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P750

# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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www.nj.gov/pinelands



Chris Christie  
Governor

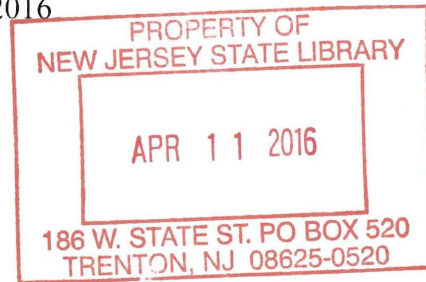
Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

March 23, 2016



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

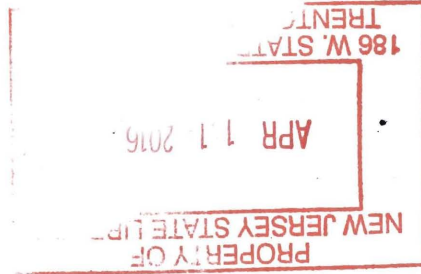
Dear Mr. Lupp:

Enclosed are the Pinelands Commission meeting minutes for February 12, 2016 for your information.

Sincerely,

Melody A. Wood,  
Receptionist

PC1  
Enclosure: Minutes



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

MINUTES

**February 12, 2016**

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Giuseppe Chila, Paul E. Galletta, Ed Lloyd, Mark Lohbauer, Ed McGlinchey, Richard Prickett, Gary Quinn, D'Arcy Rohan Green and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Joe DiBello and Jane Jannarone

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

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 13 Commissioners present.)

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

Other

Chairman Earlen thanked Commissioner Fran Witt for his service and read a resolution into the record recognizing Commissioner Witt's tenure on the Commission. Each Commissioner offered well wishes to Commissioner Witt.

Commissioner Lohbauer moved the adoption of a resolution Expressing the Commission's appreciation to Fran Witt for his service as a member between February 13, 2004 and December 31, 2015 (See Resolution # PC4-16-04). Commissioner Lloyd seconded the motion.

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

Chairman Earlen introduced Mr. Joe Chila, Gloucester County's new representative on the Commission. He said Mr. Chila is currently serving his fifth year as Deputy Director of Gloucester County's Board of Chosen Freeholders. He resides in Woolwich Township, where he previously served as Mayor from 2003-2010. He is a member of International Brotherhood of Electrical Workers Lu. 351.

DAG Moriarty administered the Oath of Office to Commissioner Chila.

Chairman Earlen thanked Commissioner Lohbauer for the time he served as Chairman.

Minutes

Chairman Earlen presented the minutes from the January 16, 2016 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Brown seconded the motion.

Commissioner Ashmun asked about a letter to NJDEP on the Wharton Motorized Access Plan and the status of the Agriculture Committee.

Commissioner McGlinchey said he would speak with Ms. Susan Grogan about scheduling an Agriculture Committee meeting.

Ms. Wittenberg said we have not sent the letter to NJDEP but have had discussions with them about the MAP.

The minutes of the January 16, 2016 Commission meeting were adopted by a vote of 9 to 0. Commissioner Avery, Commissioner Rohan Green, Commissioner Chila and Chairman Earlen abstained from the vote.

Committee Chairs' Reports

Commissioner Lohbauer provided an update on the January 29, 2016 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the October 30, 2015 meeting.

The Committee received a briefing on affordable housing.

The Committee received an update on Plan Review Recommendations and the status of various issues, some of which may lead to rulemaking in the near future.

The Committee received public comment on NJDEP's Motorized Access Plan (MAP) for Wharton State Forest and efforts to provide access to the public while protecting environmental resources.

Commissioner Avery provided an update on the February 2, 2016 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the November 17, 2015 meeting.

Paul Leakan delivered a PowerPoint presentation on the Request for Proposals for the Pinelands Visitors Center. The Committee members recommended Commission approval of the resolution to authorize the Executive Director to enter into a contract for the fabrication and installation of exhibits at the Richard J. Sullivan Center for environmental policy and education.

Nancy Wittenberg and Jessica Lynch reviewed the check registers, electronic disbursements and application fees covering November and December. Michelle Russell provided an update on employee actions.

Commissioner McGlinchey reiterated former Commissioner Witt's comments regarding term limits on the Audit Committee.

There was no public comment.

#### Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- The Pinelands Short Course will be held on March 12, 2016 at Stockton University. Mr. Paul Leakan added that enrollment is going well.

