



State of New Jersey

THE PINELANDS COMMISSION

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RICHARD PRICKETT
Chairman
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Executive Director



Pinelands
Comprehensive
Management Plan
Four Decades of Protection

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, April 9, 2021 - **9:30 a.m.**

Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 833 5477 1666

1. Call to Order

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

2. Adoption of Minutes

- March 12, 2021 (open and closed session)

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 Approval
 - None
- Public Development Projects and Waivers of Strict Compliance

Resolution Approving With Conditions (1) Application for Public Development:

- Application No. 2019-0142.001 – New Jersey Department of Transportation
Stormwater management improvements within the U.S. Route 30 right-of-way
Winslow Township

B. Planning Matters

- Municipal Master Plans and Ordinances
 - Issuing an Order to Certify Ordinance 2021-4, Amending Chapter 55 (Land Use) of the Code of Barnegat Township
- Other Resolutions
 - None
- CMP Amendments
 - None

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

A. Public Development Projects

- Application No. 1986-0944.007 – Town of Hammonton
Demolition of a 3,000 square foot abandoned industrial building, 50 years old or older
Town of Hammonton
- Application No. 2006-0160.003 – New Jersey Department of Military and Veterans Affairs
Construction of a 37,325 square foot New Jersey National Guard Readiness building at
Joint Base McGuire-Dix-Lakehurst
Jackson Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Barnegat Township Ordinance 2021-6
- Eagleswood Township Ordinance 2021-01
- Manchester Township Ordinance 21-08 & 21-09

7. General Public Comment

8. 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.*)

9. Adjournment

Upcoming Meetings

| | |
|----------------------|--|
| Fri., April 21, 2021 | Land Use, Climate Impacts & Sustainability Committee Meeting (9:30 a.m.) |
| Fri., April 30, 2021 | Policy & Implementation Committee Meeting (9:30 a.m.) |
| Fri., May 14, 2021 | Pinelands Commission Meeting (9:30 a.m.) |

40th Anniversary of the Pinelands Comprehensive Management Plan (CMP):

Through Mid-April: Daily messages/postings that chart the history, implementation and success of the CMP. The messages or postings will be shared via the Pinelands News Alert e-mail mailing list and on the Commission's Facebook page and Instagram site.

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/ for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@pinelands.nj.gov) at Info@pinelands.nj.gov.

Disclaimer

These minutes reflect the actions taken by the Commission during its April 9 2021 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on May 3, 2021

PINELANDS COMMISSION MEETING

MINUTES
April 9, 2021

The April 9, 2021 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=uxqUMhLYy4o>

Commissioners Participating in the Meeting

Alan W. Avery Jr., Daniel Christy, Shannon Higginbotham, Jerome H. Irick, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky and Chairman Richard Prickett. Also participating were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Rudy Rodas.

Commissioners Absent

Jordan P. Howell, Gary Quinn and D'Arcy Rohan Green.

Call to Order

Chairman Prickett called the meeting to order at 9:33 a.m.

Executive Director Wittenberg called the roll and announced the presence of a quorum.

The Commission pledged allegiance to the Flag.

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

Minutes

Chairman Prickett presented the open and closed session minutes from the Commission's March 12, 2021 meeting. Commissioner Lloyd moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the March 12, 2021 Commission meeting were adopted by a vote of 8 to 0.

Commissioner Christy joined the meeting at 9:40 a.m.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval for stormwater management improvements within the Route 30 right-of-way in Winslow Township.

Commissioner Pikolycky made a motion Approving With Conditions an Application for Public Development (Application Number 2019-0142.001) (See Resolution # PC4-21-11). Commissioner Lohbauer seconded the motion.

Director Charles Horner said this application is for two stormwater modifications along the White Horse Pike.

Commissioner Lohbauer noted that retention basins are not proposed as part of this application but rather a series of underground pipes.

Chairman Prickett asked if the volume of surface water would stay the same.

Director Horner said the wetlands protection standards outlined in the Comprehensive Management Plan (CMP) do not permit an increase in rate or volume of discharge in the Pinelands Area.

Ernest Deman of the Regulatory Programs Office further explained where the surface water would discharge.

Chairman Prickett asked if any preventive measures were in place to capture petrol.

Director Horner said no preventative measures are proposed as part of this application. He noted the CMP requires certain actions when a surface area is deemed to be a high pollutant loading area.

The Commission adopted the resolution by a vote of 9 to 0.

Planning Matters

Chairman Prickett presented a resolution for a Barnegat Township Ordinance.

Commissioner Avery made a motion Issuing an Order to Certify Ordinance 2021-4, Amending Chapter 55 (Land Use) of the Code of Barnegat Township. Commissioner Jannarone seconded the motion.

Susan R. Grogan, Director of Planning, said the Executive Director's report was revised after the Policy and Implementation Committee meeting to indicate the broader impacts of the Ordinance. A map was displayed to show the Commercial Neighborhood zone both east (Pinelands National Reserve) and west (inside the Pinelands Area) of the Garden State Parkway. She said the township has added standards for Assisted Living facilities since the CMP defines them as a residential use. The township has established permitted densities, use of Pinelands Development Credits (PDCs) and bonus density. The Township's goal is to encourage and attract the development of hotels and motels within 1,000 feet of either side of the Parkway. She added that the ordinance is consistent with the CMP.

Commissioner Lloyd said originally he had concerns that the Ordinance was spot zoning and he said he raised the issue at the P&I Committee meeting. He thanked Director Grogan for the additional information that shows the Township's intent.

Commissioner Irick raised concerns that the CMP does not have limitations regarding height and density. He said he thinks the CMP should be revised to address both. He added that he will most likely abstain from the vote on the Barnegat ordinance.

Commissioner Lohbauer said the Commission received public comment related to concerns that new development would create flooding in the residential development in which they reside. Commissioner Lohbauer said it's premature for that comment considering there is no development application.

Commission staff members confirmed that at this time no development is be proposed and this is for an ordinance approval only. Additionally, all stormwater management rules would apply.

Commissioner Lloyd said he shared Commissioner Irick's concern, and he said the Commission should consider addressing the matter. Commissioner Lohbauer agreed, and Chairman Prickett suggested the issue could be discussed at a future P&I Committee meeting.

Chairman Prickett said staff should encourage water and energy conservation measures whenever possible because with the increase in density, there is an increased stress on our natural resources.

The Commission adopted the resolution by a vote of 8 to 0. Commissioner Irick abstained from the vote.

Committee Reports

Chairman Prickett provided an update of the March 26, 2021 P&I Committee meeting:

The Committee adopted the minutes of the February 26, 2021 meeting.

The Committee reviewed Barnegat Township Ordinance 2021-4 but made no recommendation to the Commission, pending receipt of additional information from the Township on the applicability of the ordinance.

The Committee received a presentation on the proposed 2021 round of land acquisition using the Pinelands Conservation Fund. The new round focuses on grassland habitat and carbon sequestration. The Committee endorsed the schedule and the matrix to be used for evaluating project applications.

The Committee reviewed the latest updates to the draft CMP stormwater management amendments. These amendments will next be provided to the Governor's Office for review.

The Committee continued its discussion of application exemptions.

Commissioner Lohbauer said the Land Use, Climate Impacts and Sustainability (LUCIS) Committee met on March 17, 2021. Due to the lack of a quorum, the Committee could not adopt its minutes from the previous meeting.

Staff provided an update on the proposed new round of Pinelands Conservation Fund land acquisition.

Two speakers delivered presentations on forestry management issues.

Lastly, the Committee discussed the possibility of changing its name.

Commissioner Avery said staff is working on scheduling a pre-audit meeting with the State Auditor.

Executive Director's Report

ED Wittenberg confirmed that the Fiscal Year 2020 Audit will begin soon. She also said that she has spoken to the New Jersey Department of Environmental Protection (NJDEP) about the process to schedule a meeting with the Acting Commissioner. She also mentioned that she spoke with the NJDEP about Horizontal Directional Drilling (HDD). She said the NJDEP is in the very early stages of drafting rules, noting that the Department does not currently have any regulations regarding HDD. In talking to the Department, she learned that they requested guidance from the State Science Advisory Board. Lastly, she said the hiring memo to the Governor's Authorities Unit is almost complete.

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

- A Certificate of Filing was issued for the development of 55 single-family dwellings in Hamilton Township. The entire parcel is 436 acres but the development envelope will be about 60 acres; many acres will be deed-restricted because of the Commission's clustering rules.
- Staff will be participating in an upcoming trial regarding the establishment of a commercial development that occurred without application to the Commission or the Township. The violator cleared approximately six acres, which included some wetlands and wetland buffers in Galloway Township.
- Staff held a conference call with an applicant to discuss a prior subdivision approval dating back to the early 2000's. The New Jersey Municipal Land Use Law (MLUL) offers limited protection for zoning changes, after which projects must adhere to current zoning.
- At the beginning of March, staff sent a letter to Pemberton Township that outlines the application requirements regarding sewerage two existing schools. The schools are located in a Rural Development Area. In order for the sewer line to reach the school, it would traverse through the Agricultural Production Area. Sewer is only permitted in the Rural Development and Agricultural Production Areas if it is demonstrated that there is a public health problem.

Director Grogan provided an update on the following Planning matters:

- The Septic Pilot Program will soon be accepting applications for new technologies. Staff began the process by sending a notice to the Office of Administrative Law, that notice will be published in the New Jersey Register on May 3. The Pilot program can accept up to five new technologies.
- A recent press release from the Board of Public Utilities announced that it had received 410 applications for Round Two of its Community Solar Pilot Program. Approximately seven to 10 of those applications are in the Pinelands Area.
- Atlantic County recently submitted a copy of recorded deed restriction. The County was required to acquire and preserve a total of 356 acres as part of the Secondary Impacts agreement associated with the construction of Interchange 44 on the Garden State Parkway. The County only has 14 more acres to acquire.

Commissioner Avery asked if there were height requirements designated by the CMP. He also wanted affirmation from staff that each management area has an assigned or associated density.

Director Grogan said there is a 35-foot height limit in all Pinelands Management Areas, except Regional Growth Areas and Pinelands Towns. She also said that each management area has an assigned density.

Stacey Roth, Chief of Legal and Legislative Affairs, said Commissioners must file their Financial Disclosure Statements (FDS) by May 15, 2021.

Paul Leakan, Communications Officer, said he shared the final 40th Anniversary CMP post this morning, and it highlights the benefits of Pinelands preservation and regional planning. He said that since launching the anniversary celebration on January 14th, the Commission

has shared 125 CMP-related posts on 60 consecutive workdays, along with 463 photos and 26 videos. He said that based on the response from the public, the Commission's efforts have greatly heightened awareness of the history, purpose and successful implementation of the CMP, along with showcasing the work of the Commission and its staff.

Commissioner Jannarone left the Zoom meeting.

Public Comment on Public Development Applications and Items where the record is open

Chairman Prickett read the list of Public Development Applications. No one provided comment on the applications.

Ordinances Not Requiring Commission Action

Chairman Prickett read the list of ordinances not requiring Commission action.

- Barnegat Township Ordinance 2021-6
- Eagleswood Township Ordinance 2021-01
- Manchester Township Ordinances 21-08 & 21-09

No questions were raised.

General Public Comment

Agnes Marsala of Chesterfield Township asked if Commissioners had determined why they were not informed about the Inadvertent Returns (IRs) in a timely manner. She said three more IRs recently occurred along the Southern Reliability Link (SRL) pipeline route outside of the Pinelands Area. She said the Commission should craft its own policies regarding HDD and not wait for the NJDEP.

Rhyan Grech of the Pinelands Preservation Alliance (PPA) provided information about recent IR's that occurred outside of the Pinelands during the week of March 15th. She said New Jersey State agencies have failed to protect the Pinelands, and the land, water and health of New Jersey residents. She said thus far there has been no accountability from New Jersey Natural Gas (NJNG) or its contractors. She asked Commissioners to urge the NJDEP to halt construction of the SRL pipeline and let the courts decide.

Chairman Prickett said he hopes the public is commenting about the SRL pipeline at other state agency meetings, not just Commission meetings. He said the members of the P&I Committee have been discussing issues raised by the public. He said protection of the water in the Pinelands remains a priority and any proposed HDD in the Pinelands will need to meet the water quality standards in the CMP.

Commissioner Christy said he doesn't agree with comments that the ED withheld information. He said it makes the ED sound negligent. He said the appropriate action was taken at the time of the IRs.

Patricia Caruso of Upper Freehold Township spoke about the endless hours she has spent fighting the SRL to protect the water and the environment in her community. She also asked Commissioners to reach out to NJDEP to halt construction and let the courts decide the outcome of the pipeline.

Other

Commissioner Lohbauer said he would like to have an expanded discussion at the P&I Committee about HDD in the Pinelands. He said he doesn't think the Commission needs to wait for NJDEP to draft rules.

Commissioner Lloyd said the Commission needs to make HDD a priority but acknowledged that the P&I Committee agendas are full with other important matters. He said HDD should definitely be discussed with the Acting NJDEP Commissioner. He said the Commission should not wait for the next application proposing HDD to create regulations.

Commissioner Avery said he agreed with Commissioner Lloyd that the topic of HDD should be on the agenda for when Commissioners meet with the Acting NJDEP Commissioner. He said the NJDEP has an interest in HDD as it is common practice used to install a multitude of utility lines. He said as the process unfolds, the Commission needs to hear from other stakeholders. He said the Executive Director's Recommendation Report for the SRL pipeline application took into account IRs and a process was in place should they occur.

Chairman Prickett said he would welcome other stakeholders as the HDD process unfolds. He said he is interested in minimizing any negative effects the construction method would have on Pinelands water and habitat.

Commissioner Irick said HDD is not the state of the art process that it is portrayed to be. He said there are many issues with the method. He suggested working quickly to come up with policies and procedures regarding HDD and, in the meantime, declaring a moratorium on all HDD in the Pinelands.

Ms. Roth said a moratorium is a significant action and would require further exploration, and the Commission would need to include potential parameters for instances where HDD may be necessary. Currently, the CMP allows for certain exempt activities to occur without application to the Commission, as outlined in the 4.1 section of the plan. Without rule making, the Commission cannot change those rules.

Chairman Prickett asked if applicants proposing exempt activities still have to adhere to the environmental standards of the CMP.

Ms. Roth said CMP environmental and land use standards still apply.

DAG Miles said she would have to do some research to determine if the Commission has the ability to impose a moratorium. Notice to the regulatory community, including potential applicants would need to be considered. She said she would need to know if this is something the Commission as a whole wants to pursue and what the potential parameters would be. She asked, for example, if the moratorium would include all trenching construction techniques or just HDD.

Commissioner Lloyd requested that staff inform Commissioners of future projects proposing HDD. He said the state has used moratoria in the past but said he feels the Commission should focus on expedited rule making.

Commissioner Lohbauer said that while the Commission works to change the rules, a moratorium should be put in place to allow Commissioners to take action on proposed exempt activities under 7:50-4.1(a) 5 & 6 that involve use of HDD, rather than letting staff review them.

Ms. Roth said there is a possibility that the Commission can do an emergency rule. She said notice must be provided to the public and the process occurs parallel with the actual rule making.

Director Grogan said emergency rule making is an option. However, certain steps and requirements must be met, including signoff from the Governor's office on a statement of imminent peril.

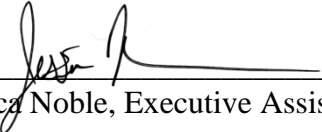
Chairman Prickett said the discussion on this matter would continue at the next Policy and Implementation Committee meeting on April 30. He asked if the Commission could be provided with legal advice regarding a moratorium on application of the exemptions in 7:50-4.1(a) 5 & 6 to projects proposing HDD.

DAG Miles said she would look into the Commission's authority to impose a temporary moratorium on linear development where HDD is proposed until the Commission undertakes formal rule making.

Adjournment

Commissioner Avery moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:46 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: May 3, 2021



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A. Permitting Matters

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 - None
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- Public Development Projects and Waivers of Strict Compliance

Resolution Approving With Conditions (1) Application for Public Development:

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B. Planning Matters

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- Other Resolutions
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A. Public Development Projects

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B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

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7. General Public Comment

8. 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.*)

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PINELANDS COMMISSION MEETING

MINUTES
March 12, 2021

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Commissioners Participating in the Meeting

Alan W. Avery Jr., Shannon Higginbotham, Jerome H. Irick, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky and Chairman Richard Prickett. Also participating were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Rudy Rodas.

Commissioners Absent

Daniel Christy, Jordan P. Howell, Gary Quinn and D'Arcy Rohan Green.

Call to Order

Chairman Prickett called the meeting to order at 9:38 a.m.

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

Executive Director Wittenberg called the roll and announced the presence of a quorum.

The Commission pledged allegiance to the Flag.

Minutes

Chairman Prickett presented the minutes from the Commission's February 12, 2021 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the February 12, 2021 Commission meeting were adopted by a vote of 8 to 0.

Resolution to Retire into Closed Session

DAG Miles read a resolution to retire into closed session to discuss collective bargaining agreements.

Commissioner Avery made the motion to meet in closed session. Commissioner Lloyd seconded the motion. All were in favor and the Commission agreed to meet in closed session at 9:42 a.m.

Return to Open Session

The Commission entered back into open session at 10:13 a.m. DAG Miles provided a summary of the closed session. She said the Commission was provided an overview of the three contract agreements.

Commissioner Avery made a motion To Authorize the Executive Director to Enter into New Collective Negotiations Agreements with the Communications Workers of America, Local 1040. (See Resolution # PC4-21-08). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0.

Committee Reports

Chairman Prickett provided an update on the February 26, 2021 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of its January 29, 2021 meeting.

The Committee received a presentation on the draft stormwater rules, designed to harmonize CMP stormwater provisions with the New Jersey Department of Environmental Protection's (NJDEP) new stormwater management rule in a manner best suited for the Pinelands Area. A complete draft rule proposal is being prepared for the Committee's March meeting.

The Committee received a presentation on redevelopment in the Pinelands, a tool used increasingly in recent years, often to assist municipalities in meeting their affordable housing obligations.

The Committee discussed bringing agricultural issues before either the P& I or the Land Use, Climate Impacts and Sustainability (LUCIS) Committee on a regular basis. The State Agricultural Development Committee has offered to serve as a resource in that endeavor.

He added that the Pinelands Municipal Council (PMC) held its annual installation meeting in Estell Manor on March 9th. He said Senator Testa delivered a presentation and swore in the Council's officers.

Commissioner Lohbauer said the Land Use, Climate Impacts and Sustainability Committee will hold its next meeting on Wednesday, March 17, 2021.

Commissioner Avery provided an update on the February 23, 2021 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the November 17, 2020 meeting.

Staff provided an update on employee actions and check registers.

The Committee met in closed session to discuss contract negotiations, which the Commission voted on today.

Commissioner Avery thanked the staff members involved in settling the union contract.

Executive Director's Report

ED Wittenberg said it has been almost one year since Commission staff members have been working from home. She said staff members have adapted remarkably well. She said it's a very busy time as staff continues to work on two rule proposals. She said she joined the PMC meeting by phone and noted that the virtual component for the Council's meetings has been successful in ensuring a quorum.

Chairman Prickett requested that a meeting be arranged between Commissioners and Acting Commissioner of NJDEP Shawn LaTourette.

ED Wittenberg said she could request a meeting but wanted to draft an agenda first.

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

- A Certificate of Filing was issued to Atlantic City Electric for the replacement of 122 wooden utility poles with 54 steel monopoles.
- Staff continues to work with Pemberton Township regarding sewerage two existing schools. The schools are located in a Rural Development Area. In order for the sewer line to reach the school, it would traverse through the Agricultural Production Area. Sewer is only permitted in the Rural Development and Agricultural Production Areas if it is demonstrated that there is a public health problem. The application would come before the Commission for a vote.
- The change of use application for the Atco Dragway continues to be heard by Waterford Township.
- Staff held a pre-application conference with an applicant proposing an automobile auction on a 100- acre site in Winslow Township.

- Staff has been discussing a proposed subdivision with the New Jersey Conservation Foundation (NJCF). They plan to acquire a 238-acre parcel in Southampton Township but plan to subdivide it first since there are two existing homes on the parcel.

