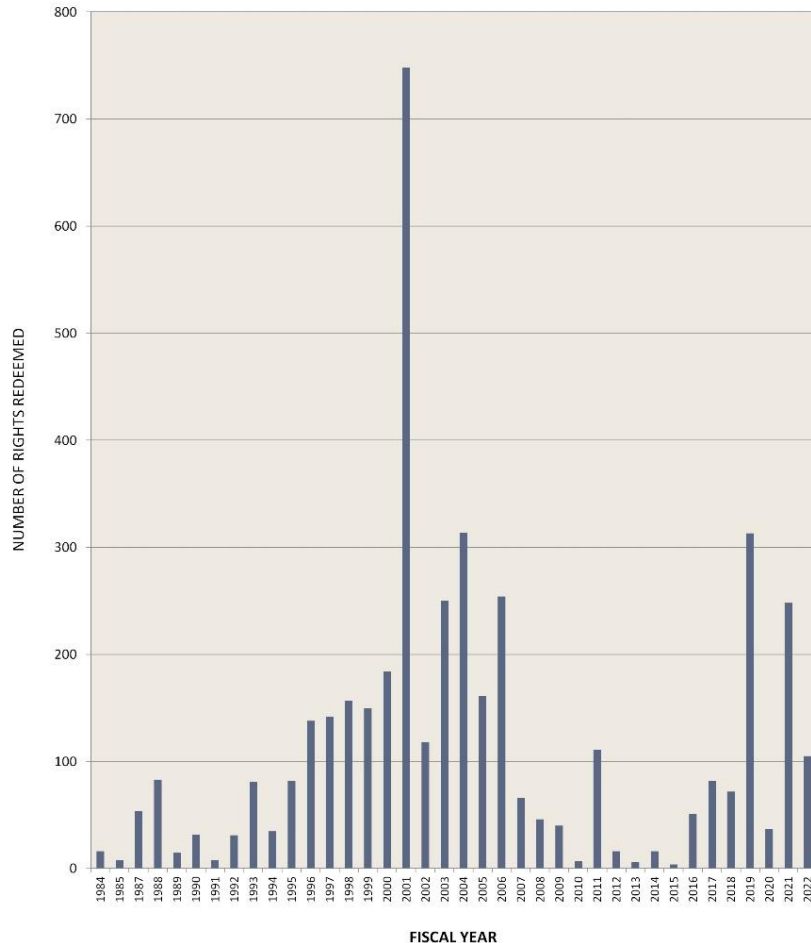
FIGURE 6B  
PINELANDS DEVELOPMENT CREDIT PROGRAM  
MEAN & MEDIAN PRIVATE PDC SALES PRICE - ADJUSTED FOR INFLATION  
OVER 25 YEARS (1998-2022)





# FY22 Redemptions

FIGURE 7  
PINELANDS DEVELOPMENT CREDIT PROGRAM  
RIGHTS REDEEMED THROUGH FISCAL YEAR 2022



TOTAL RIGHTS REDEEMED TO DATE: 4,281

1) One transferable development right equals one-quarter Pinelands Development Credit (PDC).  
2) Rights redeemed at the Pinelands Development Credit Bank.