Mr. Larry Liggett updated the Commission on the following:

- Staff continues to work on the following Plan Review initiatives: Pinelands Development Credit enhancements and the Kirkwood-Cohansey study.
- There are three main issues that face Pinelands municipalities regarding affordable housing: some towns do not have sewer, some towns have little to no vacant land in their sewer service areas and the assigned numbers are too high for some towns to absorb.

Commissioner Prickett asked if there were any new updates on affordable housing since the Commission was last briefed.

Mr. Liggett said staff is currently drafting a letter that will be sent to the appropriate courts outlining the role of the Comprehensive Management Plan (CMP). He said Ms. Grogan suggested including the relevant Municipal Fact sheets from the Long Term Economic Monitoring report, along with the letter. He said that the courts have extended protection to towns while the towns continue to plan.

Chairman Earlen requested that the letter be shared with Commissioners.

Commissioner Ashmun asked about the three sets of affordable housing numbers.

Mr. Liggett said the Commission will compare each of those numbers to the Commission's build out estimates. He said it gets very complicated with Pinelands towns that are both in and out of the Pinelands. The goal is to make it clear that Pinelands municipalities are certified towns that have zoning consistent with the CMP and environmental factors. He said the numbers assigned to the 12 municipalities that are entirely within the Pinelands Area seem high.

Ms. Roth added that each court has been assigned a numbers master. She said each town is working with an expert to develop a Fair Share Plan. She said a municipality is required meet its fair share housing obligation but in doing so cannot diminish environmental protection. She said the role of the Commission is to inform the courts of the CMP requirements.

Ms. Grogan said our goal is to make the courts and the towns aware that the Commission is available to assist.

Commissioner Lloyd asked if the Commission was planning to file an amicus brief.

Ms. Roth said at this point the Commission is not seeking participant status.

Mr. Chuck Horner provided an update on multiple regulatory matters, including the following:

- It is anticipated that the Stafford Township Compelling Public Need Waiver for a new stormwater management basin will be on the March agenda. Mr. Horner reminded Commissioners that the Commission accepted public comment at the January Commission meeting and again at the public hearing on January 20<sup>th</sup>. The record is now closed.
- Staff attended a meeting at NJDEP about a wetlands mitigation project in Bass River Township. The project is proposing to convert a former borrow pit into a wetland. The pit is currently covered with phragmites.
- Staff met with Egg Harbor City officials on January 20th about a proposed redevelopment project.

- Staff met with an applicant regarding a redevelopment proposal in South Toms River. Environmental concerns were discussed. The municipal landfill is located on the parcel. The application would encompass both the capping of the landfill and the proposed development.
- Staff continues to handle the remainder of projects covered under the Permit Extension Act.

Commissioner Galletta asked what process is being used to remove the phragmites for the mitigation project.

Mr. Horner said herbiciding would be used in two phases to remove the phragmites. He said that a berm would also be eliminated as part of the application in an effort to reintroduce tidal flooding back into the area.

Commissioner Avery asked if there was anything in writing about the South Toms River rezoning proposal.

Ms. Grogan said that a general description of the proposal was submitted along with a conceptual plan.

#### Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of a road improvement project in Egg Harbor City.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2010-0047.005) (See Resolution # PC4-16-05). Commissioner Barr seconded the motion.

Commissioner Ashmun raised concern about paving a road to the width of 27 feet in a wetlands buffer.

Mr. Horner said the applicant made the representation that the paving was necessary for public safety. Staff agreed and tried to make that clear in the public development report.

Commissioner Lloyd asked what criteria are used to determine public safety.

Mr. Horner said in this instance the proposed cartway was not abnormally wide. He said staff deferred to the municipal engineer and agreed with their determination that the proposed road improvements will allow for safe vehicle and pedestrian travel.

The Commission adopted the resolution by a vote of 12 to 0. Commissioner Lloyd abstained from the vote.

Chairman Earlen presented the next resolution recommending the approval of a Waiver of Strict Compliance for the construction of a single family dwelling in Medford Lakes.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1987-1185.001) (See Resolution # PC4-16-06). Commissioner Lohbauer seconded the motion.

Commissioner Prickett asked if the required Pinelands Development Credit (PDC) had been purchased.