Director Grogan provided an update on the following Planning matters:

- There will be two speakers at the March 17th LUCIS Committee meeting presenting information related to forest management. Staff will also discuss recommendations for a new round of land acquisition.
- The Commission's in-house stormwater team continues to work on the draft stormwater rules and is currently incorporating the feedback and comments received from the public and the P&I Committee. Staff is also working on the impact statements and background information associated with the rule proposal which will be discussed at the March 26th P&I Committee meeting. It was noted that the NJDEP has been a great resource to Commission staff throughout the stormwater rule making process.
- The Pine Barrens Byway has officially been awarded national designation. Staff reached out to the New Jersey Department of Transportation to determine what the designation will mean as far as funding and grant opportunities for the municipalities and counties along the Byway route. In the coming months a Pine Barrens Byway stakeholder meeting will be scheduled to figure out the next steps.
- Staff will be participating in a new watershed advisory committee effort for communities in southern Ocean County. The committee is headed by the Jacques Cousteau National Estuarine Research Reserve, and it is funded by the NJDEP. The Committee will be discussing stormwater runoff, green infrastructure and sea level rise.
- Staff is working to update two internal databases: one that stores the Permanent Land Protection data and one that tracks Pinelands Development Credit (PDC) Bank transactions. Upgrading these systems will help with efficiency and accuracy.

Stacey Roth, Chief of Legal and Legislative Affairs, informed Commissioners that the State Ethics Commission will be sending out an email regarding filing 2021 Financial Disclosure Statements (FDS). She added that as information becomes available she will be providing information to Commissioners about ethics constraints related to the licensing of cannabis.

Paul Leakan, Communications Officer, said that 20 Comprehensive Management (CMP) posts were shared in the past month, along with 109 corresponding photos and seven videos. Most of the posts highlighted plant and animal species. He said upcoming, daily posts will focus on cultural resources. He said the Commission's press release on the Pinelands Byway national designation generated at least 15 news and magazine articles. The Commission's social media sites continue to thrive, noting that the Commission's Facebook page added 500 followers in February.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval for the installation of a sanitary sewer main in Hammonton and the installation of a ground mounted solar facility also in the Town of Hammonton.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 1988-0706.022 & 2000-0088.007) (See Resolution # PC4-21-09). Commissioner Jannarone seconded the motion.

Director Horner said the sewer extension will serve a number of existing homes near the Boyer Avenue wastewater treatment plant. He said it's a proactive step by the Town to avoid future groundwater issues.

Commissioner Lohbauer asked if there was any clearing associated with either solar energy project.

Director Horner confirmed that the solar will be installed on existing grassed areas and no clearing would take place.

The Commission adopted the resolution by a vote of 8 to 0.

Public Comment on Public Development Applications and Items where the record is open

Chairman Prickett read the list of Public Development Applications. No one provided comment on the applications.

Ordinances Not Requiring Commission Action

Chairman Prickett read the list of ordinances not requiring Commission action.

- Barnegat Township Ordinance 2021-1
- Evesham Township 2021 Housing Element & Fair Share Plan

No questions were raised.

Other Resolutions

Chairman Prickett presented the resolution to accept the 2020 Annual Report.

Commissioner Lohbauer made a motion To Approve the Pinelands Commission's 2020 Annual Report (See Resolution # PC4-21-10). Commissioner Irick seconded the motion.

ED Wittenberg said 2020 brought many challenges but the Commission persevered and worked on climate initiatives, a rule amendment and cultural resource activities. She said the report remembers two Pinelands leaders: Commissioner Candace McKee Ashmun and former Executive Director John C. Stokes, who both passed away in 2020.

Communications Officer Leakan said the report highlights the teamwork and determination of staff and how we turned to technology in 2020 to complete all of the agency's work.

Commissioner Jannarone commended staff for doing so much given the constraints of 2020.

Commissioner Lohbauer also commended staff especially for conducting successful Zoom meetings.

The Commission adopted the resolution by a vote of 8 to 0.

General Public Comment

Rhyan Grech of the Pinelands Preservation Alliance (PPA) asked when the public can expect accountability for the Southern Reliability Line (SRL) pipeline incidents that happened in 2019, where six Inadvertent Returns (IRs) occurred during the construction in the Pinelands Area and Commissioners and the public were not informed. She said Commission staff met with New Jersey Natural Gas (NJNG) on February 13, 2019 but no meeting notes exist and the meeting was ineffective since another spill occurred on February 19, 2019. She said Commissioners did not have the chance to revoke the permit because the spills were not disclosed. She said there should be a full investigation of staff's decisions.

Patricia Caruso of Upper Freehold Township said that the construction of the SRL pipeline destroyed her neighbor's house. She asked Commissioners to hold NJNG accountable and that the SRL disaster be added to the agenda when meeting with the Acting NJDEP Commissioner.

Agnes Marsala asked the Commission to protect the Pinelands from encroaching development. She asked that Commissioners hold NJNG accountable. She added that high pressure methane should never flow through the SRL pipeline.

Other

Chairman Prickett requested that the Inadvertent Return reports be posted to the Commission's website.

Commissioner Lohbauer said he agreed with the members of the public. He said they deserve to know about information related to the IR incidents. He said he would like to know how staff came to the determination to not inform Commissioners. He said had he known about the spills, he would have requested that the approval be revoked.

Commissioner Lloyd said he shares the concern that Commissioners were not made aware of the of the IR incidents. He asked ED Wittenberg if she reached out to the Chairman or Vice Chairman about the IRs.

ED Wittenberg said she discussed the matter with staff and NJNG. She said the public development approval acknowledged a specific protocol should IRs occur. She said the protocols were followed by NJNG.

Commissioner Lohbauer asked to see the record of the meeting that took place between staff and NJNG on February 13, 2019.

ED Wittenberg said there are no minutes from the February 13th meeting, as it was a conversation.

Ms. Roth said she would provide a copy of the Open Public Records Act (OPRA) request from PPA and share the responsive materials with Commissioners.

Commissioner Lloyd said Commissioners should have access to any documents and never have to file an OPRA request.

Commissioner Irick said he would like to hear from a hydro geologist about Horizontal Directional Drilling (HDD). He said there is more to know and learn about this technique, and he wants to be prepared the next time an application is proposing HDD. He added that IRs should not be treated as a normal occurrence. He said there should be policy and possibly even standards on HDD that the Commission should be following.

Commissioner Lohbauer said he agreed with the suggestion and said the Commission should look to third-party experts.

Commissioner Avery asked if the NJDEP was developing standards on HDD. He said maybe the HDD topic should be included on the agenda for the Commission's meeting with the Acting Commissioner.

ED Wittenberg said she believed that NJDEP is working on standards.

Commissioner Irick recommended that Commissioners be notified if an approval is in violation of one of its conditions.

Chairman Prickett said a decision needs to be made regarding what type of violations would trigger such notification. He said that staff is fully capable of handling violations associated with private development.

Commissioner Lohbauer said Commissioners need to be notified of a violation when it occurs or the Commission's authority and ability to respond is lost.

Commissioner Lloyd suggested adding these types of issues to the monthly management report.

Commissioner Lloyd said the Chairman should be notified of violations and suggested that, in addition, the violation should be noted in the monthly management report.

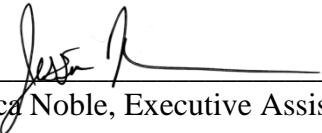
Commissioner Higginbotham agreed.

Chairman Prickett said the issue of violations will be added to a future Policy and Implementation Committee meeting agenda.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Jannarone seconded the motion. The Commission agreed to adjourn at 11:31 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: March 19, 2021



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 08

TITLE: To Authorize the Executive Director to enter into New Collective Negotiations Agreements with the Communications Workers of America, Local 1040.

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the prior Collective Negotiation Agreements (“CNAs”) between the Pinelands Commission (the “Commission”) and its three employee bargaining units (the non-supervisory unit, the professional unit and the supervisory unit) expired on June 30, 2019; and

WHEREAS, the Commission’s three bargaining units are represented by the Communications Workers of America (CWA), Local 1040; and

WHEREAS, negotiations for new CNAs for the term from July 1, 2019, through June 30, 2023, commenced on April 9, 2019, between the Commission’s Negotiating Team and the Employee Bargaining Unit Member Negotiating Team, which included employees from each of the Commission’s three bargaining units and representatives of the CWA, Local 1040 (hereinafter referred to as the “CWA, Local 1040 Negotiating Team”); and

WHEREAS, after numerous negotiating sessions, the Commission’s Negotiating Team has now negotiated new CNAs between the Commission and the CWA, Local 1040 Negotiating Team; and

WHEREAS, the attached Memorandum of Understanding represents the complete and final understanding on all bargainable issues between the Commission and CWA, Local 1040 Negotiating Team for the period of July 1, 2019, through June 30, 2023; and

WHEREAS, the attached Memorandum of Understanding will apply to each of the Commission’s three bargaining units, with the exception of Paragraph B of the Preamble and Recognition Section, which will identify each unit individually; and

WHEREAS, the employees represented by CWA voted on or about **February 24, 2021**, to ratify the Memorandum of Understanding Agreement; and

WHEREAS, it is estimated that the retroactive cost to the FY 2021 Commission budget, as a result of the across the board salary increases contained within the Memorandum of Understanding, will total approximately **\$195,000**; and

WHEREAS, this results in changes to the annual salaries of approximately **\$73,000** per year; and

WHEREAS, the Personnel and Budget Committee has reviewed the attached Memorandum of Understanding at its February 23, 2021 meeting and recommended Commission approval and implementation thereof ; and

WHEREAS, the Commission had reviewed the attached Memorandum of Agreement and finds the terms therein acceptable; 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 authorizes the Executive Director to execute a CNA, consistent with the attached Memorandum of Understanding with each of its three bargaining units.
2. The Pinelands Commission hereby authorizes the Executive Director to implement the terms of the attached Memorandum of Understanding with regard to the Commission’s employees who are members of its three bargaining units.

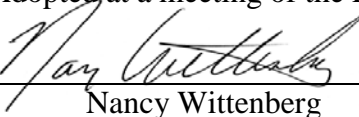
Record of Commission Votes

| | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* |
|--------------|-----|-----|----|------|-----------|-----|-----|----|------|-------------|-----|-----|----|------|
| Avery | X | | | | Irick | X | | | | Pikolycky | X | | | |
| Christy | | | X | | Jannarone | X | | | | Quinn | | | X | |
| Higginbotham | X | | | | Lloyd | X | | | | Rohan Green | | | X | |
| Howell | | | X | | Lohbauer | X | | | | Prickett | X | | | |

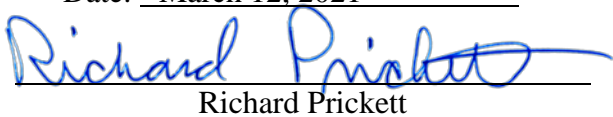
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: March 12, 2021



 Nancy Wittenberg
 Executive Director



 Richard Prickett
 Chairman

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NEW JERSEY PINELANDS COMMISSION
AND
THE COMMUNICATIONS WORKERS OF AMERICA
(NON-SUPERVISORY, PROFESSIONAL, AND SUPERVISORY UNITS, LOCAL 1040)

Whereas, the collective bargaining agreements for employees of the New Jersey Pinelands Commission in the Non-Supervisory, Professional, and Supervisory units expired on June 30, 2019; and

Whereas, the parties have negotiated certain changes in the terms and conditions of employment and are desirous of entering into successor agreements,

Now, therefore, the negotiators set forth the following Memorandum of Understanding.

1. All provisions of the 2011-2015 contracts as modified by the 2018 MOA will be incorporated into new contracts, except as set forth below.

PREAMBLE AND RECOGNITION

A. Preamble. This section is amended by substituting the following:

THIS AGREEMENT, entered into by and between the New Jersey Pinelands Commission (hereinafter “the Commission,” “the Pinelands Commission,” or “the Employer”), and the Communications Workers of America, AFL-CIO (hereinafter “the Union”), represents the complete and final understanding on all bargainable issues between the Commission and the Union. The purpose of this Agreement is to promote harmonious relations between the Commission and the Union, provide for an equitable and peaceful procedure for the resolution of differences, and establish rates of pay, hours of work, and other conditions of employment. The Union agrees to distribute this Agreement to all members of the bargaining unit.

B. Recognition. This section is amended by substituting the following, using the text for paragraph 1 that corresponds to the subject unit:

1. The Commission recognizes the Union as the exclusive representative of the Supervisory Unit as certified by the Public Employment Relations Commission (Docket No. RO-2007-052), consisting of all regularly employed professional and non-professional supervisors employed by the New Jersey Pinelands Commission. The unit shall exclude managerial executives, confidential employees, non-supervisory employees within the

meaning of the Act; craft employees, police, casual employees and all other employees of the NJ Pinelands Commission.

[or]

1. The Commission recognizes the Union as the exclusive representative of the Non-Supervisory Unit as certified by the Public Employment Relations Commission (Docket No. RO-2007-053), consisting of all regularly employed non-supervisory workers employed by the New Jersey Pinelands Commission. The unit shall exclude managerial executives, confidential employees, supervisors within the meaning of the Act; professional employees, craft employees, police, casual employees and all other employees of the New Jersey Pinelands Commission.

[or]

1. The Commission recognizes the Union as the exclusive representative of the Professional Unit as certified by the Public Employment Relations Commission (Docket No. RO-2007-063), consisting of all regularly employed non-supervisory professionals employed by the New Jersey Pinelands Commission. The unit shall exclude managerial executives, confidential employees, supervisors within the meaning of the Act; non-professional employees, craft employees, police, casual employees and all other employees of the New Jersey Pinelands Commission.

2. The current titles are as set forth in Appendix B.

C. New Titles. This section is amended by substituting the following:

In the event that the Commission decides to create or adopt a new title, the Commission shall notify the Union of the new position or title. The parties will meet and discuss the new position and whether or not the position is a Union position and which unit the position belongs in. Disputes regarding the inclusion of the new position or title which cannot be resolved will be referred to the Public Employment Relations Commission for resolution.

ARTICLE 3. GRIEVANCE PROCEDURE

C. Grievance Definition. This section is amended by substituting the following:

A grievance shall be defined as an appeal of the interpretation, application, or violation of policies, agreements, and administrative decisions, including disciplinary determinations, affecting the employees. A grievance alleging a violation of this Agreement shall be referred to as a contractual grievance. Any other grievance shall be referred to as non-contractual and shall not be arbitrable.

ARTICLE 4. SALARIES

A. Salary. This section is amended as follows:

1. The annual salary of each full-time employee will be in accordance with the salary range corresponding to his or her title (see Appendix). Salaries will be pro-rated for part-time employees. New employees will be hired at the minimum of their range, except that the Employer may place a new employee on a higher level if the employee's education and experience significantly exceed the minimum requirements.

2. All employees will receive across-the-board salary increases as follows: ~~0% as of July 1, 2015, 0% as of July 1, 2016, 2% as of July 1, 2017, and 2% as of July 1, 2018~~ 2% as of July 1, 2019, 2% as of July 1, 2020, 2% as of July 1, 2021, and 2% as of July 1, 2022.

B. Merit Increases. This section is amended by substituting the following:

Beginning as of 2019, each employee with at least one year of service who is not at the maximum of his or her salary range and whose overall performance in the most recent evaluation meets or exceeds expectations will receive an annual merit increase in salary effective July 1 of each year. The amount of the merit increase will be equal to the lesser of (a) 2.25% of the employee's base salary or (b) the amount needed to reach the maximum of the range.

ARTICLE 7. SICK LEAVE

G. Notification. This section is amended as follows:

Employees reporting sick leave shall notify their supervisor as early as possible, but not later than one (1) hour prior to the start of the work day, or reasonable time in case of emergency. The supervisor will notify employees of one specified phone number to call when an employee calls out. Subsequent to this notification under this paragraph the employee reporting sick leave must notify the supervisor of:

1. Personal certification for a sick day.
2. The telephone number where the employee may be contacted during sick leave.
3. The expected duration of sick leave, if known.

The Human Resource Specialist ~~shall have the right to contact the employee to ascertain the nature of the illness, and follow up as necessary~~ may also follow up as necessary to verify medical excuses, confirm an employee's expected date of return to work, discuss FMLA or NJFLA or for any other legitimate business reason.

N. Confinement while on Sick Leave. This section in the prior contract is deleted, and the succeeding sections are moved up accordingly.

ARTICLE 10. INSURANCE

Section B. Health Insurance. This section is amended as follows:

- 1. Employees shall contribute to their health insurance benefits in accordance with C. 78, P.L. 2011.
- 2. ~~Also effective upon ratification,~~ Employees shall pay 50% of the cost of their dental plan, if elected.
- 3. Opt-out: if ~~the~~ an employee elects to ~~opt out~~ waive paid medical benefits, the employee shall receive a \$1,000 annual payment payable on the anniversary date of the election to opt out so long as the waiver remains in effect. The continuation of such waiver payments and the amount thereof are subject to the Employer’s discretion, to be exercised pursuant to N.J.S.A. 52:14-17.31a. It is understood that an employee who is covered under the State Health Benefits Program as a spouse, partner, or dependent is not entitled to payment in lieu of separate coverage.

ARTICLE 11. HOLIDAYS

Section A. Designated Holidays. This section is amended as follows:

The Commission’s office will be closed during the following holidays:

- | | |
|-----------------------------------|------------------|
| New Year’s Day | Labor Day |
| Martin Luther King Jr.’s Birthday | Columbus Day |
| Presidents Day | Election Day |
| Good Friday | Veterans’ Day |
| Memorial Day | Thanksgiving Day |
| <u>Juneteenth Day</u> | Christmas Day |
| Independence Day | |

ARTICLE 14. JURY DUTY AND LEAVE WITHOUT PAY

B. Leave of Absence without Pay. This section is amended as follows:

~~For leave not covered by FMLA and/or the FLA, any~~ An employee may request a leave of absence without pay, not to exceed ~~45 days~~ six months in duration, by submitting in writing all facts bearing on the request to his/her supervisor (i.e., reason, estimated duration, the expected dates which the leave will begin and end), who will append his/her recommendation and forward the request to the Human Resources Specialist and the Executive Director. The Executive Director will consider each such case based on the effects on Commission operations, and a decision in one case shall not establish a precedent in another. Requests for leave or for extensions of leave shall not be unreasonably denied, but in no event will the Commission be obligated to approve consecutive leaves totaling more

~~than one year in duration. Any request for an extension of time shall be at the Commission's discretion. Such leave of absence shall not be part of the term of employment. Employees shall not earn vacation, administrative, or sick leave while on leave without pay status. There may also be distinct implications on insurance benefits, timing of performance evaluations, and any salary increase amount. Where applicable, leave without pay may also affect an employee's entitlement to insurance benefits, crediting of service, the timing of performance evaluations, and other terms of employment in accordance with existing rules. Holidays occurring within the period of a leave of absence without pay are part of the absence. Such decisions shall be non-grievable.~~

ARTICLE 18. DEDUCTIONS FROM SALARY

B. Dues Checkoff. This section is amended as follows:

The Union will provide the necessary checkoff authorization forms and the Union will secure the signatures of its members on the forms and deliver the signed forms to Human Resources. Authorizations may be submitted electronically.

C. Representation Fees and **D. Demand-and-Return.** These sections in the prior contract are deleted, and Section E is accordingly redesignated as Section C.

ARTICLE 19. OUTSIDE EMPLOYMENT

This Article is amended as follows:

Employees will not be permitted to engage in outside employment which conflicts with their responsibilities to the Commission and which is inconsistent with the requirements of the Uniform Code of Ethics; any supplemental code adopted by the Commission and approved by the State Ethics Commission; the New Jersey Conflicts of Interest Law, NJ.S.A. 52:13D-12 *et seq.*; the regulations, standards, guidelines, opinions and decisions of the State Ethics Commission; and any Gubernatorial Executive Orders addressing ethics. Employees will be permitted to engage in outside employment only if it does not constitute a conflict of interest, and does not constitute the same type of work as he or she performs for the Commission when such work for the Commission involves substantial public policy issues. However, the employee recognizes that his/her primary employment responsibilities is to the Commission and he/she will therefore be available following his/her normal work schedule, upon reasonable notice by the Commission, if he/she is called back to perform service on an emergency basis at hours other than during the normal work schedule. Employees will advise the Program Director/Division Manager or his/her designee of the location and times of such outside employment and shall complete an outside activity questionnaire and obtain prior approval for such outside employment from his/her supervisor(s), the Ethics Liaison Officer and the Executive Director. Requests for outside employment will be reviewed for conflicts of interest or other ethical considerations. Approval will not be unreasonably withheld or denied.

ARTICLE 21. UNION ACTIVITIES ON THE WORK SITE

A. Workplace Access and Release Time. This section is amended as follows:

Upon advance notification and approval, the duly authorized officers and/or ~~business~~ representatives of the Union shall be permitted on Commission premises during working hours for the purpose of monitoring working conditions, investigating and adjusting complaints, or resolving issues. ~~With advance notice and approval.~~ There shall be no loss of pay for employees that spend as a result of time spent as a grievant, witness, or union representative during grievances investigations or proceedings, disciplinary hearings, arbitration hearings, proceedings before PERC or other state administered matters agencies, labor-management meetings, or negotiations meetings, provided that approval for such time has been obtained in advance from the Executive Director or the Director's designee. Approvals will not be unreasonably denied or delayed.