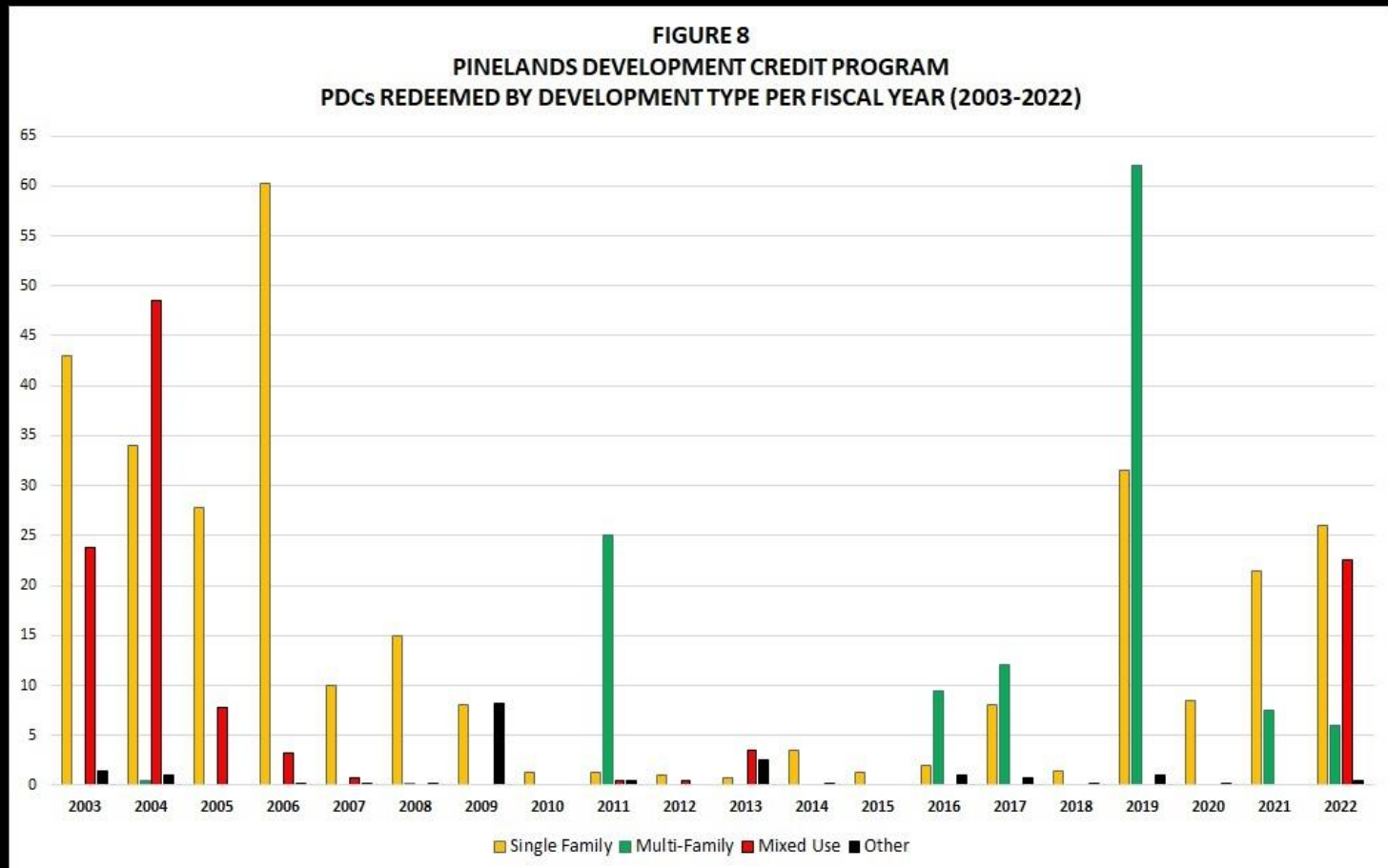
- FY 2021:
  - 62.00 PDCs (248 rights) redeemed
  - 21 applications
- FY 2022:
  - 26.25 PDCs (105 rights) redeemed
  - 17 applications

# PDC Redemptions

- To date, 4,513 rights have been redeemed
  - 2,500 (55%) Residential density bonus
  - 669 (15%) Mandatory minimum % of units
  - 550 (12%) Use variances
  - 286 (6%) Undersized lots
  - 233 (5%) Waivers of Strict Compliance
  - 27 (0.5%) Floor Area Ratio (FAR)
  - 253 (5.5%) Other

# Development Types

- Since 2003, over half of all PDC redemption has occurred in association with single family residential development
- Use of PDCs in multi-family residential projects (townhomes, apartments) has increased in recent years



# PDC Supply and Demand

- Original CMP: Opportunities for use of PDCs in RGAs should be twice the number of PDCs that could be allocated to sending area properties. Reflects optional nature of bonus density.
- 2000 Supply reductions: PDC Special Purchase Program & retirement of PDCs
- 2002 Demand reductions: authorized reductions in RGA residential zoning capacity in higher density municipalities
- 1988-2012 Demand enhancements: mandatory PDC use for variances in RGAs, Towns and Villages, waivers, assisted living facilities and solar energy facilities



# PDC Supply and Demand

- Other factors affecting PDC supply and demand
  - State land acquisition
  - State/County farmland preservation programs
  - Management area boundary changes
  - Development in sending areas
  - Low density development in receiving areas
  - High bonus density thresholds
  - Housing market
  - Redevelopment plans and affordable housing obligations
  - Adoption of mandatory PDC requirements
  - Education and outreach

# Active PDC Supply

- 105.75 PDCs (423 rights) on Sellers List
- 189 PDCs (726 rights) not on Sellers List
  - Includes 23.75 PDCs owned by the PDC Bank
- 24 PDCs (96 rights) encumbered
- 27 PDCs (108 rights) already acquired for current projects

**TOTAL: 345.75 PDCs (1,383 rights)**

# Active PDC Demand

- Applications completed 1/1/2015-9/30/2022:
  - 85 applications with PDC requirements
    - 2,479 dwelling units
    - 13 nonresidential projects
  - 178 PDCs (712 rights) required
  - 104 PDCs (416 rights) redeemed
  - 74 PDCs (296 rights) needed

# Active PDC Demand

## September 2022

| PDC Reason     | Rights Required | Rights Redeemed | Rights Needed |
|----------------|-----------------|-----------------|---------------|
| Density bonus  | 115             | 53              | 62            |
| Mandatory %    | 482             | 325             | 157           |
| Use variance   | 57              | 15              | 42            |
| Undersized lot | 18              | 5               | 13            |
| Waiver         | 30              | 14              | 16            |
| FAR            | 4               | 4               | 0             |
| Other          | 6               | 0               | 6             |
| Total          | 712             | 416             | 296           |