Mr. Horner explained that the 0.25 PDCs had previously been purchased. He added that the Commission had issued a Waiver that had expired. He said the town inadvertently issued a construction permit. He said when staff found out that construction of the dwelling had begun they alerted the town of the error. He said the applicant submitted a new application for a Waiver of Strict Compliance, and it is before the Commission today.

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

Chairman Earlen presented a resolution recommending the denial of a Waiver of Strict Compliance application for the construction of a single family dwelling in Hamilton Township.

Commissioner McGlinchey moved the adoption of a resolution Denying an Application for a Waiver of Strict Compliance (Application Number 2015-0044.001)(See Resolution # PC4-16-07). Commissioner Barr seconded the motion.

Mr. Horner said in order for the applicant to qualify for the state's Limited Practical Use acquisition program, the Commission's regulations require that parcel must first be denied a Waiver of Strict Compliance.

Commissioner Galletta asked how much the state would pay for the parcel.

Ms. Grogan said this parcel is larger than the usual. She said in the past the state has purchased smaller parcels for \$2,000.

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

#### Public Comment on Agenda Items and Pending Public Development Applications

Chairman Earlen requested that commenters keep their comments to three minutes and said that this is not an opportunity for question-and-answer.

Bill Wolfe of Bordentown, NJ referenced the memo in the Commission's packet from the Chief Planner about Stafford Township Ordinance 2015-15 and Upper Township Ordinance 002-2013. He said the CMP should include policy on climate change and net zero energy design and construction standards.

Jeff Tittel of the New Jersey Sierra Club said with regard to the affordable housing numbers, its where and how you build that is important. He suggested the Commission re-

examine an existing Memorandum of Understanding with NJDEP on Water Quality Management Planning to ensure protections of the Pines from sewers.

Theresa Lettman of the Pinelands Preservation Alliance provided comments on Application # 1983-5837.059. She questioned whether the widening of the taxiway at the airport is part of an existing Memorandum of Agreement (MOA) the Commission entered into with the South Jersey Transportation Authority. She noted that, as part of that MOA, a Grassland Advisory Committee was formed and that she is a member of that Committee. She said the Committee has not had a meeting for some time. She is concerned about the impact the development will have on bird habitat at the airport.

#### Ordinances Not Requiring Commission Action

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

- Hammonton Town Ordinance 20-2015
- Pemberton Township's December 2015 Housing Element and Fair Share Plan
- Stafford Township Ordinance 2015-15
- Upper Township Ordinance 002-2013
- Weymouth Township Ordinances 543-2015 & 545-2016

Ms. Grogan noted that a number of towns have been submitting redevelopment plans to the Commission.

No members of the Commission had questions on the ordinances.

Commissioner Ashmun asked if there was a staff Committee addressing climate change.

Ms. Wittenberg said multiple staff members including herself, Mr. Liggett and Ms. Grogan have been working on issues related to climate change.

#### Other Resolutions

Chairman Earlen presented a resolution to award a contract for the installation of exhibits in the Richard J. Sullivan Center.

Commissioner Ashmun moved the adoption of a resolution To Authorize the Executive Director to Enter Into a Contract for the Fabrication and Installation of Exhibits at the Richard J. Sullivan Center for Environmental Policy and Education (See Resolution # PC4-16-08). Commissioner Lohbauer seconded the motion.

Prior to delivering the presentation, Mr. Leakan provided some background information about the effort to create a Pinelands Visitor Center. (See presentation slides for additional information.)

Mr. Leakan said that, in 1988, Congress passed legislation calling on the State of New Jersey to create and implement a multi-faceted plan to raise awareness and appreciation of the Pinelands National Reserve. In response, the Pinelands Commission, the New Jersey Division of Parks & Forestry and the National Park Service joined forces to create and implement the Pinelands Interpretive Plan. Since the passage of the Plan in 1994, the partners have produced and installed dozens of Pinelands-themed kiosks and wayside panels in all of the state parks and forests in the Pinelands. They've also worked to create and install 22 Pinelands National Reserve road signs on the Parkway, AC Expressway and many county roads, and they produced and continue to distribute the Pinelands National Reserve brochure.

The Pinelands Interpretive Plan calls for creating an official Pinelands Visitor Center. Recognizing the need for such a Visitor Center, the NPS provided the Commission with \$50,000 to design exhibits at the Richard J. Sullivan Center as part of an overall plan to convert a portion of the building into a Pinelands Visitor Center.