B. Union Information. This section is amended as follows:

The Union shall have the right to distribute information dealing with ~~proper legitimate~~ representational matters or Union business governance to employees' mailboxes ~~during non-working hours (lunch break time, and before/after work)~~ and shall also have the right to use the Commission's email system to communicate with employees regarding such matters. It is understood that time spent by employees in such communicative activities shall not be at the expense of their assigned duties. In addition, the Union shall be provided with a bulletin board for the purpose of posting materials relating to Union matters. No postings shall be allowed in any other location.

D. Union Meetings at the Workplace. This section is amended as follows:

The Commission will permit Union meetings may to be held on the premises. Locations of permitted for these meetings shall be dependent upon whatever space is available at the discretion of the Commission. All Such meetings shall not be held without prior notice and consent being given by of the Commission. Unless otherwise agreed, attendance by employees will be outside their designated working hours.

F. Union Leave Days. This section is amended to read as follows:

The Commission shall provide ~~the Union with 4~~ a total of 10 unpaid union leave days to be utilized by employees in the all bargaining units to attend conferences, meetings, conventions and training programs as the Union may designate. Such leave will not exceed five consecutive days or five days for an individual over the course of a year. The Union will provide ~~three days~~ reasonable advance notice to the Commission for such leave requests.

G. Meetings with New Employees. The following section is added:

The Union will be afforded the opportunity to meet with newly hired employees in the represented units during the orientation process or at another agreed-upon time as soon as

practicable following the date of hire, pursuant to the Workplace Democracy Enhancement Act. Such meetings will be held during working hours without loss of pay.

ARTICLE 29. LAYOFFS AND RECALL

B. Notice to the Union. This section is amended as follows:

When it is necessary to lay off employees, the Union shall be notified ~~at once or~~ as far in advance as possible but in no case less than five days before announcement of the layoffs to employees. The notice shall be supplied to the Union with all relevant data concerning the layoff and the adopted procedures positions to be eliminated, the employees who will be affected, and the actions which the Employer plans to take. Individual employees will be given at least 14 days' notice in writing before being laid off or displaced.

ARTICLE 30. ACCESS TO PERSONNEL INFORMATION

A. Employee Access to Personnel File. This section is amended as follows:

Employees shall, upon request, have an opportunity to review ~~his/her~~ their personnel files. Employees shall be notified ~~and given the opportunity to initial~~ of any derogatory or negative file entries. Failure of the employee to ~~sign~~ acknowledge notice of the derogatory or negative file entry shall not prevent ~~them~~ it from becoming part of the employee's record. The employee shall have the right to respond to any document in his/her personnel file and to be provided with a copy of same. The employee will have ten (10) working days from the date of notification to file a response to any document placed in the file ~~from the date of notification~~. At its discretion, the Employer may reply in writing to the employee's response. The failure of an employee to file a response shall not be considered as an admission, nor shall the lack of a reply by the Employer be considered as acquiescence or an admission that the employee's response is accurate or correct.

B. Furnishing of Information to the Union. The following section is added:

Pursuant to the Workplace Democracy Enhancement Act, the Commission will furnish the following information regarding represented employees to the Union: name, job title, worksite location, home address, work telephone number, date of hire, and work email address, along with home and personal cell phone numbers and personal email addresses on file with the Commission. This information must be provided within 10 days of hire for new employees and every four months (January 1, May 1, and September 1 of each year) for all represented employees. Changes in such data known to the Commission will be furnished on a monthly basis.

ARTICLE 34. DURATION

This article is amended as follows:

This Agreement shall be in full force and effect from the date of signing through June 30, ~~2019~~ 2023.

2. The Appendix is amended to read as set forth at the end of this Memorandum of Understanding.

3. The following paragraph will be inserted at the end of the Table of Contents:

Any headings preceding the text of the several Sections and subparagraphs of this Agreement are inserted solely for convenience of reference and shall not constitute a part of this Agreement nor shall they affect its meaning, construction or effect.

4. Upon ratification by the parties, a new contract will be drawn up in conformance with this Memorandum of Understanding and will be duly executed by the parties.

FOR THE UNION

Richard A. Daffin

G. Hurley

Date of Signing February 16, 2021

FOR THE EMPLOYER

Date of Signing _____

APPENDIX A. TITLES AND SALARY SCHEDULES

Salary ranges take effect on July 1 at the start of each contract year.

| Support Assistants: Custodial and Clerical | | | | | | | | | |
|---|---------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| Level | Range # | 2019-2020 | | 2020-2021 | | 2021-2022 | | 2022-2023 | |
| | | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum |
| 1 | 5 | \$37,407 | \$54,241 | \$38,155 | \$55,325 | \$38,918 | \$56,432 | \$39,697 | \$57,560 |
| 2 | 3 | \$33,929 | \$49,198 | \$34,608 | \$50,182 | \$35,300 | \$51,185 | \$36,006 | \$52,209 |
| 3 | 1 | \$30,775 | \$44,624 | \$31,391 | \$45,516 | \$32,018 | \$46,427 | \$32,659 | \$47,355 |

| Support Assistants: Business and Maintenance | | | | | | | | | |
|---|---------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| Level | Range # | 2019-2020 | | 2020-2021 | | 2021-2022 | | 2022-2023 | |
| | | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum |
| 1 | 7 | \$41,241 | \$59,800 | \$42,066 | \$60,996 | \$42,908 | \$62,216 | \$43,766 | \$63,460 |
| 2 | 5 | \$37,407 | \$54,241 | \$38,155 | \$55,325 | \$38,918 | \$56,432 | \$39,697 | \$57,560 |
| 3 | 3 | \$33,929 | \$49,198 | \$34,608 | \$50,182 | \$35,300 | \$51,185 | \$36,006 | \$52,209 |

| Technical Assistants: Land Use, Planning, Legal, Public Programs | | | | | | | | | |
|---|---------|-----------|----------|-----------|----------|-----------|----------|-----------|----------|
| Level | Range # | 2019-2020 | | 2020-2021 | | 2021-2022 | | 2022-2023 | |
| | | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum |
| 1 | 13 | \$55,268 | \$80,138 | \$56,373 | \$81,741 | \$57,500 | \$83,375 | \$58,650 | \$85,043 |
| 2 | 10 | \$47,742 | \$69,226 | \$48,697 | \$70,611 | \$49,671 | \$72,023 | \$50,664 | \$73,463 |
| 3 | 7 | \$41,241 | \$59,800 | \$42,066 | \$60,996 | \$42,908 | \$62,216 | \$43,766 | \$63,460 |
| 4 | 5 | \$37,407 | \$54,241 | \$38,155 | \$55,325 | \$38,918 | \$56,432 | \$39,697 | \$57,560 |

| Specialists: Environmental, Public Programs, GIS, MIS | | | | | | | | | |
|--|---------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Level | Range # | 2019-2020 | | 2020-2021 | | 2021-2022 | | 2022-2023 | |
| | | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum |
| 1 | 20 | \$77,767 | \$112,762 | \$79,322 | \$115,017 | \$80,909 | \$117,318 | \$82,527 | \$119,664 |
| 2 | 15 | \$60,932 | \$88,352 | \$62,151 | \$90,119 | \$63,394 | \$91,921 | \$64,662 | \$93,760 |
| 3 | 13 | \$55,268 | \$80,138 | \$56,373 | \$81,741 | \$57,500 | \$83,375 | \$58,650 | \$85,043 |
| 4 | 11 | \$50,129 | \$72,687 | \$51,132 | \$74,141 | \$52,155 | \$75,624 | \$53,198 | \$77,137 |

| Research Scientists | | | | | | | | | |
|----------------------------|----------------|------------------|----------------|------------------|----------------|------------------|----------------|------------------|----------------|
| Level | Range # | 2019-2020 | | 2020-2021 | | 2021-2022 | | 2022-2023 | |
| | | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum | Minimum | Maximum |
| 1 | 20 | \$77,767 | \$112,762 | \$79,322 | \$115,017 | \$80,909 | \$117,318 | \$82,527 | \$119,664 |
| 2 | 16 | \$63,979 | \$92,770 | \$65,259 | \$94,625 | \$66,564 | \$96,518 | \$67,895 | \$98,448 |
| 3 | 14 | \$58,031 | \$84,145 | \$59,192 | \$85,828 | \$60,375 | \$87,544 | \$61,583 | \$89,295 |
| 4 | 12 | \$52,636 | \$76,322 | \$53,688 | \$77,848 | \$54,762 | \$79,405 | \$55,857 | \$80,993 |

APPENDIX B. JOB TITLES BY UNIT

Non Supervisory Unit

Business Assistant 1, 2, 3
Clerical Assistant 1, 2, 3
Maintenance Custodian 1, 2, 3
Maintenance Technician 1, 2, 3
Planning Assistant 1, 2, 3
Technical Assistant 1, 2, 3

Professional Unit

Business Specialist 2, 3, 4
Environmental Specialist 2, 3, 4
Environmental Technologies Coordinator
GIS Specialist 2, 3, 4
MIS Specialist 2, 3, 4
Planning Specialist 2, 3, 4
Public Programs Specialist 2, 3, 4
Research Scientist 2, 3, 4

Supervisory Unit

Business Specialist 1
~~Communications Officer~~
Environmental Specialist 1
GIS Specialist 1
MIS Specialist 1
Public Programs Specialist 1
Research Scientist 1



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-09

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1988-0706.022 & 2000-0088.007)

Commissioner Lohbauer moves and Commissioner Jannarone seconds the motion that:

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

1988-0706.022

| | |
|-----------------------|---|
| Applicant: | Town of Hammonton |
| Municipality: | Town of Hammonton |
| Management Area: | Pinelands Town |
| Date of Report: | February 18, 2021 |
| Proposed Development: | Installation of a public sanitary sewer main and pumping station on Block 4204, Lot 9 and within the Boyer and Sewell Avenue rights-of-way; and |

2000-0088.007

| | |
|-----------------------|---|
| Applicant: | National Energy Partners |
| Municipality: | Town of Hammonton |
| Management Area: | Pinelands Town |
| Date of Report: | February 18, 2021 |
| Proposed Development: | Installation of 5.35 acres of ground mounted accessory solar energy facilities at the Hammonton High School and the Hammonton Early Childhood Center. |

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

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the 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 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 1988-0706.022 & 2000-0088.007 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

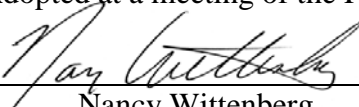
Record of Commission Votes

| AYE NAY NP A/R* | | | | AYE NAY NP A/R* | | | | AYE NAY NP A/R* | | | |
|-----------------|---|--|---|-----------------|---|--|--|-----------------|---|--|---|
| Avery | X | | | Irick | X | | | Pikolycky | X | | |
| Christy | | | X | Jannarone | X | | | Quinn | | | X |
| Higginbotham | X | | | Lloyd | X | | | Rohan Green | | | X |
| Howell | | | X | Lohbauer | X | | | Prickett | X | | |

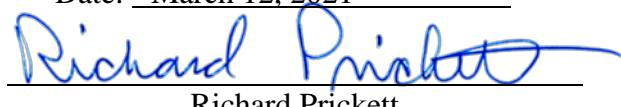
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: March 12, 2021



 Nancy Wittenberg
 Executive Director



 Richard Prickett
 Chairman



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
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

February 18, 2021

Stephen DiDonato, Mayor (via email)
Town of Hammonton
100 Central Avenue
Hammonton, NJ 08037

Re: Application # 1988-0706.022
Boyer and Sewell Avenues
Block 4204, Lots 9 and 10
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for installation of a public sanitary sewer main and pumping station on Block 4204, Lots 9 and 10 and within the Boyer and Sewell Avenue rights-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 12, 2021 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, 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)
Marianne G. Risley (via email)



State of New Jersey

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 18, 2021

Stephen DiDonato, Mayor (via email)
Town of Hammonton
100 Central Avenue
Hammonton, NJ 08037

Application No.: 1988-0706.022
Boyer & Sewell Avenues
Block 4204, Lots 9 and 10
Town of Hammonton

This application proposes the installation of approximately 3,205 linear feet of public sanitary sewer main on Block 4204, Lots 9 and 10 and within the Boyer and Sewell Avenue rights-of-way in the Town of Hammonton. This application also proposes installation of a sanitary sewer pumping station on Block 4204, Lot 9.

The proposed sanitary sewer main will service seven existing single family dwellings fronting on Boyer Avenue that are currently serviced by onsite septic systems.

STANDARDS

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

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

The proposed development is located in the Pinelands Town of Hammonton. The proposed development is a permitted use in a Pinelands Town.

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

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

The proposed pumping station will be located greater than 300 feet from wetlands.

Approximately 709 linear feet of proposed sanitary sewer line will be located within 300 feet of

wetlands. The CMP permits the installation of linear improvement (utility mains) in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the required buffer to wetlands.

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

The proposed pumping station will be located within a wooded area. The proposed sanitary sewer main will be located within an existing wooded area, maintained road shoulders, and gravel and paved roadways. Approximately 0.85 acres of forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the development.

The Landscaping and Re-vegetation Guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on June 22, 2020. The application was designated as complete on the Commission's website on February 2, 2021. The Commission's public comment period closed on February 12, 2021. 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 six sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:

Sheet 1 - November 2020
Sheets 2-6 - April 1, 2020; revised to November 11, 2020
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from

entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



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Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on March 8, 2021 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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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

February 18, 2021

National Energy Partners
OBO the Town of Hammonton Board of Education (via email)
701 Cooper Road, #9
Voorhees, NJ 08043

Re: Application # 2000-0088.007
Block 2301, Lots 34, 43 & 64
Town of Hammonton

Dear Applicant:

The Commission staff has completed its review of this application for the installation of 5.35 acres of ground mounted accessory solar energy facilities at the Hammonton High School and the Hammonton Early Childhood Center.

Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 12, 2021 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, 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)
Louis Cappelli, Jr., Esq. (via email)



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Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 18, 2021

National Energy Partners
OBO the Town of Hammonton Board of Education (via email)
701 Cooper Road, #9
Voorhees, NJ 08043

Application No.: 2000-0088.007
Block 2301, Lots 34, 43 & 64
Town of Hammonton

This application proposes the installation of ground mounted accessory solar energy facilities at the Hammonton High School and the Hammonton Early Childhood Center located on the above referenced 94.93 acre parcel in the Town of Hammonton.

A 4.33 acre solar energy array will service the Hammonton High School and a 1.02 acre solar energy array will service the Hammonton Early Childhood Center. The applicant has indicated that the proposed solar energy facility will produce 2,661,725 kWh per year, which represents approximately 80 percent of the annual electric use of the two schools.

STANDARDS

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

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

The proposed development is located in the Pinelands 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. All development will be located at least 300 feet from wetlands.

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

The proposed development will be located within existing maintained grassed areas. The proposed soil

disturbance is limited to that which is necessary to accommodate the proposed development.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on June 8, 2020. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 17, 2020. The application was designated as complete on the Commission's website on January 25, 2021. The Commission's public comment period closed on February 12, 2021. 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 three sheets, prepared by Fralinger Engineering PA, all sheets dated November 24, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. All development, including clearing and land disturbance, shall be located at least 300 feet from wetlands.

CONCLUSION

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



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NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on March 8, 2021 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. PC4-21- 10

TITLE: To Approve the Pinelands Commission’s 2020 Annual Report

Commissioner Lohbauer moves and Commissioner Irick seconds the motion that:

WHEREAS, in September 2006, then Governor Corzine issued Executive Order #37; and

WHEREAS, Executive Order #37 called for the preparation and approval of a comprehensive report concerning the operations of each State authority; and

WHEREAS, the report shall set forth the significant actions of the Commission; and

WHEREAS, since the report is to be done on an annual basis and it includes much of the same information as the Commission's Annual Report, which is required by the Pinelands Protection Act, the two reports have been combined every year since 2007 as a cost savings measure to eliminate waste and promote efficiency as called for in Executive Order #37; and

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

NOW, THEREFORE BE IT RESOLVED that the attached 2020 Annual Report be approved, submitted to the Governor's Authorities Unit and posted on the Commission's web site.

Record of Commission Votes

| | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* |
|--------------|-----|-----|----|------|-----------|-----|-----|----|------|-------------|-----|-----|----|------|
| Avery | X | | | | Irick | X | | | | Pikolycky | X | | | |
| Christy | | | X | | Jannarone | X | | | | Quinn | | | X | |
| Higginbotham | X | | | | Lloyd | X | | | | Rohan Green | | | X | |
| Howell | | | X | | Lohbauer | X | | | | Prickett | X | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: March 12, 2021

 Nancy Wittenberg
 Executive Director

 Richard Prickett
 Chairman



2020 Annual Report

New Jersey Pinelands Commission

Protecting the New Jersey Pinelands

The New Jersey Pinelands Commission is an independent state entity whose mission is to preserve, protect, and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities consistent with that purpose.

The Commission was created by the passage of the Pinelands Protection Act in 1979.

To accomplish its mission, the Commission implements a comprehensive plan that guides land use, development and natural resource protection programs in the 938,000-acre Pinelands Area of southern New Jersey. The Commission's 15-member board consists of state, county and federal appointees who volunteer their time and expertise. The panel meets monthly and receives guidance from its Executive Director and staff.



The Pinelands is home to vast forests, farms and towns that cover portions of seven counties in southern New Jersey. Photo/Paul Leakan

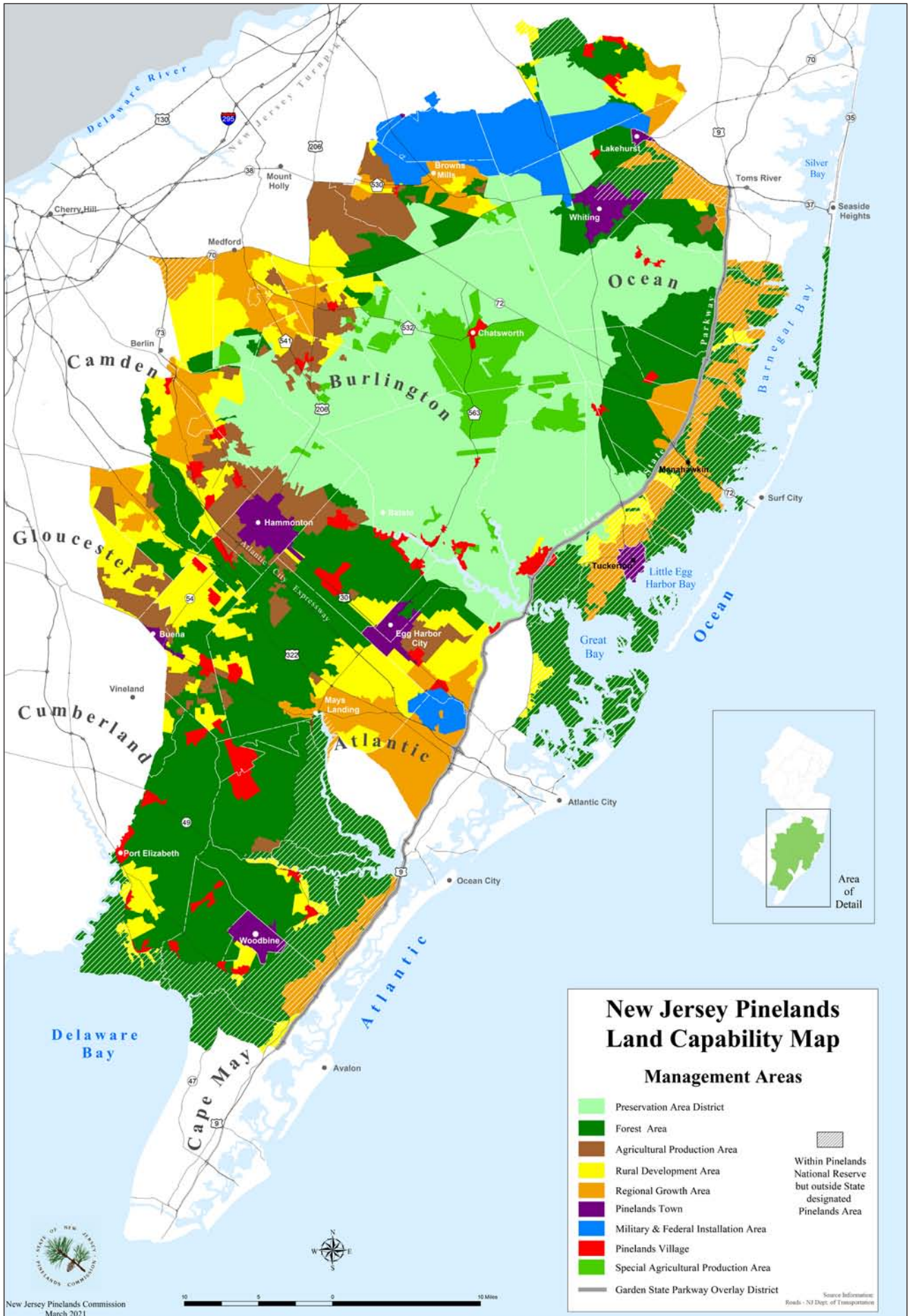
Commissioners:

Richard H. Prickett, Chairman
Alan W. Avery, Jr., Vice Chairman
Candace McKee Ashmun (January - May)
Daniel Christy
Sean W. Earlen (January - Dec. 12th)
D'Arcy Rohan Green
Shannon Higginbotham (Dec. 13th - Dec. 31st)
Jordan P. Howell
Jerome H. Irick
Jane Jannarone
Edward Lloyd
Mark S. Lohbauer
William Pikolycky
Gary Quinn

Nancy Wittenberg, Executive Director

Pinelands Commission
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Executive Director's Message

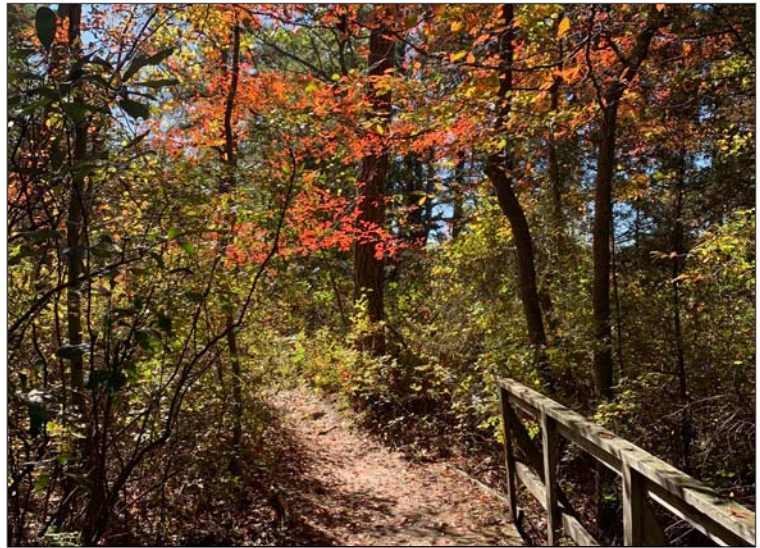
Everyone was glad to see 2020 come to an end, as it was a very rough and challenging year. The Commission shifted to full remote operation in mid-March and remained so through the end of the year. It was and continues to be a successful transition, thanks to the efforts and support of staff.