# PDC Supply and Demand Estimates

|      | Supply |        | Demand |        |
|------|--------|--------|--------|--------|
|      | PDCs   | Rights | PDCs   | Rights |
| 1981 | 7,500  | 30,000 | 17,500 | 70,000 |
| 1991 | 5,625  | 22,500 | 11,550 | 46,200 |
| 2002 | 4,500  | 18,000 | 9,750  | 39,000 |
| 2009 | 1,650  | 6,600  | 1,275  | 5,100  |
| 2021 | 2,000  | 8,000  | TBD    | TBD    |

# Jordan Howell Recommendations

- Plan for future land limitations in order to maintain marketplace
  - Require PDC use by a wider variety of uses, such as nonresidential uses, infrastructure and publicly funded projects
  - Provide financial incentives to encourage landowners to sever (and sell) their PDCs
  - Expand the source of PDCs by phasing in the designation of new sending areas, such as the Pinelands Forest Area
- Enable the PDC Bank to take on a more active role
  - Serve as a clearinghouse (intermediary) to facilitate and guarantee sales
  - Streamline administrative procedures



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-\_\_\_\_\_

TITLE: Approving With Conditions an Application for Public Development (Application Number 1986-1336.005)

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

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

1986-1336.005  
Applicant: Monroe Township  
Municipality: Monroe Township  
Management Area: Pinelands Regional Growth Area  
Date of Report: October 17, 2022  
Proposed Development: Two lot resubdivision and no further development.

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

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Acting 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 Acting 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 1986-1336.005 for public development is hereby approved subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

| AYE NAY NP A/R* |  |  |  |  | AYE NAY NP A/R* |  |  |  |  | AYE NAY NP A/R* |  |  |  |  |
|-----------------|--|--|--|--|-----------------|--|--|--|--|-----------------|--|--|--|--|
| Avery           |  |  |  |  | Lettman         |  |  |  |  | Pikolycky       |  |  |  |  |
| Christy         |  |  |  |  | Lloyd           |  |  |  |  | Quinn           |  |  |  |  |
| Holroyd         |  |  |  |  | Lohbauer        |  |  |  |  | Wallner         |  |  |  |  |
| Irick           |  |  |  |  | McCurry         |  |  |  |  | Matos           |  |  |  |  |
| Jannarone       |  |  |  |  | Meade           |  |  |  |  |                 |  |  |  |  |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: \_\_\_\_\_

Susan R. Grogan  
Acting Executive Director

Laura E. Matos  
Chair



State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
New Lisbon, NJ 08064  
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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  
Acting Executive Director

October 17, 2022

Jill McCrea, Business Administrator  
Monroe Township (via email)  
125 Virginia Ave.  
Williamstown NJ 08094

Re: Application # 1986-1336.005  
Block 11603, Lots 5 & 6  
Monroe Township

Dear Ms. McCrea:

The Commission staff has completed its review of this application for a two lot resubdivision and no further development. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 10, 2022 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 Acting 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, Monroe Township Planning Board (via email)  
Monroe Township Construction Code Official (via email)  
Monroe Township Environmental Commission (via email)  
Secretary, Gloucester County Planning Board (via email)





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Acting Executive Director

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

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

October 17, 2022

Jill McCrea, Business Administrator  
Monroe Township (via email)  
125 Virginia Ave.  
Williamstown NJ 08094

Application No.: 1986-1336.005  
Block 11603, Lots 5 & 6  
Monroe Township

This application proposes a two lot resubdivision and no further development of the above referenced 0.36 acre parcel in Monroe Township. The Township owns vacant Block 11603, Lot 6. There is an existing single family dwelling located on Block 11603, Lot 5. The resubdivision will result in the lot line located between Lots 5 and 6 being adjusted by five feet.

On March 11, 2022, the Commission approved the construction of a fire station on Block 11603, Lots 6 & 7 (App. No. 1986-1336.004).

### **STANDARDS**

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed resubdivision is permitted in a Pinelands Regional Growth Area.

### **PUBLIC COMMENT**

The CMP defines the proposed resubdivision as “minor” development. The CMP does not require public notice for minor development applications. The application was designated as complete on the Commission’s website on September 19, 2022. The Commission’s public comment period closed on October 14, 2022. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. The proposed resubdivision shall adhere to the plan, prepared by Robert J. Monson, PLS and dated February 12, 2021.
2. The applicant shall obtain any other necessary permits and approvals for the resubdivision.

**CONCLUSION**

As the proposed resubdivision 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 resubdivision subject to the above conditions.



PHILIP D. MURPHY  
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SHEILA Y. OLIVER  
Lt. Governor

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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)

## **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 November 4, 2022 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.



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

## State of New Jersey

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

# MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*  
Planning Specialist

Date: October 31, 2022

Subject: No Substantial Issue Findings

---

During the past month, the Planning Office reviewed one ordinance amendment that was found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP). It was the following:

**Winslow Township Ordinance O-2022-028** – amends Chapter 294 (Zoning) of the Code of Winslow Township to establish Article XIX, Electric Vehicle Charging Stations. The article contains provisions related to electric vehicle supply/service equipment (EVSE) and make-ready parking spaces.