Mr. Leakan noted that the Commission added a new Education and Outreach component to the Pinelands Conservation Fund in 2014. The new component will fund the exhibits in the Pinelands Visitor Center.

See attached presentation slides for further details on the Request for Proposal, the companies who bid on the project, the evaluation committee and the criteria used to make the selection of the bidder.

Mr. Leakan noted that the Commission will be open during the remodel and installation phase. He showed a slide depicting the proposed schedule of the project.

Multiple Commissioners asked questions.

Commissioner Prickett asked about repurposing the tiles on the receptionist desk. Mr. Leakan said the designer is aware of the importance of the tiles and will work to utilize them.

Chairman Earlen asked about the budget implications. He said there is \$350,000 budgeted for the project, however the cost of the project is \$368,849.

Ms. Wittenberg said that we will work with the Contractor to keep the price as close to \$350,000 as possible. She said in the event that is not possible, the FY 17 budget will include the additional monies from the Educational and Outreach account to make up the difference.

Commissioner Avery said the project is being funded by the Pinelands Conservation Fund, which derives its funding from Memoranda of Agreement. He noted that no state-appropriation funding will be used. He also reiterated the importance of recycling the tiles that are currently around the existing reception desk. He thanked the National Park Service for its involvement.

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

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

Jeff Tittel of the New Jersey Sierra Club said the visitor center is a great idea. He said the Pinelands have faced many threats this past year, including turf farm legislation, pipelines, sewer impacts, affordable housing legislation and future MOA's.

Bill Wolfe of Bordentown, NJ said fire should be the preferable tool when trying to manage invasive species, not herbicides. He said the public deserves to hear conversations with private stakeholders groups especially on policy discussions. He said after recently reviewing the Plan Review report, he noticed that the CMP amendments were required to be submitted to the Governor's office. He was curious where the requirements stemmed from. He said he was recently given a tour at Wharton and saw first-hand the ORV destruction. He said some roads are now streams.

Bob Filipczak of Linwood, NJ said the press is portraying the South Jersey Gas pipeline as a reliability project. He said there aren't any reliability issues with gas in South Jersey. He said the BL England Plant should remain coal-fired. He referred to NJDEP's stormwater regulations as bogus. He said the construction of Exit 44 on the Garden State Parkway destroyed a forest. He provided stormwater related documents and photos of Exit 44.

Marianne Clemente of Barnegat, NJ questioned why the oath does not include language regarding the CMP. She said she supports the interpretive center project because it will educate the younger generation.

Jason Howell of the Pinelands Preservation Alliance thanked Commissioners for their interest in the ORV issue. He spoke about a hobby called "mudding" in which large trucks with oversized tires are used for the sole purpose of spraying mud. He said this activity has caused severe damage to lands in Wharton. He emphasized the importance of soil conservation and believes motorized vehicle routes need to be shut down. He noted there is lack of law enforcement at Wharton to deal with the ORV issue.

Margit Meissner-Jackson of Ocean County Sierra Club said that the younger generation does not want to live in the suburbs and that the infrastructure proposed in New Jersey is not necessary.

Michael Tamm of Mt. Holly, NJ said he remembers reading the draft CMP in 1979. He said if every Commissioner would read the CMP, things would be different. He said he does not support the pipeline. He said the land disturbance and potential for fire associated with the pipeline are too great. He expressed dismay over the three minute limit on public comment. He said that is not a democracy.

Arnold Fishman of Medford Lakes, NJ asked about the status of the Ad Hoc MOA Policy Committee and a report that was to be drafted and circulated.

Commissioner Ashmun said she is working with staff and it will be circulated soon.

Temma Fishman of Medford Lakes, NJ read a statement into the record about the effects of pipelines and climate change on the Pinelands. (see attached)

Marianne Clemente asked when the public's questions will be answered, such as Mr. Wolfe's question.

Bill Wolfe said he recently read an investor briefing and that by the year 2020 there will be an excess of natural gas.

Linda Chamberlain of Tabernacle, NJ said the interpretive center is a wonderful idea and she hopes it will show the fragility of the Pines.

Brad Sterling of Pemberton Township, NJ raised concerns about how the Commission responds to comments.

Ms. Wittenberg said the public comment portion is for the Commission to hear the public's comments. If an individual has a question, they should direct them to a staff member.

#### Adjournment

Commissioner Prickett encouraged everyone to sign up for the Short Course.