The amount of work done not only didn't change, it increased. Applications were submitted for review in numbers consistent with prior years. Municipalities and counties continued to submit plans and ordinances. Science research work continued and expanded with new work on snake populations of the Pinelands. Maintaining the property and the communications and operating infrastructure provided ongoing challenges. We have also taken on new

initiatives, including developing avenues to respond to climate change. The Land Use, Climate Impacts and Sustainability Committee has been focused on these initiatives. Rulemaking work that is a key to our climate change efforts, dealing with water supply and stormwater management, are nearing completion. Our outreach efforts continued in a new virtual format that included webinars and increased and enhanced use of social media. We have also taken on a management role for the Pine Barrens Byway and are working on stronger communication about this great Pinelands resource. These issues and more are presented in this year's report.

We have learned a lot as we have dealt with the restrictions imposed by COVID-19, including new ways to communicate, new processes for receiving information via mail or digitally, and new ways to provide timely and accurate responses.

The past year also included the loss of two significant influences on the Pinelands: Candace McKee Ashmun and John C. Stokes. Candy served as a Commissioner from the beginning. She was the ultimate source of any question you had about the Commission. When Candy spoke about anything to do with the Pinelands Commission, it was decisive and the end of the conversation. John served in several positions at the Commission and he also served for a long time. Together there is so much they accomplished that has served the Pinelands well.



Above: The vibrant colors of fall take center stage at the 1.8-mile Batsto Blue Trail at Batsto Village in Wharton State Forest in November. The site is located along the Pine Barrens Byway. Photo/Joel Mott

Nancy Wittenberg
Executive Director

In Memoriam: Candace McKee Ashmun and John C. Stokes

2020 was a particularly difficult year for the New Jersey Pinelands Commission, given the passage of longtime Commissioner Candace McKee Ashmun and former Executive Director John C. Stokes.

When Ms. Ashmun died on May 22, 2020, she was still serving as a Commissioner, at the age of 96.

A resident of Basking Ridge, Ms. Ashmun had served as a gubernatorial appointee on the Commission's 15-member board since its inception in 1979, making her the longest serving board member in the agency's history. Commission members are unpaid volunteers who devote a significant amount of their time and expertise while serving.

"Candy was our guide, our institutional memory, and our inspiration," Commission Chairman Richard Prickett said, following her passing. "Perhaps no one in the history of our state has done more to safeguard the Pinelands and its world-renowned environment. Her contributions to the Pinelands are immeasurable, and we will miss her immensely."

In 1979, Ms. Ashmun received a call from then Governor Brendan Byrne, asking if she would serve on the newly created Commission, which faced enormous challenges in creating and then carrying out a comprehensive plan for protecting the region's resources. The Pinelands Comprehensive Management Plan (CMP) is now regarded as one of the most successful, large-scale, land-use conservation plans in the world.

Ms. Ashmun served with great distinction during her tenure as a Commissioner and as a member of numerous Commission committees. Her knowledge of the Pinelands Protection Act and of the Commission's past decisions were invaluable in the agency's efforts to strengthen and implement the CMP.

During its meeting on December 14, 2018, the Commission adopted a resolution to dedicate the agency's



Above: Candace McKee Ashmun toured the exhibits that were named in her honor on December 14, 2018.

Photo/Paul Leakan

educational exhibit in honor of Ms. Ashmun. The Candace McKee Ashmun Pinelands Education Exhibit features more than 400-square-feet of interactive displays, a 90-gallon aquarium with native fish, a terrarium with live, insectivorous Pinelands plants and dozens of Pinelands artifacts. Before dedicating the exhibit, several Commission members praised Ms. Ashmun for her contributions to the protection of the Pinelands, adding that the educational displays are a fitting way to build on her incredible legacy.



Above: Fellow Commissioners gave longtime Commissioner Candace McKee Ashmun (seated) a standing ovation before adopting a resolution to dedicate the agency's exhibits in her honor on December 14, 2018.

Photo/Paul Leakan

Ms. Ashmun spent the vast majority of her life volunteering to protect New Jersey's environment. She served on the State Planning Commission and as Executive Director and three-term President of the

Association of New Jersey Environmental Commissions. Ms. Ashmun chaired the New Jersey Department of Environmental Protection's Great Swamp Advisory Committee, and she was a trustee of the Coalition for Affordable Housing and the Environment. She was also a trustee on the Highlands Coalition and served as the Vice Chair of the Board of the Fund for New Jersey. At the local level, she served on the Bedminster Board of Education, Board of Adjustment and Environmental Commission, and served as Vice Chair of the Far Hills Planning Board.

The Commission suffered another tragic loss with the passing of John C. Stokes, who died on July 14, 2020. He was 70.

Mr. Stokes served as the Executive Director of the Pinelands Commission from April 2003 until his retirement on January 1, 2011. He was hired as the Commission's Executive Director after serving 23 years as the panel's Assistant Director.

A resident of Haddonfield, Camden County, Mr. Stokes was one of the original members of the Commission's staff and was one of the chief authors of the Pinelands CMP.

"John's service to New Jersey as Executive Director of the Pinelands Commission was invaluable," said former New Jersey Governor James Florio, who served as the Pinelands Commission's Chairman from 2002 to 2005. "When I served as chairman of the Pinelands Commission, I observed his practical, wise and environmentally sensitive work in action. His approach was key to protecting and preserving a fragile part of New Jersey that constitutes 20 percent of the state. New Jersey has lost one of its most valuable citizens."



Above: John C. Stokes (center) was one of the chief authors of the Pinelands Comprehensive Management Plan. He served as the Commission's Executive Director from April 2003 until his retirement on January 1, 2011.

Photo/Paul Leakan

As Executive Director, Mr. Stokes was responsible for the daily operations of the Commission and its staff of 43 planners, scientists, environmental reviewers, educators and others. Under Stokes' leadership, the Pinelands Commission:

- Established the Pinelands Conservation Fund, which has since helped to permanently preserve nearly 9,000 acres of land in the Pinelands and has financed numerous, critical Pinelands research and planning projects;
- Instituted innovative conservation measures in the Toms River and Oyster Creek Basins (Ocean County) that serve to better protect more than 7,000 acres of ecologically important lands in those areas;
- Adopted 15 amendments to the Pinelands Comprehensive Management Plan; and
- Launched a multi-year study of the Kirkwood-Cohansey aquifer system that lies beneath the Pinelands and contains trillions of gallons of water.

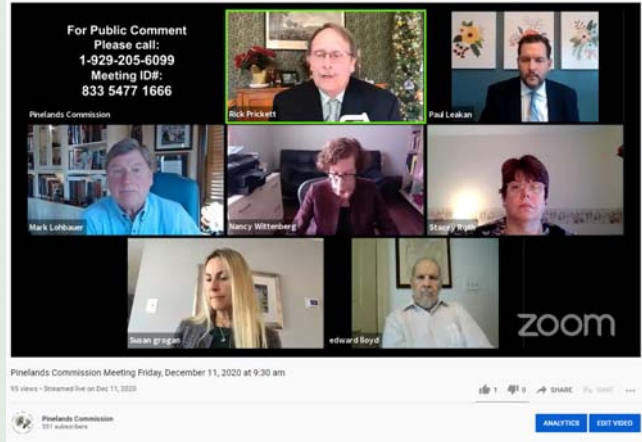
Among other activities, Mr. Stokes served as the Chairman of the Haddonfield Planning Board, as a member of the Haddonfield Environmental Commission, as treasurer of the Camden County Council of Girl Scouts, as assistant district administrator of the National Little League, and as a member of the Haddon Avenue Transit Corridor Study Committee. He earned a bachelor of science degree from North Carolina State University and was a New Jersey Professional Planner and member of the American Institute of Certified Planners. After his retirement, Mr. Stokes taught courses in the Master's Program in Environmental Science at Stockton University.

Persevering in a Pandemic

The Pinelands Commission found new and creative ways to continue its work in 2020, despite the challenges posed by the COVID-19 pandemic.

The Commission closed its offices in mid-March, due to health and safety concerns created by the virus. Staff members immediately started working at home, while using remote desktop software to connect to the state server and continue to do all facets of their work. Meanwhile, Business Services staff maintained Commission buildings and grounds, processed the mail and fed the native fish in the agency’s exhibit, among many other duties.

All offices were able to accomplish their tasks, including reviewing and processing development applications, reviewing ordinances and master plans to ensure conformance with the Pinelands Comprehensive Management Plan (CMP), working on amendments to the CMP, undertaking scientific studies, editing the website, and educating the public via weekly webinars (held in lieu of in-person educational events, which were cancelled). The Commission added messages on its website and social media sites, noting the office closure and encouraging the public to send all inquiries via e-mail. The public was also encouraged to use the agency’s Interactive Map as a resource and instructed to submit all development application materials in an



Above: Due to concerns raised by COVID-19, the Commission held its meetings virtually, starting in April 2020. The public could livestream the meetings on YouTube and call in with comments.

electronic format.

Virtual staff meetings were held each week, starting in late-March. Meanwhile, all Pinelands Commission meetings, Committee meetings and public hearings were held virtually, starting in April. The public could livestream every Commission or Committee meeting and public hearing on YouTube, and they could participate in meetings and hearings by calling in. Every virtual Commission or Committee meeting, public hearing and webinar hosted by the Commission has been recorded and can be viewed on the agency’s YouTube Channel at any time. The Channel can be accessed via www.nj.gov/pinelands.

Planning Activities

Land Use, Climate Impacts and Sustainability Committee

In 2020, the Commission’s Land Use, Climate Impacts and Sustainability Committee (LUCIS) made significant strides in helping to chart the agency’s future efforts to address climate change.

The seven-member Committee has been discussing the potential effects of climate change in the Pinelands and considering measures to mitigate impacts since its formation in 2019. It met three times in 2020.

During its August 28th meeting, the Commission’s staff provided an overview of the New Jersey Forest Stewardship Program and an update on solar activity in the Pinelands.

During a meeting held on October 7th, the Committee hosted a presentation by Vincent Mazzei, an Assistant Commissioner with the New Jersey Department of Environmental Protection (NJDEP)’s Watershed and Land

Management Program. Mr. Mazzei discussed the NJDEP's initiatives regarding climate change. The Committee also discussed a draft resolution that establishes the Commission's objectives relative to climate change in the Pinelands Area and the responsibilities of the LUCIS Committee. The Committee discussed a revised version of the resolution during its October 30th meeting. The resolution acknowledges the need to address the impacts of climate change on the Pinelands and New Jersey. It also identifies the necessary steps to be taken, including reviewing Commission policies and the Pinelands Comprehensive Management Plan (CMP) in order to identify ways to mitigate climate change impacts. Staff will also examine the day-to-day operations and management policies at the Commission facilities to identify changes needed to mitigate greenhouse gas emissions. The Committee advanced the resolution to the full 15-member Commission, which adopted it during its meeting on November 13, 2020.

The final, adopted version of the resolution is available on the Commission's website under the link for November 2020 Resolutions (<https://www.nj.gov/pinelands/home/meetings/documents/November%202020%20resolutions.pdf>).

Amendments to the Pinelands Comprehensive Management Plan

The Commission amended the Pinelands Comprehensive Management Plan (CMP) in 2020 by extending the Alternate Design Wastewater Treatment Systems Pilot Program and authorizing changes to the lineup of permissible technologies.

The Commission launched the Pilot Program in 2002 to test high-performance wastewater treatment systems that better protect the Pinelands environment by reducing the levels of nitrogen that enter groundwater. Through the program, the Commission has evaluated numerous septic systems technologies and identified several that successfully meet Pinelands water quality standards for residential development on lots as small as one acre. To date, more than 350 Pilot Program systems have been installed to service single-family residential development in 28 Pinelands municipalities.

On November 13, 2020, the Commission adopted amendments to the CMP that:

- Extend the pilot program through 2025, when the next Executive Director's report on newly tested programs will be due;
- Authorize the use of one system technology, SeptiTech, for residential development on minimum one-acre parcels on a permanent basis, in recognition of its success in meeting Pinelands water quality standards;
- Remove the Busse GT technology from the program, as this technology has not been installed in the Pinelands Area since being accepted into the Program in 2011;
- Remove the BioBarrier technology from the program, as it has not successfully met CMP water quality standards since being accepted into the Pilot Program in 2011; and
- Enable the Commission to add additional technologies to the Pilot Program by recruiting new NSF Standard 245 and/or USEPA ETV certified technologies to participate in the Pilot Program beginning in 2021, as adding new technologies to the program should lead to increased competition among the system vendors and may lead to continued price stability and potential cost reductions.

Aside from adopting the amendments to the Alternate Design Wastewater Pilot Program in 2020, the Commission's staff initiated discussions about amendments to CMP stormwater management standards in response to the state-wide amendments adopted by the New Jersey Department of Environmental Protection.

Pinelands Development Credit Program

The Pinelands Development Credit Program is a regional transfer of development rights program that preserves important agricultural and ecological land. Pinelands Development Credits (PDCs) are allocated by the Commission to landowners in the Preservation, Agricultural Production and Special Agricultural Production Areas, which are the sending areas. PDCs can be purchased by property owners and developers who are interested in developing land in Regional Growth Areas, which serve as the receiving areas.

Once PDCs are “severed” from a sending area property, the property is permanently protected by a conservation or agricultural deed restriction and the PDCs allocated to that property can be sold on the private market.

During 2020, 36.03 PDCs were allocated by the Commission to 16 sending area properties. A total of 0.75 PDCs were severed, protecting 32 acres of land in the Preservation Area District in Tabernacle Township and 18 acres in the Agricultural Production Area in Pemberton Township. Since 1982, 55,441



This 29-acre blueberry farm in Hammonton has been permanently preserved through the Pinelands Development Credit program.

Photo/Paul Leakan

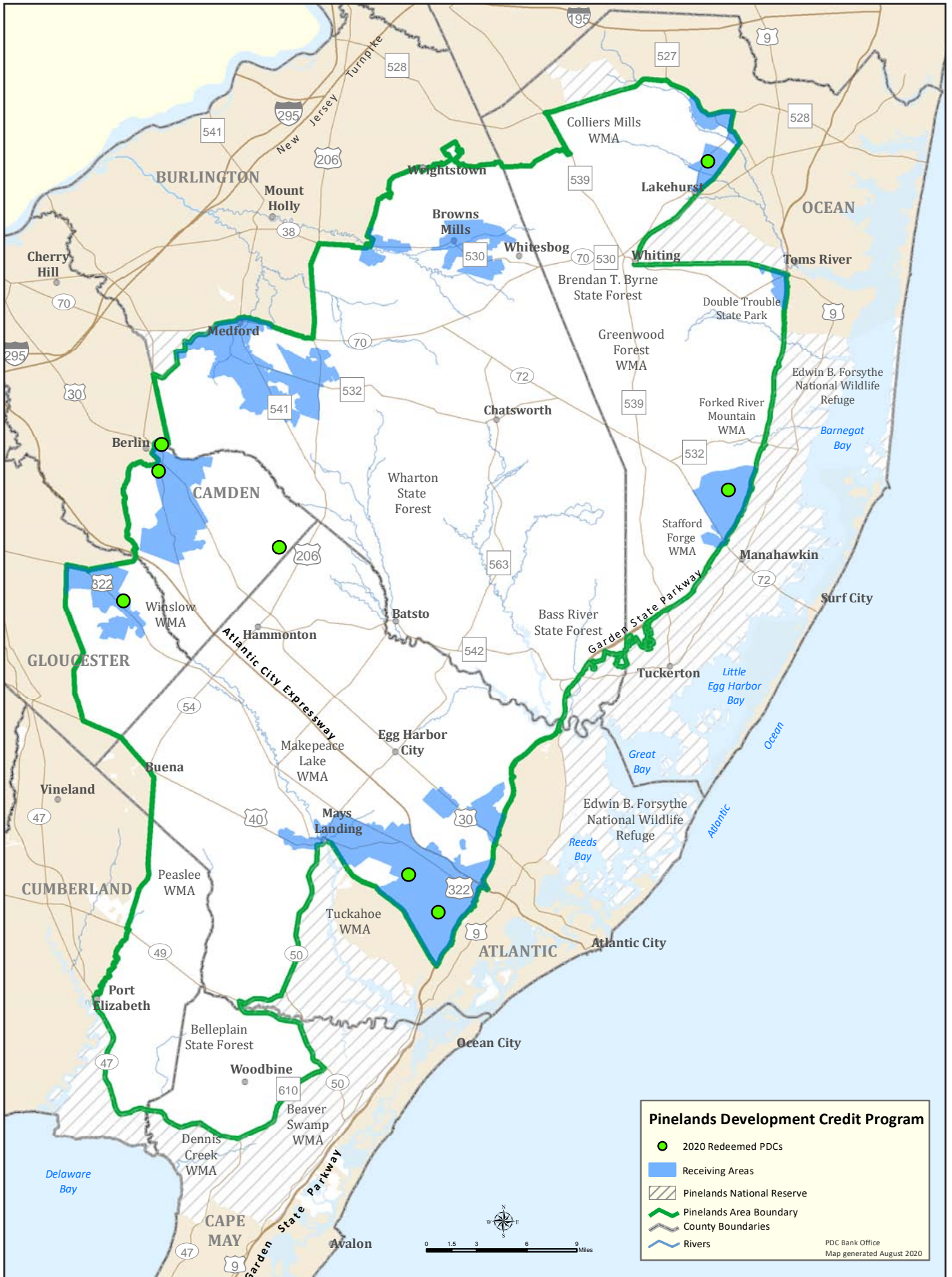
acres in the Pinelands Area have been permanently preserved through the PDC Program. In 2020, a total of 38.50 PDCs were sold, with an average sales price of \$44,740 per PDC. A total of 26.25 PDCs were redeemed for 13 residential projects in Barnegat, Egg Harbor, Manchester, Monroe, Waterford and Winslow townships and one nonresidential project in Berlin Township during 2020.