Commissioner McGlinchey noted that in the near future additional stormwater regulations will be imposed. He also noted that the Department of Transportation is still not in compliance with the stormwater rules.

Commissioner Avery said that he believes staff does a good job of making decisions in accordance with the Plan. He said the public judge staff on decisions that need to be made but he knows staff does their best to implement the plan as they understand it. He said that our mission statement is more than just preservation of the Pinelands. He also said that he is not a fan of package treatment plants. He said he believes that the Clean Water Enforcement Act instituted penalties to anyone in violation of requirements of a discharge permit and also discouraged the use of package plants. He asked staff for the Statute number.

Commissioner Lloyd said it is Statute 58.

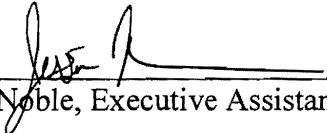
Commissioner Chila offered thanks for the warm welcome and looks forward to serving on the Commission and getting involved with affordable housing. He also noted that he is an avid camper and backpacker.

Commissioner Lohbauer thanked Ms. Wittenberg and Mr. Leakan for the work on the interpretive center. He also asked if staff could arrange for a tour at Wharton State Forest.

Chairman Earlen said with the addition of a new Commissioner, we will be looking to re-arrange some Committee responsibilities. He said that he will be joining the Audit Committee and Commissioner Avery will be taking over the responsibility of the Chair on the Audit Committee.

Commissioner Barr moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:57 a.m.

Certified as true and correct:

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

Date: February 22, 2016



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-16- 04

**TITLE:** Expressing the Commission's appreciation to Fran Witt for his service as a member between February 13, 2004 and December 31, 2015.

Commissioner Lohbauer moves and Commissioner Lloyd seconds the motion that:

**WHEREAS**, Fran Witt served as Gloucester County's representative on the Pinelands Commission from February 13, 2004 until December 31, 2015; and

**WHEREAS**, Mr. Witt served on the Commission's Personnel and Budget Committee, Public and Governmental Programs Committee and Audit Committee; and

**WHEREAS**, Mr. Witt brought a wealth of experience to the Commission, having served as the Mayor of the Borough of National Park for 16 years, as well as having served as the past Vice President of the New Jersey League of Municipalities and having served on the Board of the Gloucester County Utilities Authority and the Gloucester County Solid Waste Authority; and

**WHEREAS**, during his tenure, the Pinelands Commission adopted 18 amendments to the Pinelands Comprehensive Management Plan (CMP), permanently preserved more than 7,700 acres in the Pinelands and completed its fourth in-depth review of the CMP; and

**WHEREAS**, Commission members are unpaid volunteers, and Mr. Witt devoted hundreds of hours of his time as a Commissioner and logged more than 10,000 miles traveling to and from Commission meetings; and

**WHEREAS**, the members of the Commission want to recognize Mr. Witt's significant efforts to advance the agency's mission to preserve, protect and enhance the resources of the Pinelands.

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 12<sup>th</sup> day of February, 2016, hereby express our appreciation to Fran Witt for his commitment to the Pinelands and his service as a Commission member between February 13, 2004 and December 31, 2015.

**Record of Commission Votes**

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

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: 2/12/16

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Sean W. Earlen  
Chairman



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 05

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 2010-0047.005)

Commissioner Lohbauer moves and Commissioner Barr seconds the motion that:

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

**2010-0047.005**

<b>Applicant:</b>	<b>Egg Harbor City</b>
Municipality:	Egg Harbor City
Management Area:	Pinelands Town
Date of Report:	January 25, 2016
Proposed Development:	Improvement to 1,325 linear feet of Diesterweg Street.

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 2010-0047.005 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

### Record of Commission Votes

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

\* A = Abstained / R = Recused

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

Date: 2/12/16  
Sean W. Earlen  
Sean W. Earlen  
Chairman



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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

January 25, 2016

Lisa Jampetti, Mayor  
Egg Harbor City  
500 London Avenue  
Egg Harbor, NJ 08215

Re: Application # 2010-0047.005  
Diesterweg Street  
Block 710, Lot 16  
Egg Harbor City

Dear Mayor Jampetti:

The Commission staff has completed its review of this application for improvement to 1,325 linear feet of Diesterweg Street between New Orleans and Bremen Avenues. 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 February 12, 2016 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Egg Harbor City Planning Board (via email)
- Egg Harbor City Construction Code Official (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Ryan A. McGowan, PP, PE, CME (via email)





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Chairman

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Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

January 25, 2016

Lisa Jampetti, Mayor  
Egg Harbor City  
500 London Avenue  
Egg Harbor, NJ 08215

Application No.: 2010-0047.005

Location: Diesterweg Street  
Block 710, Lot 16  
Egg Harbor City

This application proposes improvement to 1,325 linear feet of Diesterweg Street between New Orleans and Bremen Avenues in Egg Harbor City.