Please see page 9 for a map that illustrates all PDC redemptions that occurred in 2020.



This 636-unit planned development in Hamilton Township, Atlantic County required the use of 45.75 PDCs.

Photo/Paul Leakan



Reviewing Municipal Ordinances

The master plans and land use ordinances of all Pinelands municipalities and counties must be consistent with the Pinelands Comprehensive Management Plan (CMP). Consistency is ensured through the conformance process, by which municipalities and counties submit their plans, ordinances and amendments to the Commission for review and certification.

The Commission received and reviewed 109 municipal master plan and ordinance amendments in 2020.

The Commission's staff works closely with Pinelands municipalities to help them achieve their objectives in a manner that is consistent with the CMP. In 2020, the Commission certified the Borough of Folsom's 2019 Master Plan Reexamination Report and implementing ordinance. The certification capped off a multi-year effort in which the Commission worked with the Borough and the New Jersey Department of Community Affairs. A top priority for the Borough was to increase commercial development potential along the Black Horse Pike. The planning effort led to the creation of a new commercial zone along the highway that required 49 acres to be changed from a Forest Area to a Rural Development Area. As an offset, the Borough rezoned 76 acres of land from Rural Development Area to Forest Area.

Commission Employs Ground Penetrating Radar to Search for Unmarked Graves at Mullica Site

The Pinelands Commission employed ground penetrating radar technology to search for possible unmarked graves at a 19th century cemetery in the Pinelands in late October 2020.

Tony McNichol, the Commission's Cultural Resource Planner and Archaeologist, used the radar technology to help find possible, unidentified historic graves at the St. Mary's of the Assumption/St. Mary's in the Pines Cemetery on Pleasant Mills Road in Mullica Township, Atlantic County.

The cemetery was established on a small parcel donated by Jesse Richards of Batsto (circa 1826-1827) for the use of his Catholic employees. As operations at Batsto declined in the late 1860's, many families moved from the

area, and the church and cemetery fell into disuse. It is thought that unmarked graves may remain on the site, as early wooden markers may have been destroyed by a forest fire that consumed the church structure in the early 1900's.

Ground penetrating radar (GPR) is a non-invasive, subsurface imaging technology that creates visual representations of buried materials by projecting radar waves of various wavelengths into the ground from a stable surface antenna. The National Park Service provided funding for the GPR technology that was used in this survey, which was initiated by Father Neal Dante of the Camden Diocese.

The results of the survey are pending.



Above: Tony McNichol, the Commission's Cultural Resource Planner and Archaeologist, uses ground penetrating radar to search for unmarked graves at St. Mary's of the Pines Cemetery in Mullica Township. Photo/Paul Leakan

Pine Barrens Byway

Over the course of several months in 2020, the Pinelands Commission’s staff researched, wrote and then submitted a Federal Highways Administration (FHWA) application to designate the Pine Barrens Byway as a National Scenic Byway.

The Commission is overseeing the administration of the Pine Barrens Byway, a state-designated byway that traverses roadways in 16 Pinelands municipalities.

Twenty-five high-resolution, digital photographs of the 130-mile Byway were selected and uploaded to the FHWA application, accompanied by descriptive captions. Staff members also created a highly detailed map of the Byway as a required element of the application, and they wrote summaries of the history and amenities offered at eight featured destinations located along the route.

The Commission secured letters of support from Citizens United to Protect Maurice River and its Tributaries, the Edwin B. Forsythe National Wildlife Refuge, the Jacques Cousteau National Estuarine Research Reserve, New Jersey Conservation Foundation, Pinelands Municipal Council, South Jersey Chamber of Commerce, Tuckerton Seaport and Baymen’s Museum and the



Above: The Tuckerton Seaport is one of many popular and educational sites located along the Pine Barrens Byway. Photo/Joel Mott

U.S. Biosphere Network (National Park Service, Department of the Interior).

Aside from submitting the application to the FHWA, the Commission sought to boost awareness and usage of the Byway by creating and sharing an ArcGIS StoryMap that can be used to plan excursions along the Byway route. Please see page 21 for more information.

The Commission’s work on the Byway was funded by the National Park Service through the Long Term Economic Monitoring Program.

Commission Delivers Annual Update on Permanent Land Protection

The Pinelands Commission’s staff delivered its annual update on permanent land protection in the Pinelands on October 9, 2020.

A total of 1,076 acres of land were preserved in the Pinelands Area from July 2019 to June 2020. Of that total, 211 acres were preserved through Pinelands programs, including 196 acres through clustering, five acres through density transfer and 10 acres through residential density/septic dilution.

As of June 2020, 51% (or 479,000 acres) of the Pinelands Area has been permanently preserved through a variety of programs. Of that total, 94% of the land is located in Pinelands Management Areas that are designated for conservation, including the Preservation Area District, the Forest Area, the Special Agricultural Production Area, and the Agricultural Production Area.

| | Acres Protected |
|---------------------------------|-----------------|
| Pinelands Programs | 211 |
| State Acquisition (Green Acres) | 420 |
| County Farmland Preservation | 86 |
| County Open Space | 356 |
| Non-Profit Acquisition | 3 |
| Total Acres | 1,076 |

Regulatory Activities

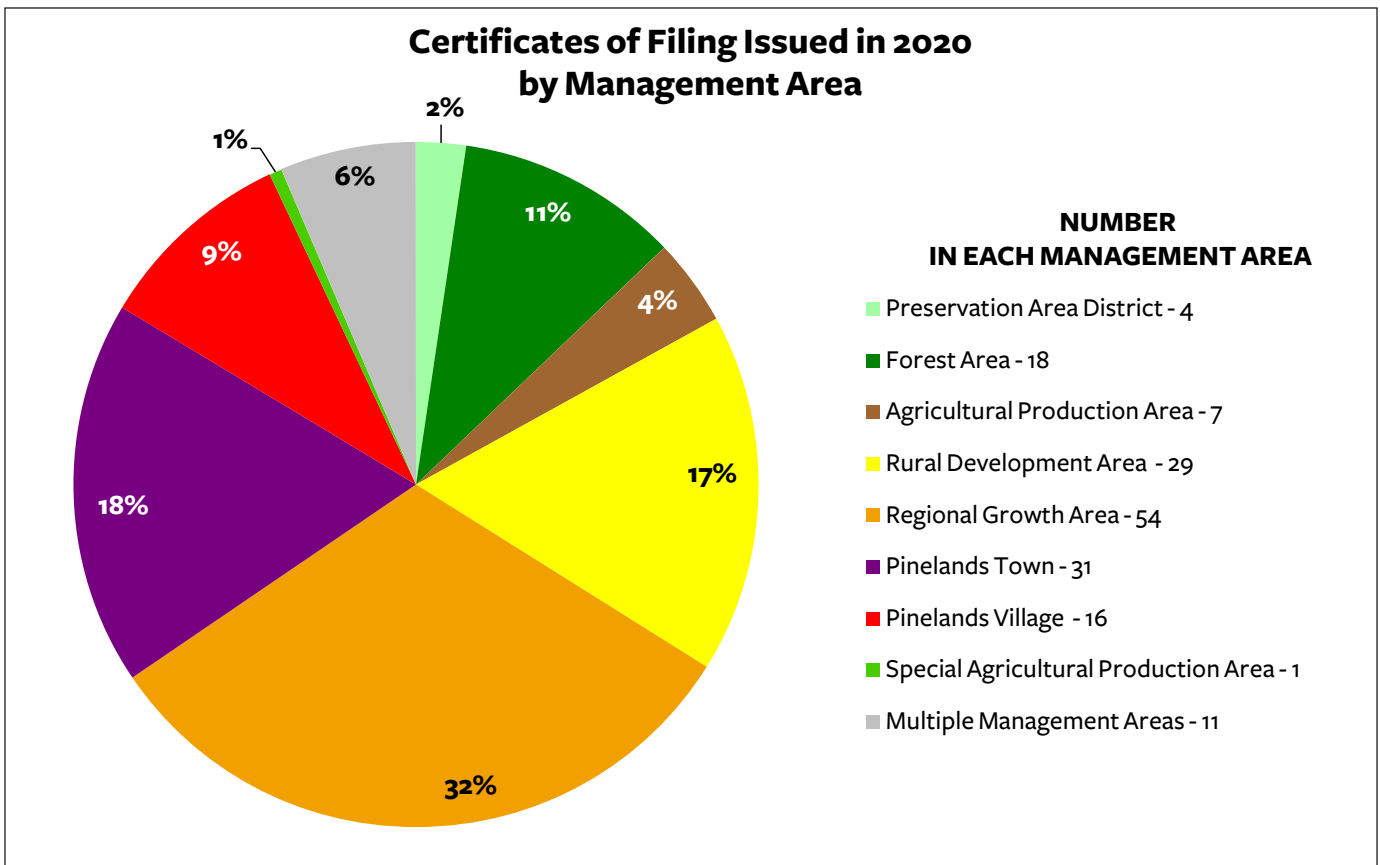
Applications

The Pinelands Commission reviews applications for development by evaluating proposals to ensure that they meet the regulations contained in the Pinelands Comprehensive Management Plan.

Development proposals must meet a series of environmental standards, including those that protect water quality, wetlands and threatened and endangered species.

The Commission's development approval process varies, depending on whether the application is submitted by a public agency or a private landowner. The Commission's staff reviews private development proposals, such as single-family dwellings, subdivisions and commercial projects. After applicants provide all of the necessary information, the Commission issues a Certificate of Filing (or CF) that allows applicants to seek all municipal and county approvals for the proposed development.

The Commission issued 171 Certificates of Filing (CFs) in 2020, most of which (54) were for proposed development in Regional Growth Areas (as shown in the chart below). There are 24 municipalities with Regional Growth Areas, or RGAs, in the 938,00-acre state Pinelands Area. RGAs make up 8% of the land in the Pinelands, and they are generally located on the fringes of the Pinelands boundary. The RGAs include areas of existing development and adjacent lands that have the infrastructure such as sewers, roads and other utilities needed to accommodate new development while protecting the essential character and environment of the Pinelands. The Pinelands Comprehensive Management Plan encourages future growth in the Regional Growth Areas as a way to prevent scattered and piecemeal development in other more sensitive portions of the Pinelands Area.



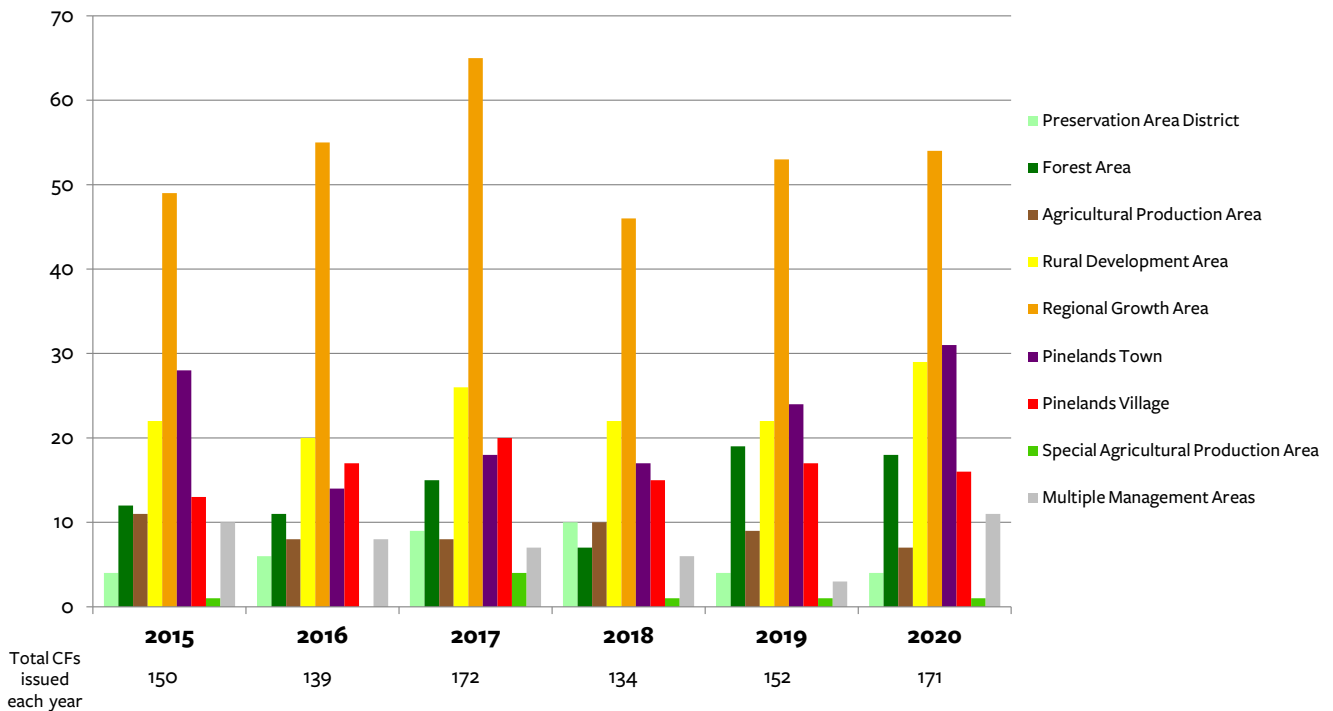
Of the 171 CFs that were issued in 2020, most involved proposals for residential development, followed by commercial development (as shown in the table below).

Certificates of Filing Issued in 2020 by Management Area and Type of Development

| | Residential | Commercial | Infrastructure | Institutional | Resource extraction | Totals by management area |
|--------------------------------------|-------------|------------|----------------|---------------|---------------------|---------------------------|
| Preservation Area District | 1 | | | | 3 | 4 |
| Forest Area | 13 | 2 | | | 3 | 18 |
| Agricultural Production Area | 6 | 1 | | | | 7 |
| Rural Development Area | 19 | 7 | 1 | | 2 | 29 |
| Regional Growth Area | 32 | 17 | 2 | 3 | | 54 |
| Pinelands Town | 16 | 13 | | 2 | | 31 |
| Pinelands Village | 7 | 9 | | | | 16 |
| Special Agricultural Production Area | 1 | | | | | 1 |
| Multiple management areas | 3 | 4 | 3 | | 1 | 11 |
| Totals by type of development | 98 | 53 | 6 | 5 | 9 | 171 |

The Commission issued similar numbers of CFs from 2015 to 2020, with the majority of the proposals for development located in Regional Growth Areas (as shown on the bar graph below).

Certificates of Filing by Management Area 2015 - 2020



The Pinelands Commission is also responsible for reviewing and approving development applications that are submitted by public entities, such as a municipality, county or a State agency. The full, 15-member Commission votes on whether to approve these applications during its monthly meetings.

The Commission approved a total of 33 applications for public development in 2020. Examples included the installation of numerous solar energy facilities, forestry to reduce wildfire risks, improvements to parks, planting native grasses and forbs to provide habitat for Northern bobwhite quail, and the construction of a deicing pad at the Atlantic City Airport.

Recreation Permits

In 2020, the Commission issued five Recreation Permits for organized, off-road vehicle events in the Pinelands. In order to receive a Recreation Permit, groups must submit a completed “Off-Road Vehicle Event Application” for each proposed event. In addition to the application form, the group must submit the course route in electronic format, an application review fee, proof of insurance, property owner permission and proof that the township and New Jersey State Police have been notified. Commission staff reviews the course route to determine if there are any issues with wetlands, threatened and endangered species, deed-restricted land and private and public ownership. Any portions of the route that have potential issues are site inspected by a member of the Commission’s staff. If any route changes are necessary, a revised route is required and must again be submitted for review.



Above: A member of the Commission’s staff checks a map while conducting a site visit of a route for a proposed off-road vehicle event in the Pinelands. Photo/Paul Leakan

South Jersey Transportation Authority Memorandum of Agreement

In 2019, the Commission and the South Jersey Transportation Authority (SJTA) entered into an amended Memorandum of Agreement (MOA) that eliminated seasonal mowing restrictions at the Atlantic City International Airport in Egg Harbor Township. The amended MOA authorized the SJTA to relocate the Grassland and Conservation Management Area (GCMA) off the airport property and to mow the existing grassland habitat on the property year-round. Previously, the SJTA was restricted from mowing the grassland management area between April 15th and August 15th. The SJTA sought the amended agreement due to safety concerns stemming from an increase in the number of damaging interactions between planes and birds and the potential for the onsite GCMA to attract wildlife and intensify aircraft and wildlife interactions.

In exchange for lifting the mowing restrictions, the amended MOA requires the SJTA to acquire, create and maintain a new GCMA. To satisfy that requirement, Atlantic County acquired an approximately 222-acre parcel in Hamilton Township on December 30, 2020. The land will become the new GCMA, which will be designed with the aid of a consultant retained by the SJTA.

The MOA also required the SJTA to contribute a total of \$3 million, \$500,000 annually, to the Commission’s Pinelands Conservation Fund. These funds will be used to acquire and preserve land in the Pinelands Area, with an emphasis on land that provides suitable habitat for threatened and endangered grassland birds. To date, the Commission has received three of the \$500,000 payments.

Lastly, the MOA required the SJTA to enhance habitat for the frosted elfin butterfly at two locations on the airport site. The SJTA continued its efforts to locate nurseries who can supply the volume of wild indigo required for these sites. Regional nurseries, however, are struggling to establish the necessary plants. As a result, the SJTA is considering additional options to acquire the needed plants, such as harvesting seeds from the established Elfin Butterfly Colony on the FAA Tech Center base.

Science & Research Activities

Long-term Environmental Monitoring Program

Snake Fungal Disease: In 2018, Commission scientists began collaborating with Dr. Joanna Burger and her colleagues at Rutgers University, Robert Zappalorti of Herpetological Associates, and Dr. Jeffrey Lorch of the United States Geological Survey (USGS) to conduct research on snake fungal disease in the Pinelands. Snake fungal disease is an emerging disease found in populations of captive and wild snakes and has been found to



Above: The soft and crusty brown blotches on this northern pine snake indicate potential snake fungal disease infection.

Photo/ John Bunnell

infect snakes in North America, parts of Europe, and Australia. Laboratory analyses have demonstrated that the fungus *Ophidiomyces ophiodiicola* is consistently associated with snake fungal disease, but often additional fungi are also found. Although snakes can show signs of fungal disease just after spring emergence from hibernation, it was previously unknown if *O. ophiodiicola* was present inside the hibernacula.

Dr. Burger and Mr. Zappalorti have been excavating a group of northern pine snake hibernacula, or winter dens, annually for the past 35 years. Their long-term study provides a unique opportunity to sample inside snake dens to determine if the fungus is present in the soil or on the hibernating snakes. Excavating the dens during hibernation also allows the sampling

of a number of individual snakes from a population at one time. A passive integrated transponder (PIT) tag is inserted into each new snake found during the excavations. A PIT tag is a tiny, glass-coated microchip commonly used in wildlife research that allows for the permanent identification of an animal through the use of a special scanner that reads the unique tag number.

To determine if *O. ophiodiicola* was present in the dens or on hibernating snakes, initial sampling was completed in 2018 during den excavations at three locations. Because the initial sampling indicated that *O. ophiodiicola* was present on snakes and in the soil inside the dens, in 2019, a second round of sampling was completed on hibernating snakes at all four of Dr. Burger and Mr. Zappalorti's study sites. A total of 35 pine snakes, one corn snake, one black racer, and one timber rattlesnake were found during the excavations. Each snake was swabbed for the fungus on the head, belly, vent, and on visible body sores. Preliminary results show that the fungus was present on the visible body sores much more than the other body locations sampled. During the winter of 2020, all snakes found during the den excavations were swabbed in an effort to determine the best method and body location to sample a snake for the presence of the fungus and to document changes in fungal infection for individual snakes over time. In 2021, all hibernating snakes will be swabbed again to document changes in fungal infection for individual snakes over time and investigate changes in snake fungal disease among dens.