The portion of Diesterweg Street proposed for improvement is an existing maintained gravel road. The existing gravel road varies between 12 and 22 feet in width. The road will be paved to a uniform width of 27 feet. This application also proposes the installation of sidewalk and curbing within the Diesterweg Street right-of-way between New Orleans and Bremen Avenues. A stormwater management basin to serve the proposed improvements will be located on Block 710, Lot 16 in Egg Harbor City.

### **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 project is located in a Pinelands Town Management Area. The proposed development is a permitted land use in a Pinelands Town Management Area.

#### **Wetlands and Linear Improvement Standards (N.J.A.C. 7:50-6.6, 6.13 & 6.14)**

There are wetlands located immediately adjacent to a portion of the proposed road improvements. A 267 linear foot portion of the proposed linear road improvements will be located immediately adjacent to wetlands in the required buffer to wetlands. The CMP permits linear improvements, such as roads, in the required buffer to wetlands provided an applicant demonstrates that certain conditions are met.

The applicant has demonstrated that there is no feasible alternative for 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. The 267 linear foot portion of the proposed linear road improvements that will be located in the required buffer to wetlands is necessary to connect an existing paved portion of Diesterweg Street to the existing paved Breman Avenue. These improvements will allow for safe travel of vehicles and pedestrians from the surrounding residential neighborhood to the nearby Egg Harbor City Community School. The applicant has demonstrated that the need for the proposed road improvements overrides the importance of protecting the required buffer to wetlands. The proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands.

The proposed stormwater management basin and associated vegetation clearing and land disturbance will maintain the required 110 foot buffer to wetlands.

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

The proposed road improvements will be located over an existing gravel roadway and disturbed road shoulders. The proposed stormwater management basin will be located in an existing forested area. The proposed stormwater management basin will result in the clearing of approximately 0.49 acres of forested area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. The applicant will be constructing a stormwater management basin on Block 710, Lot 16.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on December 22, 2015. Newspaper public notice was completed on December 29, 2015. The application was designated as complete on the Commission's website on January 5, 2016. The Commission's public comment period closed on January 15, 2016. 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 9 sheets, prepared by Remington, Vernick & Walberg Engineers and dated as follows:

Sheets 1-4 & 6-9 dated October 29, 2014; revised to September 2, 2015; and Sheet 5 dated October 29, 2014; revised to December 23, 2015.

2. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
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. 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.
5. The proposed stormwater management basin and associated vegetation clearing and land disturbance, located on Block 710, Lot 16, shall be located at least 110 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.



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



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 06

**TITLE:** Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1987-1185.001)

Commissioner Galletta moves and Commissioner Lohbauer seconds the motion that:

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

**1987-1185.001**

<b>Applicant:</b>	<b>Ernest Darpino</b>
Municipality:	Borough of Medford Lakes
Management Area:	Pinelands Regional Growth Area
Date of Report:	January 25, 2016
Proposed Development:	Single family dwelling.

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

**WHEREAS**, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

**WHEREAS**, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 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 1987-1185.001 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director.

### Record of Commission Votes

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

\* A = Abstained / R = Recused

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

Date: 2/12/16  
  
Sean W. Earlen  
Chairman



# State of New Jersey

## THE PINELANDS COMMISSION

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Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

### REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

January 25, 2016

Ernest Darpino  
137 Stokes Road  
Medford Lakes, NJ 08055

Re: Application # 1987-1185.001  
Block 20014, Lot 344 (formerly Lots 344-347)  
Borough of Medford Lakes

Dear Mr. Darpino:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance ("Waiver") proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 12, 2016 meeting.