Rare Snake Population Monitoring: Aside from the long-term artificial den excavations mentioned in the Snake Fungal Disease Monitoring component, no long-term data exist to assess rare snake population trends in the Pinelands. Therefore, the Commission is establishing a network of natural snake dens, shed areas, and nest sites to monitor long-term population changes in several species of rare snakes. As part of ongoing snake studies, numerous winter dens have been identified for corn snakes and kingsnakes. The Commission is attempting to identify more natural pine snake dens and natural dens for other rare snake species. In 2018 and 2019, corrals have been built around most dens to capture snakes as they enter hibernation in the fall and

emerge from hibernation in the spring. The den corrals offer an effective non-invasive method to census snakes each fall and spring without physically disturbing dens or hibernating snakes. In 2020, the Commission corralled additional corn snake and pine snake dens. In 2020, scientists radio tracked nine corn snakes and one pine snake to find new dens or nest areas. Dens and potential dens observed by tracking these snakes will be corralled during the winter of 2020-2021 and productive dens will be incorporated into the monitoring program.

Other 2020 environmental monitoring activities included surveying calling frogs and toads at a group of ponds that are surveyed annually, measuring bimonthly water quality at 47 stream sites, recording monthly water levels at 35 forest plots and 30 ponds, and maintaining continuous water-level recorders installed in seven other ponds and in a shallow observation well installed within a pine lowland forest.

Long-term environmental monitoring research is being funded by the National Park Service.

Microorganism Study

In 2017, the Commission was awarded funding to study the effects of land use on water quality and microorganisms in 60 natural ponds, excavated ponds, and stormwater basin study sites. The goals of the Microorganism Study are to assess the relationship between surrounding land use and various water-quality and biological attributes and to compare the plants and animals from these natural and created wetlands. In 2018, field work was conducted at 20 of the 60 wetlands. Commission scientists and collaborators with the N. J. Department of Environmental Protection and U.S. Geological Survey sampled surface water for nutrients, metals, pesticides, and chlorophyll-a (an indirect measure of algal plant growth) and collected samples of diatoms (single-celled algae), phytoplankton (free-floating algae in the water), zooplankton (tiny animals that swim or drift in the water), and benthic macroinvertebrates (primarily aquatic larval insects). In 2019, field sampling occurred at 20 different sites.

In 2020, project scientists collected samples at the remaining 20 sites, bringing to completion all field work for the study. Taxonomic consultants are continuing to process and identify zooplankton,



Above: Phytoplankton (free-floating algae) samples were collected at 60 wetland sites during the study. This species of *Closterium* was found at over a third of the study sites and equally among the three wetland types.

Photo/EcoAnalysts, Inc.

algae, diatoms, and macroinvertebrates that were collected from the study sites.

This research is being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund.

Endocrine Disruption Study

The William Penn Foundation is funding scientific research in the Delaware River Watershed through the Delaware Watershed Research Fund, which is administered by The Academy of Natural Sciences. The Kirkwood-Cohansey aquifer, which underlies the Pinelands, was identified as one of the research areas eligible for funding. Commission scientists and U.S. Geological Survey scientists Kelly Smalling, Dr. Vicki Blazer, and

Heather Walsh proposed a study to investigate point and non-point sources of endocrine disrupting chemicals and the potential impacts on fish and frogs in the Pinelands. The study was awarded funding in 2016.

The endocrine system is a collection of tissues in animals that produce hormones to regulate essential life processes, such as metabolism, tissue function, reproduction, and development. A large group of natural and synthetic chemicals are known to disrupt endocrine function. Examples include plant hormones, plastic components, flame retardants, surfactants, fragrances, and pesticides. Endocrine disrupting chemicals, or EDCs, are a global environmental problem and have been linked to reproductive and developmental abnormalities in a variety of animal species, especially fish and amphibians.

Commission and U.S. Geological Survey scientists proposed to sample water chemistry and fish above and below municipal wastewater treatment plants, which represent direct point sources of EDCs, and water chemistry and frogs at ponds and stormwater basins, which may receive indirect non-point sources of EDCs from runoff and the aquifer. Results from these sites will be compared to those from appropriate, minimally impacted reference sites.



Non-native black crappie was one of the fish species sampled for evidence of endocrine disrupting chemicals at lakes upstream and downstream of a sewage treatment plant.

Photo/ John Bunnell

In 2017, 2018, and 2019, green frogs were collected from ponds and stormwater basins for histological analysis, and water chemistry was sampled at the sites on multiple occasions. In 2019, fish were collected from stream sites above and below a sewage treatment plant for histological analysis, and water chemistry was also sampled. In 2020, fish were collected at lakes above and below a different sewage treatment plant for histological analysis by U.S. Geological Survey scientists. All field work for the project has been completed.

The study is being funded by a grant from the Delaware Watershed Research Fund, a match by the Pinelands Commission, and a match by the USGS.

Joint Corn Snake Radio Tracking and Drift Fence Study

In 2017, Commission scientists began to collaborate with Dr. Howard Reinert of The College of New Jersey, Mr. Robert Zappalorti of Herpetological Associates, and the New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff to conduct an intensive research project on the corn snake in the Pinelands. The corn snake is a colorful, secretive species of rat snake that reaches the northern limit of its range in the New Jersey Pine Barrens. Also called the red rat snake, the corn snake is listed as an endangered species by the New Jersey Department of Environmental Protection. The goals of the corn snake research is to better understand the habitat requirements and life history of this secretive serpent to develop meaningful conservation management programs for the species and ensure its continued survival in the Pinelands.

The research includes two components: radio-telemetry and headstarting, which is a conservation technique where vulnerable young animals are raised in captivity until they attain a larger size and are then released



Above: A clutch of eggs surrounds a newly hatched corn snake. Growth and survivorship of hatchlings will be assessed in this study.

Photo/ John Bunnell

into the wild. For the telemetry aspect, researchers surgically implant small radio-transmitters in adult corn snakes and locate the snakes on a regular basis to collect data on their activity range; types of habitats used; and the locations for nesting, shedding, and hibernation. In 2019, scientists completed radio tracking of 29 corn snakes, which concluded the telemetry component of the study. Corn snake telemetry data will be analyzed by research collaborators at The College of New Jersey.

For the headstarting component of the study, researchers collect corn snake eggs from nest areas and transport them to a laboratory for incubation and hatching. All of the hatchlings are microchipped and one-half of them are released back to the primary nest area as cold released

snakes. The other group of hatchlings are kept in the laboratory over the winter and released the following spring as headstarted snakes. The goal is to recapture as many of these snakes as possible to assess growth and survivorship of the cold released and headstarted hatchlings over time. While in the laboratory, hatchlings are fed, weighed, and measured to determine the efficiency of assimilating food and their growth rates. Researchers are also conducting experiments on the laboratory hatchlings to understand their preferences for temperature, the amount of vegetation canopy cover, and whether they prefer to lay on sand, soil, leaf litter, or pine needles.

In 2019, 28 headstarted corn snakes from 2018 and 11 newly hatched corn snakes from 2019 were released at the primary nest area. Twenty-two newly hatched corn snakes were selected to be held over the winter to be released the following year. In the spring of 2020, these held over snakes were released at the nest area. Additionally in 2020, a total of 22 corn snakes were hatched out in the lab and cold released during the hatching season.

A drift fence was established at the primary nest area to help recapture corn snake hatchlings to assess the survival of headstarted and cold released hatchlings and to compare the effectiveness of using a drift fence outfitted with box traps and artificial cover to detect corn snakes and other species of snakes. In 2019, a total of 1,994 animals were found along the drift fence, under the artificial cover, or in the box traps. Thirteen species of snakes were captured, including 19 corn snakes. In 2020, the fence, cover, and traps yielded a total of 2,047 animals. Eleven species of snakes were captured, including 12 corn snakes. For 2019 and 2020 combined, the drift fence and trap array captured two headstarted and three cold released corn snakes. In 2020, to assess whether corn snakes were able to maneuver around the drift fence without getting caught, four corn snakes were radio tracked in the immediate vicinity of the fence. Twice these snakes moved from one side of the fence to the other without getting captured in the box traps, suggesting that adult corn snakes have the ability to climb over the fence.

This Joint Corn Snake Study is being funded by the Pinelands Commission and the New Jersey Department of Environmental Protection.

Eastern Kingsnake Study

In 2019, the Commission was awarded funding for a grant proposal, titled “Activity range, habitat use, shedding, denning, and nesting of the wetland-dependent eastern kingsnake.” The eastern kingsnake is listed as a species of special concern in New Jersey because it is vulnerable to multiple threats, is potentially declining, and its distribution and population status are not known. Although kingsnakes are a wetland-dependent species that use wetlands for overwintering, the specific wetland habitat types needed for hibernation and the amount and type of associated upland habitats used for foraging, shedding, and nesting have not been documented.

Commission scientists are collaborating with Robert Zappalorti of Herpetological Associates and Dr. Howard Reinert of The College of New Jersey on this four-year study. Scientists will use radio telemetry to determine the activity range; upland and wetland habitat use; and timing of shedding, denning, and potentially nesting of the eastern kingsnake. In anticipation of obtaining funding and to ensure an adequate number of snakes to track if funding was secured, radio transmitters were surgically implanted in 13 kingsnakes in 2019. Although one kingsnake was killed by a predator, the remaining 12 snakes were tracked to their winter dens. In 2020, 18 of 24 newly found kingsnakes were radio tracked in addition to the individuals that were tracked in 2019. Seven radio tracked kingsnakes died in 2020, either from predation or unknown causes. Another kingsnake was lost due to suspected transmitter failure. The remaining snakes were tracked to winter dens in the fall of 2020.

This research is being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund.

Corn Snake and Kingsnake Genetics Research

Previous genetics research by Dr. Laretta Bushar and Dr. Howard Reinert showed that timber rattlesnake populations in the Pinelands are geographically and genetically isolated from all other populations of rattlesnakes, and that paved roads in the region provide significant barriers to gene flow among Pinelands timber rattlesnakes. No work has been done on the population genetics of corn snakes or eastern kingsnakes. In 2019, Drs. Bushar and Reinert began using published genetic information on related species to develop genetic markers for corn snakes and kingsnakes. Snakes collected during other snake research as well as additional snakes found dead on roads from around the Pinelands should provide enough individuals to assess levels of genetic variation, population substructure, and the effect of roads on gene flow for corn snakes and kingsnakes in the Pinelands.



Above: A four-year study will focus on the wetland-dependent eastern kingsnake.

Photo/ John Bunnell

This research is being funded by Arcadia University, the New Jersey Department of Environmental Protection Endangered and Nongame Species Program, and the Commission through the Pinelands Conservation Fund.

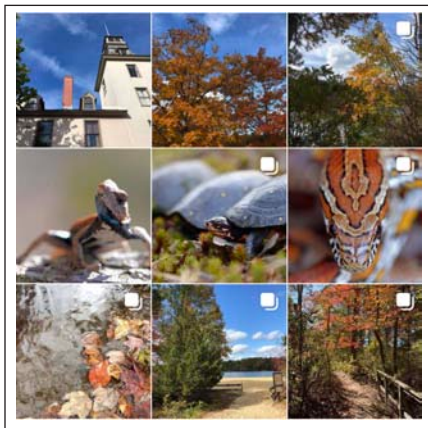
Public Information, Education & Outreach

Raising Awareness, Fostering Stewardship

Although 2020 posed many challenges for the Commission, staff members seized every opportunity to educate the public about the agency's work and the Pinelands' special resources.

Due to health and safety concerns posed by COVID-19, the Commission canceled numerous popular events such as the spring and summer editions of the Pinelands Short Course, the annual Pinelands-themed World Water Monitoring Day, and the annual Orientation for Newly Elected Pinelands Officials. However, the Commission turned to technology and reached far greater audiences than ever before.

Staff reached and educated exponentially more people in 2020 by organizing, hosting and recording 25 webinar presentations,



Above: The Commission launched a new Instagram site in 2020, and here is a gallery of images that were posted in 2020.

launching a new Instagram site that was updated with 180 posts, filming and sharing 21 videos of the Pinelands on the Commission's YouTube Channel, taking and posting more than 1,200 photos and messages on Facebook, and creating and sharing four Adobe Spark video slideshows that highlight the Commission's work and the resources in the Pinelands.

The new webinars are part of the Pinelands Speaker Series, which the Commission previously hosted at its headquarters in Pemberton Township. The webinars were livestreamed, and the public had the ability call in to ask questions. Every webinar is recorded, archived and is available for viewing on the Commission's YouTube Channel at any time. Five members of the Commission's staff delivered webinar presentations, and they covered bog gardening, the colonial privateers of the Mullica River, Pinelands history, plants of the Pine Barrens, and climate impacts on the Pinelands. Other presentation topics ranged from lichen and fungus to forgotten towns in the Pinelands. The video webinar recordings were viewed more than 6,700 times last year, so many more people were reached and educated than through the Commission's traditional means of in-person education programs such as the Pinelands Short

By the Numbers:

In 2020, the Commission's staff:

- Organized, hosted, promoted and recorded 25 educational webinar presentations that are archived on YouTube and have been viewed more than 6,780 times;
- Maintained, enhanced and reviewed every page and link on the Commission's website, which was viewed a total of 132,592 times;
- Launched a new Instagram site, then gained more than 1,000 followers after composing and sharing 180 posts;
- Took and shared 1,266 photos or videos on the agency's Facebook page;
- Filmed and shared 21 videos of the Pinelands on the Commission's YouTube Channel, whose number of subscribers grew from 30 to 490 by the end of 2020;
- Created and shared four Adobe Spark videos, including one that provides an overview of the agency and its work, and videos that highlight land that has been permanently preserved through the Pinelands Conservation Fund, the history and importance of the region's blueberry industry, and the endangered timber rattlesnake population;
- Conducted and recorded 10 video interviews for the planned celebration of the Pinelands Comprehensive Management Plan; and
- Responded to more than 2,298 public inquiries about recreation and other non-development application questions.

Course, which typically attracts 500 to 600 attendees.

Commission staff also sought to raise awareness and appreciation of the region by creating and sharing several Pinelands word scrambles, wordfinder sheets, two quizzes, a crossword puzzle, Pine Barrens tree frog-themed mazes and other entertaining and educational worksheets. This included a Pinelands Bingo score sheet that encourages the public to find and identify various plant and animal species. All of the educational materials are available on the Information and Education section of the Commission's website (www.nj.gov/pinelands).

In addition to creating and sharing new educational content, Commission staff completed a comprehensive review of the agency's website in 2020. This entailed reviewing every line of text on more than 110 web pages, updating information where necessary, and testing every link on the site. Several pages were greatly enhanced with new text, new photo galleries and new videos. Meanwhile, staff reviewed and made changes to the agency's internal website, or Intranet, in 2020.

Seeking to boost awareness and usage of the Pine Barrens Byway, Commission staff created and shared a StoryMap with ArcGIS mapmaking software in October 2020. The Commission is overseeing the administration of the Byway, which traverses 130 miles of roadways in the Pinelands, and the new StoryMap serves as a trip planner for Byway excursions. The StoryMap, shown below, features a fully searchable, interactive map of the entire route, along with miniature maps, detailed descriptions, links, and 36 photos of nine featured destinations on the Byway. The StoryMap can be accessed via the Pine Barrens Byway section of the Commission's website (<https://www.nj.gov/pinelands/landuse/current/byway/>). The Commission's staff also prepared and submitted an application to designate the Pine Barrens Byway as a National Scenic Byway in June 2020. Please see page 11 for more information.



Above: The Commission hosted 25 educational webinars in 2020, including this popular presentation on unique plants and wildflowers of the Pinelands on June 4th.



Above: The Commission created an interactive Trip Planner for the Pine Barrens Byway in October 2020.

Pinelands National Reserve Calendar

The Pinelands Commission issued its fifth edition of the Pinelands National Reserve wall calendar in early December 2020.

The calendar features its first-ever theme -- the Pine Barrens Byway -- and includes 38 stunning photos that showcase the natural, cultural and historic treasures that can be found along the 130-mile Byway route.

The calendar helps to increase awareness and usage of the Byway, while highlighting important locations along the route, such as Atlantic County Park in Estell Manor City, Bass River State Forest, the Batona Trail, Batsto Village, Belleplain State Forest, the Edwin B. Forsythe National Wildlife Refuge, Lake Lenape Park East, the Mullica River, the Tuckahoe River, the Tuckerton Seaport and Wharton State Forest.

The Commission worked with Rowan College at Burlington County to design and print the calendar. All of the photos were taken by members of the Commission's staff.

Aside from the photos of the region's resources,



Above: Signage directs travelers along the 130-mile route of the Pine Barrens Byway, which features stunning sights such as this fiery field of blueberry bushes in the fall.

the calendar includes State and Federal holidays, dates of Pinelands Commission meetings and important dates in Pinelands history.

Six-hundred and fifty copies of the calendar were distributed free of charge at the General Store at historic Whitesbog Village, Jake's Branch County Park and Wells Mills County Park.

Preparing for a Celebration of the Pinelands Comprehensive Management Plan

The Pinelands Comprehensive Management Plan (or CMP) will turn 40 on January 14, 2021, and the Commission will mark the milestone by creating and sharing videos, informative social media posts and informative e-mails in early 2021.

In December 2020, Commission staff conducted and recorded 10 interviews with former Commission members and former staff members who wrote, adopted and/or implemented the CMP, which guides land-use, development and the protection of resources in the state Pinelands Area. The final video interview enabled nine participants to reflect on their experiences in writing the 500-page plan amid a daunting deadline and without the benefit of computers or mapping programs. The

video interviews will be archived on the Commission's YouTube Channel (<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>).



Aside from the interviews, staff also researched and started to write dozens of posts that will be shared on the agency's Facebook page, Instagram site, and/or YouTube Channel every day in the first few months of 2021. The videos and the posts chart the history, purpose, implementation and success of the CMP, and they will include spotlights on all nine Pinelands Management Areas, plant and animal species that benefit from Pinelands protection, as well as features on the work of the agency's Planning, Regulatory Programs, Science and Communications offices.

Finances

Fiscal & Budget

The Commission's Operating Budget for Fiscal Year 2020 totaled \$5,915,074. Of this, \$4,917,580, or 83.14% percent, was budgeted for personnel expenses.

Budgeted revenue sources included \$383,000 in federal grants, a \$2,949,000 State appropriation, \$841,040 in State grants and other State funding, \$690,000 in application fees and \$1,052,034 from the Commission's fund balance and reserves.

The 2020 budget for the Kirkwood-Cohansey Study, funded through legislation passed in 2001, was \$70,000. The budget for the Pinelands Conservation Fund was \$618,255.

The Commission's Audit Report for Fiscal Year 2019, which ended June 30, 2019, is posted on the State Auditors web site. The website address is: https://www.njleg.state.nj.us/legislativepub/auditreports_department.asp#PINE.

Pinelands Application Fees

Since April 2004, the Pinelands Commission has received application fees to partially underwrite the direct costs associated with reviewing development applications in the Pinelands Area. During Fiscal Year 2020, unaudited application fee revenues actually collected totaled \$379,398.49 (\$310,601.54 less than Fiscal Year 2019).

Certification

As required by State Executive Order #37, all State authorities are required to certify that during the preceding year the authority has, to the best of its knowledge, followed all of the authority's standards, procedures, and internal controls. I hereby certify to the best of my knowledge that, during the 2020 calendar year, all of the Commission's standards, procedures, and internal controls were followed.



Nancy Wittenberg
Executive Director



Cover image: A setting sun projects hues of purple and pink that reflect onto a cedar swamp in the New Jersey Pinelands. Photo/John Bunnell



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 2019-0142.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

2019-0142.001

| | |
|-----------------------|---|
| Applicant: | New Jersey Department of Transportation |
| Municipality: | Winslow Township |
| Management Area: | Pinelands Village |
| Date of Report: | March 19, 2021 |
| Proposed Development: | Stormwater management improvements within the U.S. Route 30 right-of-way in Winslow Township. |

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2019-0142.001 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

| | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* | | AYE | NAY | NP | A/R* |
|--------------|-----|-----|----|------|-----------|-----|-----|----|------|-------------|-----|-----|----|------|
| Avery | | | | | Irick | | | | | Pikolycky | | | | |
| Christy | | | | | Jannarone | | | | | Quinn | | | | |
| Higginbotham | | | | | Lloyd | | | | | Rohan Green | | | | |
| Howell | | | | | Lohbauer | | | | | Prickett | | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



State of New Jersey

THE PINELANDS COMMISSION

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NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

March 19, 2021

Brenna Fairfax (via email)
New Jersey Department of Transportation
P.O. Box 600
Trenton, NJ 08625

Re: Application # 2019-0142.001
U.S. Route 30
Winslow Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for stormwater management improvements within the U.S. Route 30 right-of-way in Winslow Township. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 9, 2021 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Winslow Township Planning Board (via email)
Winslow Township Construction Code Official (via email)
Winslow Township Environmental Commission (via email)
Secretary, Camden County Planning Board (via email)



State of New Jersey
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 19, 2021

Brenna Fairfax (via email)
New Jersey Department of Transportation
P.O. Box 600
Trenton, NJ 08625

Application No.: 2019-0142.001
U.S. Route 30
Winslow Township

This application proposes stormwater management improvements within the U.S. Route 30 right-of-way in Winslow Township. The proposed improvements will be located within a 400 linear foot section of the U.S. Route 30 right-of-way near its intersection with Spring Road and within a 1,400 linear foot section of the U.S. Route 30 right-of-way near its intersection with East Fleming Pike.