### FINDINGS OF FACT

This application is for the development of a single family dwelling served by public sanitary sewer on the above referenced 9,122 square foot parcel in Medford Lakes Borough. The parcel is located in a Pinelands Regional Growth Area and in Medford Lakes Borough's LR zoning district. In this zoning district, Medford Lakes Borough's certified land use ordinances establish a minimum lot size of 10,000 square feet for a single family dwelling served by public sanitary sewer.

An application for the development of the proposed dwelling was previously completed with the Commission and an Inconsistent Certificate of Filing was issued on February 16, 1993. The Certificate of Filing noted the need for a Waiver from the minimum buffer to wetlands standard. A municipal lot size variance was issued by the Medford Lakes Borough Planning Board on May 6, 1993. On November 5, 1993, a Waiver for the development of a single family dwelling served by public sanitary sewer on this parcel was approved by the Pinelands Commission. That Waiver expired on November 5, 1998 because all necessary municipal construction permits were not issued by that date.

On March 16, 2006, the Medford Lakes Borough Planning Board approved a second municipal lot size variance for the proposed dwelling. On April 11, 2008, a second Waiver for the development of a single family dwelling served by public sanitary sewer on this parcel was approved by the Commission. As required by the Waiver, the applicant consolidated Block 20014, former Lots 344-347 into one lot, now



known as Block 20014, Lot 344. The Waiver also required the applicant to acquire and redeem 0.25 Pinelands Development Credits (PDCs). That Waiver expired April 11, 2013, because all necessary construction permits were not issued by that date.

Information was provided to the Commission staff in December of 2015 that a single family dwelling was under construction on the parcel. A subsequent site inspection by Commission staff verified that the single family dwelling was under construction on the parcel.

On December 3, 2015, a copy of the municipal construction permit for the proposed single family dwelling was submitted to the Commission. The municipal construction permit for the proposed dwelling was issued on August 19, 2015. By letter dated December 4, 2015, the Commission staff notified the owner of the parcel that the April 11, 2008 Waiver expired on April 11, 2013 and that construction of the dwelling prior to completing an application for a new Waiver constituted a violation of the Medford Lakes Borough land use ordinances and the Pinelands Comprehensive Management Plan (CMP). On January 5, 2016, an application for a new Waiver was completed with the Commission.

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

A portion of the parcel is a pitch pine lowland which is considered wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)3). This wetland is not an impaired wetland as defined in the CMP (N.J.A.C. 7:50-2.11). Any development of the parcel would be located within 300 feet of this wetland. The applicant has submitted no information to demonstrate that the proposed development would not cause a significant adverse impact on the wetland. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetland. The applicant has demonstrated that no development, except certain proposed linear improvements (driveway and sanitary sewer lateral), will be located in wetlands. The applicant demonstrated that the proposed linear improvements were permitted in wetlands as the improvements meet the criteria set forth in the CMP (N.J.A.C. 7:50-6.13). As the dwelling will result in a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands requirements contained in the CMP (N.J.A.C. 7:50-6.14).

### **PUBLIC COMMENT**

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on December 29, 2015. Newspaper public notice was completed on December 30, 2015. The application was designated as complete on the Commission's website on January 5, 2016. The Commission's public comment period closed on January 15, 2016. The Pinelands Commission has received one written public comment regarding the Waiver application.

**Written Public Comment #1:** The commenter expressed concern regarding the dwelling's effect on the character of the neighborhood, drainage issues and the wildlife in the area.

**Staff Response to Written Public Comment #1:** The Commission staff appreciates the commenter's interest in the Pinelands. The applicant has demonstrated that the proposed dwelling meets the minimum CMP requirements to qualify for a Waiver. The Commission's Waiver regulations are designed to provide all property owners with at least a minimum beneficial use of their parcel consistent with constitutional requirements. To minimize impacts to wetlands, two of the recommended conditions of the Waiver require that dry wells be installed to control stormwater runoff from the dwelling and that the

driveway must be constructed of permeable material. The Commission's regulations do not require that an application for one dwelling address the CMP stormwater management standards. The commenter may wish to discuss their stormwater concerns with an appropriate municipal official.

### CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards that must be met before a Waiver can be approved. N.J.A.C. 7:50-4.62(a) requires that to approve an application for a Waiver based on extraordinary hardship, an applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which will be served by a centralized waste water treatment system.

The parcel is located in a Pinelands Regional Growth Area. The applicant is proposing to develop a single family dwelling served by public sanitary sewer on the parcel. As a result, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)1.iv.