This application proposes the installation of a total of 2,911 linear feet of stormwater drainage pipe and 27 stormwater inlets within the two sections of the U.S. Route 30 right-of-way. The proposed stormwater drainage pipe and 27 stormwater inlets will be installed within the paved cartway.

The applicant indicates that the stormwater drainage improvements have been designed to alleviate persistent roadway flooding and will improve highway safety.

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 proposed development is located in the Pinelands Village of Elm. The proposed development is a permitted land use in a Pinelands Village.

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

Each of the two sections of the U.S. Route 30 right-of-way proposed for stormwater management improvements have existing stormwater drainage systems. These existing systems were installed prior to the 1981 effective date of the Commission's regulations. Both existing systems currently discharge

stormwater runoff from the roadway directly to wetlands. To alleviate roadway flooding, the proposed stormwater management systems will tie into and extend the existing stormwater systems. To demonstrate that the proposed stormwater improvements will not result in a significant adverse impact to those wetlands, the applicant has designed the proposed stormwater improvements to ensure that there will be no increase in the volume and rate of stormwater runoff discharging to wetlands after the development than occurred prior to the proposed development.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on February 2, 2021. The application was designated as complete on the Commission's website on February 24, 2021. The Commission's public comment period closed on March 12, 2021. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by WSP USA Solutions, Inc. and dated as follows:

Sheets 1 & 2 - undated
Sheets 3 & 4 - September 24, 2020
Sheet 5 - September 23, 2020
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on April 5, 2021 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. PC4-21-_____

TITLE: Issuing an Order to Certify Ordinance 2021-4, Amending Chapter 55 (Land Use) of the Code of Barnegat Township

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, on April 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Barnegat Township; and

WHEREAS, Resolution #PC4-83-29 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-29 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on February 2, 2021, Barnegat Township adopted Ordinance 2021-4, amending Chapter 55, Land Use, of the Code of Barnegat Township by, among other things, revising conditionally permitted uses and standards in the C-N (Neighborhood Commercial) Zone West of the Garden State Parkway; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2021-4 on February 5, 2021; and

WHEREAS, by letter dated February 8, 2021, the Executive Director notified the Township that Ordinance 2021-4 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2021-4 was duly advertised, noticed and remotely held on March 3, 2021 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in; and

WHEREAS, the Executive Director has found that Ordinance 2021-4 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2021-4, amending Chapter 55, Land Use, of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee reviewed and discussed Ordinance 2021-4 and the Executive Director's report at its March 26, 2021 meeting; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2021-4 and has reviewed the Executive Director's report; and

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

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinance 2021-4, amending Chapter 55, Land Use, of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Barnegat Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

| AYE NAY NP A/R* | | | | AYE NAY NP A/R* | | | | AYE NAY NP A/R* | | | |
|-----------------|--|--|--|-----------------|--|--|--|-----------------|--|--|--|
| Avery | | | | Irick | | | | Pikolycky | | | |
| Christy | | | | Jannarone | | | | Quinn | | | |
| Higginbotham | | | | Lloyd | | | | Rohan Green | | | |
| Howell | | | | Lohbauer | | | | Prickett | | | |

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

**REPORT ON ORDINANCE 2021-4, AMENDING CHAPTER 55 (LAND USE)
 OF THE CODE OF BARNEGAT TOWNSHIP**

March 30, 2021

Barnegat Township
 900 West Bay Avenue
 Barnegat, NJ 08005

FINDINGS OF FACT

I. Background

The Township of Barnegat is located in southern Ocean County in the eastern portion of the Pinelands Area. Pinelands municipalities that border Barnegat Township include the Townships of Lacey, Ocean, Stafford and Little Egg Harbor in Ocean County, and the Townships of Bass River and Woodland in Burlington County.

On April 8, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Barnegat Township.

On February 2, 2021, Barnegat Township adopted Ordinance 2021-4, amending Chapter 55 (Land Use) of the Code of Barnegat Township. Ordinance 2021-4 revises district regulations for the Township's Neighborhood Commercial (C-N) zones both east and west of the Garden State Parkway. In the C-N Zone West of the Parkway, the ordinance adds hotels, motels, reception and banquet halls as well as assisted living facilities, nursing and convalescent homes and long-term care facilities as conditionally permitted uses. Within the Pinelands Area portion of the Township, the ordinance limits these uses to the C-N Zone located within the Township's Regional Growth Area. For assisted living facilities within the C-N Zone, the ordinance establishes a base density of 8 units per acre, a bonus density of 12 units per acre through the use of Pinelands Development Credits, and a maximum bonus density of 20 units per acre.

The Pinelands Commission received a certified copy of Ordinance 2021-4 on February 5, 2021. By letter dated February 8, 2021, the Executive Director notified the Township that Ordinance 2021-4 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance 2021-4, amending Chapter 55 (Land Use) of the Code of Barnegat Township, introduced on January 1, 2021 and adopted on February 2, 2021.

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

1. **Natural Resource Inventory**

Not applicable.

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

Ordinance 2021-4 amends Chapter 55 (Land Use) of the Code of Barnegat Township by revising district regulations for the Township's Neighborhood Commercial (C-N) zones both east and west of the Garden State Parkway. The C-N Zone West of the Parkway is located within the Pinelands Area, while the C-N Zone East of the Parkway is located outside of the state-designated Pinelands Area but within the Pinelands National Reserve (PNR). In 2013, the Pinelands Commission certified the Township's land development regulations and zoning plan for the PNR portion of the Township.

Neighborhood Commercial Zone West of the Garden State Parkway

Within the C-N West of the Parkway, the ordinance permits hotels and motels as well as assisted living facilities, nursing and convalescent homes and long-term care facilities as conditional uses. The ordinance also conditionally permits reception and banquet halls as accessory uses to a hotel.

Prior to the adoption of Ordinance 2021-4, permitted uses in the C-N Zone West of the Parkway were limited to various retail and service uses, professional offices, self-storage facilities, churches, libraries, and other institutional uses. Mixed-use development, consisting of commercial uses and age-restricted apartments, are also permitted in certain portions of the C-N Zone, as are condominiums.

According to the standards adopted by Ordinance 2021-4, the newly permitted conditional uses must be located within 1,000 feet of the Garden State Parkway. The Township's certified zoning map includes three discrete C-N zones within the Pinelands Area. The condition requiring a 1,000-foot proximity to the Parkway limits these uses to the C-N Zone located within the Township's Regional Growth Area. The C-N Zone in the Regional Growth Area is located along West Bay Avenue, immediately to the north of Ocean Acres (see Exhibit #1).

Other standards adopted by Ordinance 2021-4 include a maximum permitted height of 60 feet for hotels and motels. Assisted living facilities, nursing and convalescent homes and long-term care facilities are required to have a minimum lot size of five acres and a maximum building height of 50 feet. Ordinance 2021-4 also establishes a maximum building coverage limitation of 50% when an assisted living, nursing and convalescent home and long-term care facility is developed in association with a mixed-use commercial development. Maximum permitted building coverage decreases to 20% for “stand-alone” assisted living, nursing and convalescent home and long-term care facilities.

With respect to assisted living facilities, which are defined by the CMP as residential uses, Ordinance 2021-4 establishes a maximum permitted density. The ordinance establishes a base density of 8 units per acre, a bonus density of up to 12 units per acre through the use of Pinelands Development Credits, and a maximum density of 20 units per acre. Consistent with the CMP, only the portion of a tract devoted to the assisted living facility is included in the calculation of density (N.J.A.C. 7:50-5.34(a)5). Long-term care beds within nursing and convalescent facilities are considered institutional uses under the CMP and are not counted towards the maximum density requirement nor are they required to use Pinelands Development Credits. Additionally, the ordinance adds the CMP definition of “assisted living facilities” as part of Chapter 55.

There is only one parcel in the C-N Zone that could satisfy the new conditional use standards for assisted living facilities. The parcel is approximately 22.5 acres and is composed of six contiguous lots in common ownership (Block 92.112; Lots 42.05, 42.06, 42.07, 42.09, 42.10, 42.11; see exhibit 1). Ordinance 2021-4 therefore creates the potential for approximately 450 new assisted living units in the C-N Zone. The purchase of PDCs would be necessary for 90 of these potential units, or approximately 20% of the total units. These numbers presume the entire parcel is developed as an assisted living facility, an outcome that is unlikely given the mixture of commercial, residential and institutional uses envisioned under Ordinance 2021-4.

It is worth noting that within Regional Growth Areas, the CMP provides that Pinelands municipalities may permit any use, with the exception of certain waste management facilities, provided residential density and opportunities for the use of Pinelands Development Credits are appropriately accommodated. The CMP also expressly authorizes assisted living facilities as a permitted use in Regional Growth Areas pursuant to N.J.A.C. 7:50-5.34, which sets forth specific standards for such uses. Among these standards is the establishment of a permitted residential density applicable to assisted living facilities. Ordinance 2021-4 satisfies this requirement by establishing a permitted density of 20 units per acre, which while quite a bit higher than the minimum required by the CMP for Barnegat’s Regional Growth Area, is nevertheless appropriate given the intensity of surrounding development, developability of vacant lands in the C-N Zone and availability of infrastructure.

Neighborhood Commercial Zone East of the Garden State Parkway

The C-N Zone East of the Parkway is located within a Regional Growth Area of the Pinelands National Reserve (PNR) (see exhibit 3). For the C-N Zone East of the Parkway, Ordinance 2021-04 amends the conditional use standards for hotels and motels as well as for assisted living facilities, nursing and convalescent homes and long-term care facilities. These uses were conditionally permitted in the C-N Zone East of the Parkway prior to the adoption of this ordinance. For assisted living facilities, nursing and convalescent homes and long-term care facilities, the ordinance amends conditional use standards related to front yard setbacks, maximum building coverage requirements and parking standards. For hotels and motels, the

ordinance amends conditional use standards to require that these uses be located within 1,000 feet of the Garden State Parkway. Staff has confirmed with the Township that multiple sites within the C-N Zone East of the Parkway could meet the ordinance standards for the development of these uses.

The standards adopted by Ordinance 2021-4 for the conditional uses permitted in the C-N Zone are appropriate for a Regional Growth Area. In addition, the ordinance provides a new opportunity for assisted living facilities within Barnegat's Regional Growth Area in a manner that achieves an appropriate balance between "base" units and those requiring the use of Pinelands Development Credits. Therefore, Ordinance 2021-4 is consistent with the land use and development standards of the Comprehensive Management Plan and this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

The CMP permits assisted living facilities within Regional Growth Areas and specifies that such facilities may only exceed a density of eight units per acre through the use of Pinelands Development Credits (N.J.A.C. 7:50-5.34(a)2). Ordinance 2021-4 permits assisted living facilities in Barnegat Township's C-N Zone as a conditional use. Such facilities will have a permitted base density of eight units per acre. This density may be increased to 12 units per acre through the use of PDCs. Ordinance 2021-4 also provides that once a density of 12 units per acre is achieved through the use of PDCs, assisted living facilities are eligible for additional bonus density without the use of PDCs. The ordinance establishes an overall maximum density for assisted living facilities of 20 units per acre.

The density structure adopted by Ordinance 2021-4 is appropriate for a Regional Growth Area and consistent with CMP standards for assisted living facilities. It should be noted that the CMP (N.J.A.C. 7:50-5.28(a)7i) expressly provides Pinelands municipalities with the ability to employ additional density bonus or incentive programs in their Regional Growth Areas, provided such programs do not interfere with or otherwise impair requirements for the use of PDCs. In this case, Ordinance 2021-4 appropriately provides for additional bonus density only after all required PDCs have been redeemed.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2021-4 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 2021-4 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The Neighborhood Commercial (C-N) Zone does not border any neighboring municipalities of Barnegat Township. As such, no intermunicipal conflicts are expected.

Therefore, this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Barnegat Township's application for certification of Ordinance 2021-4 was duly advertised, noticed and held on March 3, 2021 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. The following oral testimony was provided:

- **Matthew R. von der Hayden, Township Administrator, Stafford Township**, shared concerns about added stormwater from Barnegat Township flowing into Ocean Acres in Stafford Township. He said that new residential development in Barnegat Township along the border has been causing more stormwater to flow into Stafford's stormwater system. He made specific reference to impacts along Compass Road and Swordfish Road. He said that the basin at the end of Neptune Drive is taking on more sediment and water, requiring additional maintenance on the system.

(Please note that Mr. von der Hayden supplemented his oral testimony with written comments that are attached in Exhibit 2 of this report.)

- **Charles Cunliffe**, a resident of Barnegat Township, shared concerns about the impact on open space at Cloverdale Park and Natural Trust Lands adjacent to the C-N Zone as well as the added impact of stormwater run-off that this zoning change could allow in the area in addition to existing projects and projects under construction.

There being no further testimony, the hearing was concluded at 9:40 a.m.

Written comments on Ordinance 2021-4 were accepted through March 8, 2021, and were submitted by the following parties:

- Matthew R. von der Hayden, Township Administrator, Stafford Township
- Charles O'Connell
- Deborah Scott
- Florence Bogaenko
- Eileen Anglin
- David Kruczek
- Ron Naples
- Betty Ann Bleakly
- Christopher J. Dasti, Township Attorney, Barnegat Township
- Andrew Gold, Legal Director, Pinelands Preservation Alliance

All written comments received are included in Exhibit 2 of this report.

EXECUTIVE DIRECTOR'S RESPONSE

The comments received on Ordinance 2021-4 range from concerns with stormwater runoff, impacts on other residential and open space areas, overdevelopment, residential density, housing types and building standards applicable to the new conditional uses permitted in the C-N Zone.

Ordinance 2021-04 permits a variety of new conditional uses in Barnegat Township's C-N Zone in the Pinelands Area, including hotels and assisted living facilities. Conditional use standards for these new uses limit them to areas within 1,000 feet of the Garden State Parkway in the Pinelands Regional Growth Area. In the Pinelands Area, this effectively limits the new uses to a single 22.5-acre parcel that is adjacent to the Garden State Parkway Exit 67. Across the Parkway in the Pinelands National Reserve, multiple sites in the C-N Zone could be developed in accordance with the revised conditional use standards. Ordinance 2021-04 does not expand the C-N Zone, nor does it expand the boundaries of the Township's Regional Growth Area.

The CMP provides that Regional Growth Areas are areas of existing growth that can accommodate regional growth influences while protecting the essential character and environment of the Pinelands. As noted above, the uses permitted by this ordinance are consistent with what the CMP allows in a Regional Growth Area. Barnegat Township has incorporated the CMP's minimum environmental standards into its land development ordinance, including those related to stormwater management, and they are applicable to any development that is proposed within the C-N Zone. These existing provisions, together with the conditional use standards adopted by Ordinance 2021-4, will allow for development appropriate for a Regional Growth Area while protecting the essential character and environment of the Pinelands. It is worth noting that 77% of Barnegat Township's Pinelands Area is designated as either Preservation Area District or Forest Area, the most conservation-oriented Pinelands management areas. Only 23% of the Township's Pinelands Area is designated as a Regional Growth Area and slated for development. To date, nearly 9,000 acres in the Township's Pinelands Area have been permanently preserved.

Regarding a concern over impacts to Cloverdale Farm County Park and a Natural Lands Trust property (Lin Lee Preserve), these lands are located outside of Barnegat Township's C-N Zone. Given both the limited area within the C-N Zone where the newly permitted uses could be developed and the CMP's requirements for on-site retention of stormwater, development in general, and stormwater runoff in particular, is not expected to impact these or any other preserved lands.

A suggestion was also made that hotels in the C-N Zone be limited to three stories in height. Ordinance 2021-4 permits hotels of up to 60 feet in height. The CMP does not impose any height limitations on buildings in Regional Growth Areas (N.J.A.C. 7:50-5.4). Municipalities are provided flexibility to establish height limitations in Regional Growth Areas based on local knowledge of community preferences and context of the area. In this case, the Township has determined that a height of 60 feet for hotels and 50 feet for assisted living and nursing homes is appropriate in this small portion of the C-N Zone.

Finally, the comments received from the Pinelands Preservation Alliance ask that the following two issues be addressed by the Executive Director: (1) Ordinance 2021-4 permits a density of over eight units per acre without the use of PDCs; and (2) Ordinance 2021-4 does not provide opportunities for the use of PDCs in association with single-family detached dwellings.

With respect to the issue of residential density, the only residential use permitted by Ordinance 2021-4 is assisted living facilities. Specific standards for such facilities are set forth at N.J.A.C. 7:50-5.34, including a requirement that PDC use be accommodated *when permitted density exceeds eight units per acre*. Ordinance 2021-4 complies with this requirement by permitting a base density of eight units per acre and requiring the use of PDCs to increase that density to 12 units per acre. In addition, Ordinance 2021-4 contains conditional use standards that effectively restrict the development of assisted living facilities to one parcel in the Township's Regional Growth Area, in close proximity to an existing

Garden State Parkway interchange and other development. This will serve as a limitation on the number of potential assisted living facility units that can ultimately be developed.

With respect to the use of PDCs in association with single-family detached dwellings, the CMP does not require that each and every Regional Growth Area zoning district accommodate PDC use or a particular type of housing unit. Rather, N.J.A.C. 7:50-5.28(a)3 requires that municipalities accommodate PDC use in a manner that assures a “reasonable proportion of the density increase” permits the development of single family detached dwellings. Barnegat Township’s certified zoning plan for its Regional Growth Area meets this standard. This zoning plan permits single-family detached dwellings in a number of Regional Growth Area zoning districts, as well as the Shoreline Sand and Gravel and Compass Point Redevelopment Areas, and provides ample opportunities for the use of PDCs in association with these units. Large planned adult communities consisting entirely of single-family detached dwellings have been developed in Barnegat’s Regional Growth Area. Development of such homes continues in the Ocean Acres portion of the municipality, where an opportunity to build on lots of a certain size is permitted through the use of PDCs. The Township has elected to permit a wider variety of housing types in its C-N Zone, including apartments as part of mixed-use developments, condominiums and, through Ordinance 2021-4, assisted living facilities. The use of PDCs is required for all of these residential uses, which satisfies the requirements of N.J.A.C. 7:50-5.28(a)3.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2021-4, amending Chapter 55 (Land Use) of the Code of Barnegat Township, complies with the Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 2021-4 of Barnegat Township.

SRG/DBL/CBA
Attachments

Barneгат Township Neighborhood Commercial (C-N) Zone West of Parkway

Executive Director's Report
Barneгат Ordinance 2021-4
Exhibit 1
3/30/2021

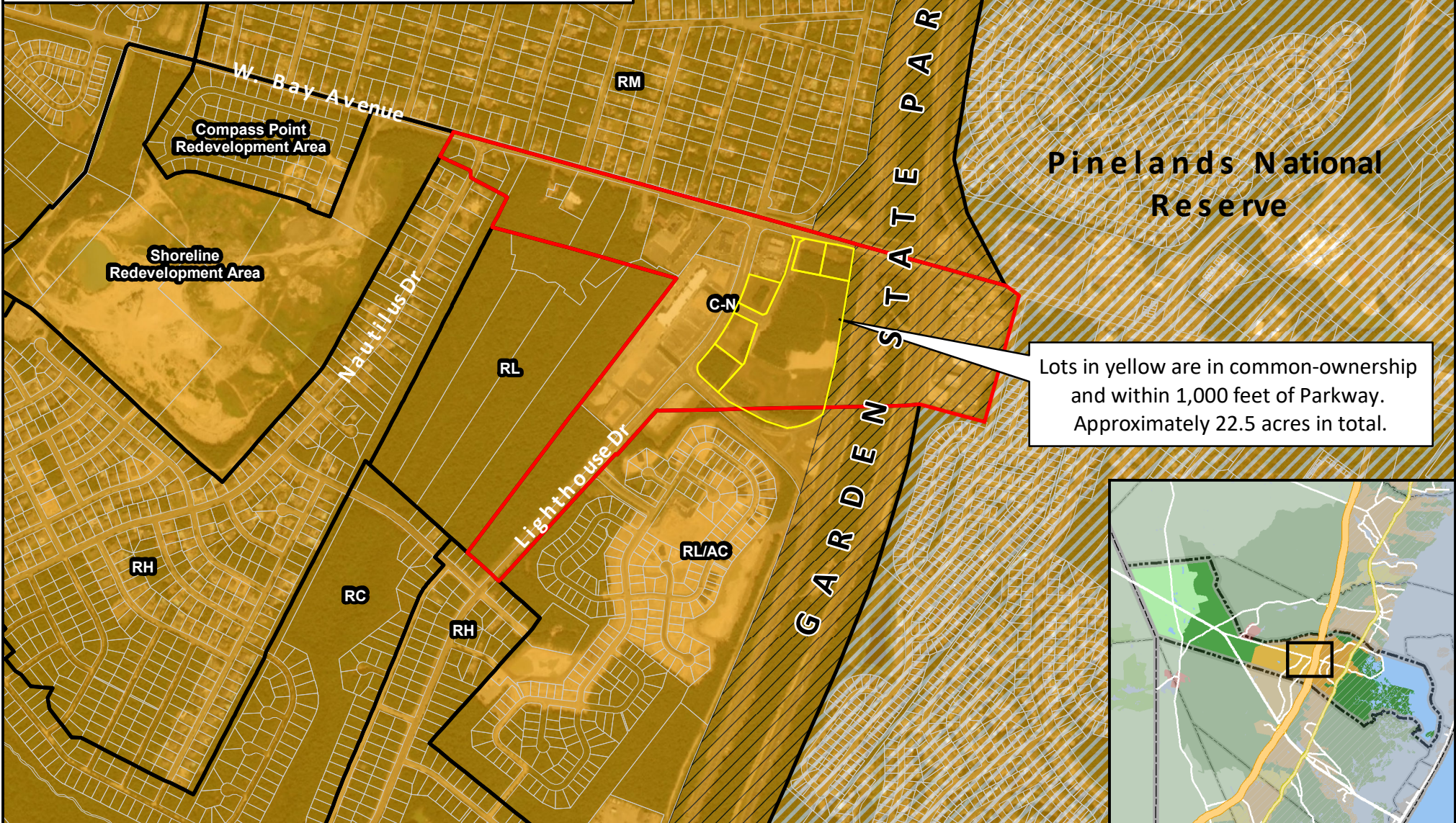
Pinelands Management Areas

- Regional Growth Area

Parcels

- Existing Zoning

0 0.25 0.5 Miles



Barnegat Township Ordinance 2021-4 Public Comments Received

Names of commenters
(in the order they were received):

- Matthew R. von der Hayden, Township Administrator, Stafford Township
- Charles O'Connell
- Deborah Scott
- Florence Bogaenko
- Eileen Anglin
- David Kruczek
- Ron Naples
- Betty Ann Bleakly
- Christopher J. Dasti, Township Attorney, Barnegat Township
- Andrew Gold, Legal Director, Pinelands Preservation Alliance

[EXTERNAL] RE: Barnegat Ordinance 2021-4 Public Hearing Comments

Matthew von der Hayden <mvonderhayden@staffordnj.gov>

Wed 3/3/2021 1:00 PM

To: Lanute, Brad <Brad.Lanute@pinelands.nj.gov>

Cc: Grogan, Susan <Susan.Grogan@pinelands.nj.gov>

Good Afternoon Brad and Susan,

I just received the general notice so I didn't realize the area. Understanding this, I do not see any issues with the development.

The issues we are seeing are on the Barnegat line, along Fawcett Boulevard which connects to the Township's stormwater system. Barnegat, their engineers and developer have been very helpful resolving short term issues. My concern are the long term issues as the topography of this area all leads south through Stafford which puts that stormwater and debris into the Township's stormwater system.

Again thank you for the clarification.

All the best,

Matt

Matthew R. von der Hayden
Township Administrator
Township of Stafford
260 East Bay Avenue
Manahawkin, NJ 08050
Phone: 609-597-1000 Extension 8516
Email: MvonderHayden@staffordnj.gov

Piner, Betsy

From: charles oconnell <njcoc79@aol.com>
Sent: Wednesday, March 3, 2021 7:24 PM
To: Comments, PC
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by charles oconnell (njcoc79@aol.com) on Wednesday, March 3, 2021 at 19:23:35

email: njcoc79@aol.com

subject: Public Comment Submissions

Name: charles oconnell

Mailing Address: 31 spruce circle south po box 657 barnegat nj 08005

Phone Number: 6096612905

Comment Topic: selected=

Message: as a 43 year resident of barnegat i am very much in favor of allowing a hotel,banquetfacility and assisted living facility in the township. it would be nice to have such a facility in town instead of traveling when they are needed. it would be a great fit for the town. if the person from stafford township was so concerned about runoff it certainty doesn't stop stafford township from their ongoing development, if runoff is a concern it can be addressed in the development plan so it is not an issue . maybe the official is more concern about competition. the second charles cunliffe has no credibility on this subject. moved to the town like 8 year ago, to new construction,he was ok with that.as long as it was his house no problem with cutting down trees.mr cunliffe ran in the last election for council in Barnegat who's theme was overdependent. mr cunliffe lost by a huge majority. the residents of barnegat have already spoken on this project. the officials that are looking for approval of this plan won the last election in a landslide.

Submit: Submit

Piner, Betsy

From: Mary Nevins <malvern062@aol.com>
Sent: Friday, March 5, 2021 6:17 AM
To: Planning, PC
Subject: Re: [EXTERNAL] Barnegat

Yes. Deborah Scott. 972 West Bay Avenue. Barnegat Ann 08005

[Sent from the all new Aol app for iOS](#)

On Friday, March 5, 2021, 5:40 AM, Planning, PC <planning@pinelands.nj.gov> wrote:

Could you kindly provide your name and mailing address?
Thank you

Betsy Piner
Principal Planning Assistant
Planning Office and Pinelands Development Credit (PDC) Bank
P.O. Box 359
New Lisbon, NJ 08064-0359

Confidentiality Notice:

This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email and its contents are intended for the sole use of the persons or entities that are the addressees and may be Privileged & Confidential, subject to Attorney- Client Privilege, Attorney Work Product Privilege, Deliberative Process or exempted from disclosure under New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1 et seq.. If you are not an intended recipient of this email, please do not read, print, retain, disseminate, copy, act upon, disclose or use this E-mail or its content. If you received this E-mail in error, please notify the sender and delete it.

-----Original Message-----

From: malvern062 [mailto:malvern062@aol.com]
Sent: Thursday, March 4, 2021 11:54 AM
To: Planning, PC
Subject: [EXTERNAL] Barnegat

It is time to stop all the overdevelopment going on. All the trees and wildlife being destroyed for overdevelopment in an area

Sent from my iPhone

Piner, Betsy

From: Florence Bogaenko <floboisin@gmail.com>
Sent: Thursday, March 4, 2021 1:46 PM
To: Comments, PC
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by Florence Bogaenko (floboisin@gmail.com) on Thursday, March 4, 2021 at 13:45:44

email: floboisin@gmail.com

subject: Public Comment Submissions

Name: Florence Bogaenko

Mailing Address: 4 Boiling Springs Drive

Phone Number: 1732735361

Comment Topic: selected=

Message: OVERBUILDING has begun in Barnegat Township NJ. Water and wildlife displacement has already become a problem. The current builder of a new modular home development on West Bay Avenue is facing huge fines on Long Beach Island. I object to this overbuilding in Barnegat and voice serious concerns about the future of our Township.

Submit: Submit

Piner, Betsy

From: Eileen Anglin <whiterose@whiterosepath.com>
Sent: Thursday, March 4, 2021 7:03 PM
To: Comments, PC
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by Eileen Anglin (whiterose@whiterosepath.com) on Thursday, March 4, 2021 at 19:03:19

email: whiterose@whiterosepath.com

subject: Public Comment Submissions

Name: Eileen Anglin

Mailing Address: 1 Rifle Court

Phone Number: 6094885321

Comment Topic: selected=

Message: I am concerned with the overdevelopment and the changes to building and it's effects on the Barnegat watershed and bay. I am also concerned about the natural preserved land and the water runoff. This is polluting our bay and is unsustainable.

With so many empty buildings, lots and malls, why are we not focusing on having businesses build on them, give them tax breaks if they do and stop cutting down our open lands. This also makes our area look less economically depressed.

Submit: Submit

Piner, Betsy

From: Dave Kruczek <djkruczek@yahoo.com>
Sent: Thursday, March 4, 2021 7:57 PM
To: Comments, PC
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by Dave Kruczek (djkruczek@yahoo.com) on Thursday, March 4, 2021 at 19:57:16

email: djkruczek@yahoo.com

subject: Public Comment Submissions

Name: Dave Kruczek

Mailing Address: 186 Chestnut Dr. Barnegat, NJ 08005

Phone Number: 6092902188

Comment Topic: selected=

Message: Please do not approve this request.

I've been a resident of a Manufactured Housing Community (Pinewood Estates Rte.72W) that borders the Pinelands for the past decade.

In that short time, increased development of residential communities West of the parkway has drastically impacted the area.

I'm neither a hunter nor an environmentalist, and understand both when intelligently applied.

Combine the increasing developments with the summer traffic nightmare, and a more rapid destruction of these lands is inevitable.

Recent improvements in a neighboring community septic system necessitated destruction of a few acres of pines and can see as a normal result of "progress".

Dirt bikes and assorted ATVs are heard almost every weekend.

There is also a "sports club" within walking distance, and gun shots (target practice perhaps) are frequent at this limited use site.

A noticeable decline in wildlife, native plants, migratory birds and insects are visible to the most casual observer.

I can not implicate a cause to the effects, simply provide a personal observation and a solution- deny this petition.

Yes, a few will lose major profits, many citizens will be denied the potentially opportunity to purchase residences valued at at least a half-million dollars-based on current market availability and developments.

You were entrusted to protect the Pinelands and you can prevent the loss of this public asset for the financial gain of private individuals.

Recently, the Commission prevented a natural gas pipeline construction intrusion into the Pinelands- please continue along this path.

Respectfully submitted,

David Kruczek

Barnegat,NJ

Piner, Betsy

From: rnaples <rnaples@aol.com>
Sent: Thursday, March 4, 2021 9:33 PM
To: Planning, PC
Subject: [EXTERNAL] Please dont let Barnegat give conditional use permits for hotel and banquet facilities.

The township is delinquent in policing sites already. Just look at the trash and dangerous parking at plaza 67.

The township is tax hungry but cant handle the policing from a permit perspective.

Thanks
Ron Naples
153 Brighton Rd
Barnegat, NJ 08005

Sent via the Samsung Galaxy A10e, an AT&T 4G LTE smartphone

Piner, Betsy

From: BettyAnn Bleakley <bableak@comcast.net>
Sent: Friday, March 5, 2021 8:04 AM
To: Comments, PC
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by BettyAnn Bleakley (bableak@comcast.net) on Friday, March 5, 2021 at 08:04:04

email: bableak@comcast.net

subject: Public Comment Submissions

Name: BettyAnn Bleakley

Affiliation: Resident and Member- Barnegat Shade Tree Commission

Mailing Address: 265 BayShore Dr., Barnegat NJ

Phone Number: 609-709-7813

Comment Topic: selected=

Message: I believe that a hotel with a restaurant would be a good addition to our community, but perhaps limiting the height to 3 stories. An assisted/independent living facility would also be welcome and is greatly needed. If you can approve so many neighborhoods, you need to approve things for the residents to do. Just try not to remove so many trees.

Submit: Submit

DASTI&ASSOCIATES

Christopher J. Dasti

Joseph C. Falk*

Jeffrey D. Cheney

*Rule 1:40 Mediator

A Professional Corporation

Attorneys At Law

310 Lacey Road

P.O. Box 779

Forked River, New Jersey 08731

609-549-8990

Fax: 609-549-5043

www.DastiLaw.com

File No. GL-1011

March 8, 2021

Via Email

Susan R. Grogan, Director of Planning

Brad Lanute, Resource Planner

New Jersey Pinelands Commission

PO Box 359

New Lisbon, NJ 08064

Re: Barnegat Township Ordinance 2021-4

Dear Mr. Lanute and Ms. Grogan:

As you are aware, this firm services as Township Attorney for the Township of Barnegat. Please accept this correspondence in response to the comments received by the Pinelands Commission regarding Barnegat Ordinance 2021-4.

The vast majority of the comments that have been received by the Pinelands Commission that have been forwarded to this office, seem to make clear that there must be a misunderstanding with regard to the area affected by Ordinance 2021-4.

Ordinance 2021-4 allows for certain development in close proximity to the Garden State Parkway. Most of the comments with regard to the Ordinance address concerns in Ocean Acres as well as Pinewood Estates, which is on Route 72. Neither Pinewood Estates, the Route 72 Corridor, or Ocean Acres would be affected in any way whatsoever by Ordinance 2021-4. The Ordinance completely encapsulates any possible development affected by the Ordinance within the Garden State Parkway interchange. The Ordinance was carefully crafted so as to not have a detrimental affect to the residents of Barnegat Township or the Pinelands Comprehensive Management Plan.

By simply reviewing the area affected the area included in the Ordinance and the Route 72 and Ocean Acres areas, it is clear that they would be completely unaffected by the Ordinance.

Susan R. Grogan, Director of Planning
Brad Lanute, Resource Planner
Re: Barnegat Township Ordinance 2021-4
March 8, 2021
Page 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,

/s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD: bm



PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton, NJ 08088
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

March 8, 2021

Susan Grogan
Director of Planning
Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

Dear Director Grogan:

Please accept these comments as Pinelands Preservation Alliance's submission with respect to the recently adopted Ordinance in 2021-4 in Barnegat Township, creating new "C-N Neighborhood Commercial Zones" east and west of the Garden State Parkway, and whose approval is currently pending before the Pinelands Commission. We have a few brief questions which we request be addressed in the Commission's report on the ordinance.

Under N.J.A.C. 7:50-5.28(a)(1)(i), Barnegat Township may permit up to 2 dwelling units per acre in developable areas of the Regional Growth Area within the town. This density may be exceeded within certain ranges if 50% of such exceedance is accomplished through the use of Pinelands Development Credits (PDCs). For each range (e.g., nine to twelve dwelling units per acre, or twelve and greater), a number higher than the lowest within each range may be applied only through density bonuses for use of PDCs. Additionally, a "reasonable proportion" of the density increase must permit development of single family detached residences.

Under Barnegat's amendment, Chapter 55, § 57(10)(c)[4] of the town's code would allow a conditional use for Assisted living facilities, nursing and convalescent homes, and long-term care facilities with a maximum density of 20 units per acre (without counting long-term care beds for density or PDC purposes). Under § 57(10)(c)[5], the base density without use of PDCs is 8 units per acre. There also does not appear to be any provision for the development of single family detached residences.

Under the Comprehensive Management Plan, any increase in density in the Regional Growth Area in Barnegat beyond 2 units per acre requires the use of PDCs. As a result, the allowed density sections of the Barnegat ordinance of 8 units per acre, without use of PDCs, do not appear to comply with the CMP. We respectfully request that Commission staff address this and the absence of single family dwelling development in your forthcoming report.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Gold". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew Gold
Legal Director

Barneгат Township

Neighborhood Commercial (C-N) Zone

Pinelands Management Areas

Regional Growth Area

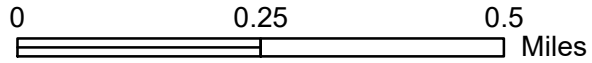
Pinelands Area Boundary

Parcels

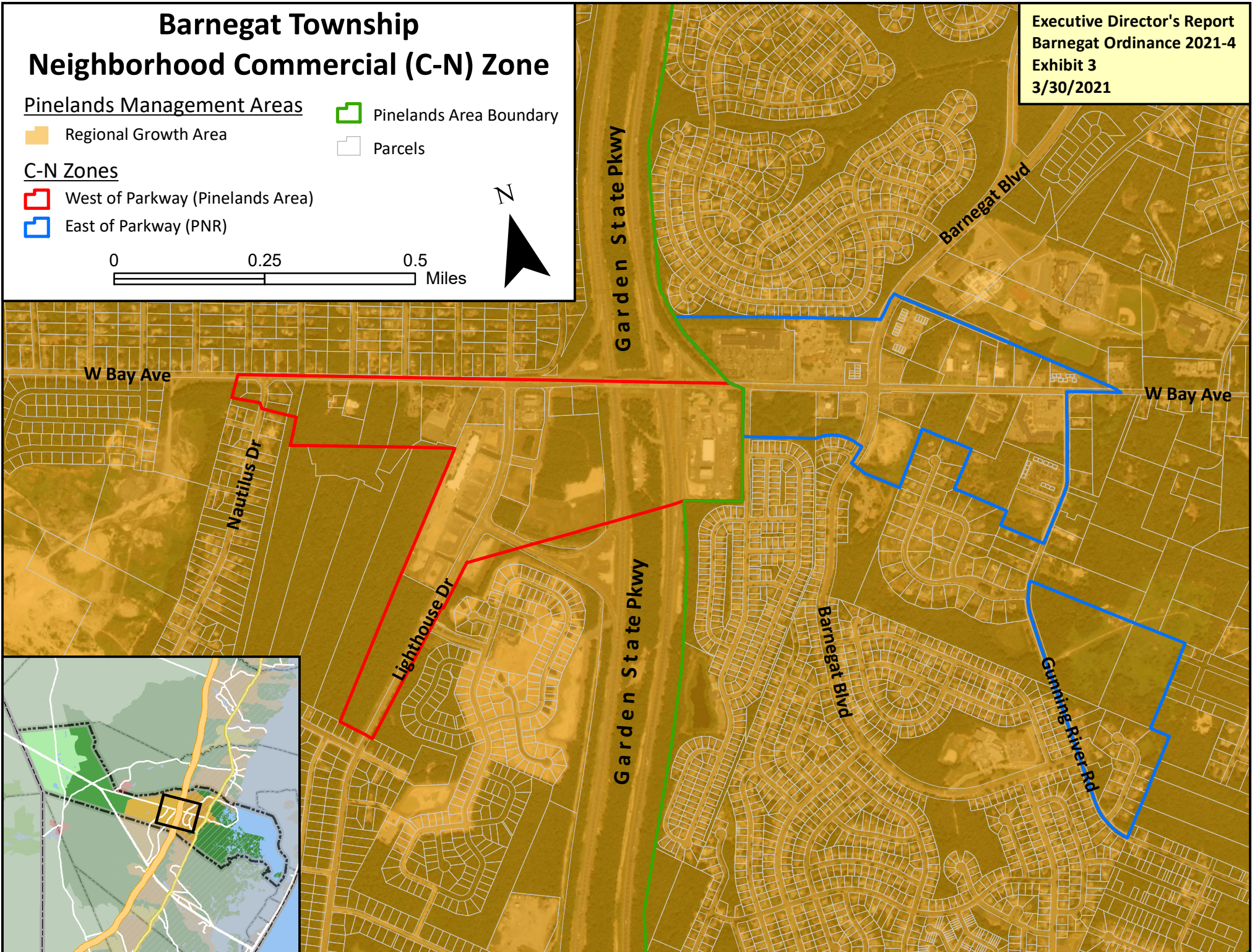
C-N Zones

West of Parkway (Pinelands Area)

East of Parkway (PNR)



Executive Director's Report
Barneгат Ordinance 2021-4
Exhibit 3
3/30/2021





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




RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

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

MEMORANDUM

To: Members of the Pinelands Commission

From: Brad Lanute 
Planning Specialist

Date: March 31, 2021

Subject: No Substantial Issue Findings

During the past month, the Planning Office reviewed four ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. They included the following:

Barnegat Township Ordinance 2021-6 – amends Chapter 55 (Land Use) of the Township’s Code by revising the stormwater management regulations applicable to the portion of the Township outside of the state-designated Pinelands Area, which includes areas within the Pinelands National Reserve (PNR). In 2013, the Pinelands Commission certified the Township’s land development regulations and zoning plan for the PNR portion of the Township.

Eagleswood Township Ordinance 2021-01- establishes Chapter 218 (Solar Energy Systems) of the Township’s Code to permit rooftop installed solar energy systems and accessory ground-mounted solar energy systems within the Township’s Preservation Area and Forest Area zones.

Manchester Township Ordinance 21-08 - amends Chapter 245 (Land Use and Development) of the Township’s Code by revising notice requirements for development application hearings held by the Planning Board and Zoning Board of Adjustment.

Manchester Township Ordinance 21-09 - amends Chapter 245 (Land Use and Development) of the Township’s Code by revising the stormwater management regulations applicable to the portion of the Township outside of the state-designated Pinelands Area, which includes areas within the Pinelands National Reserve (PNR). In 2019, the Pinelands Commission certified the Township’s land development regulations and zoning plan for the PNR portion of the Township.