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

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

The fourth condition is that all necessary municipal lot area and residential density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Medford Lakes Borough's master plan and land use ordinances have been certified by the Pinelands Commission. On March 16, 2006, the applicant received the required municipal lot area variance. The application meets the condition set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b) as required by N.J.A.C. 7:50-4.63(a)5. The application meets the conditions set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all the conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

N.J.A.C. 7:50-4.62(d)1.ii requires the acquisition and redemption of any Pinelands Development Credits (PDCs) that are required pursuant to N.J.A.C. 7:50-5.27, 5.28, or 5.32. N.J.A.C. 7:50-5.28(a)4 requires that any local approval, including variances, which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling has been approved by the Commission.

N.J.A.C. 7:50-4.62(d)1.iii requires the acquisition and redemption of 0.25 PDCs whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6.

The CMP requires that for any application which requires a variance from the minimum lot size requirement and a Waiver, a total of only 0.25 PDCs must be purchased and redeemed. Pursuant to N.J.A.C. 7:50-4.62(d)1ii and N.J.A.C. 7:50-4.62(d)1iii, a condition is included to require the purchase and redemption of a total of 0.25 PDC's.

With the conditions recommended below, the applicant meets the PDC requirements contained in N.J.A.C. 7:50-4.62(d).

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by HAKS Engineers, dated October 8, 2004 and last revised January 2, 2008.
2. The proposed dwelling shall be served by public sanitary sewer.
3. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
4. No development, including clearing and land disturbance, except the proposed driveway and sanitary sewer lateral, shall extend beyond the "Waiver of Strict Compliance Wetlands Buffer" as depicted on the above referenced plan.
5. The proposed development requires a Freshwater Wetlands General Permit in accordance with the New Jersey Freshwater Wetlands Protection Act Rules. The Pinelands Commission has been authorized by the New Jersey Department of Environmental Protection (NJDEP) to issue Freshwater Wetlands General Permits in the Pinelands Area. The Commission issued a Freshwater Wetlands General Permit for the proposed driveway and sanitary sewer lateral in wetlands on April 25, 2008.
6. Prior to construction, silt fencing, hay bales or other appropriate measures shall be installed to preclude sedimentation from entering wetlands. The proposed sedimentation barrier shall be maintained in place until all development has been completed and the area has been stabilized.
7. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.

8. The driveway shall be constructed of crushed stone or other permeable material.
9. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, proof of acquisition and redemption of the requisite 0.25 PDCs must be submitted to the Pinelands Commission. The 0.25 PDCs were previously acquired and redeemed for this parcel.
10. This Waiver shall expire February 12, 2021 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after February 12, 2021 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a January 25, 2016 Pinelands Commission Report on an Application for a Waiver of Strict Compliance (“Waiver Report”) for App. No. 1987-1185.001. The deed shall indicate that the conditions previously required by the March 24, 2008 Waiver Report for App. No. 1987-1185.001, approved by the Pinelands Commission on April 11, 2008, have since expired and are superseded by the conditions required by the January 25, 2016 Waiver Report approved by the Pinelands Commission on February 12, 2016. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Medford Lakes Borough and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver of Strict Compliance subject to the above conditions.

### APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and

environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: \_\_\_\_\_



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

Encl: 1/4/2016 Public Comment Email

- c: Secretary, Borough of Medford Lakes Planning Board (via email)
- Borough of Medford Lakes Construction Code Official (via email)
- Borough of Medford Lakes Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Patrick McAndrew, Esq. (via email)
- Kathryn J. Hoover (via email)

**From:** k hoover <hooverkj@msn.com>  
**To:** <AppInfo@njpinelands.state.nj.us>  
**CC:** k hoover <hooverkj@msn.com>, <pfxmlanduse@aol.com>  
**Date:** 1/4/2016 10:35 AM  
**Subject:** Re: application 1987-1185.001

Regarding the request for waiver for development on property at 270 Ojibway Trail, Medford Lakes NJ, Lot 344, Block 20014.

I do not approve of the development on this lot.

The neighboring houses were mostly built before The New Jersey Pinelands Commission was granted the authority to preserve this area of New Jersey through the passage of the National Parks and Recreation Act of 1978 and the New Jersey Pinelands Protection Act in 1979.

I assume that this neighborhood would look quite different if the Commission had provided guidance and the Borough of Medford Lakes and County of Burlington had been strict about compliance during development.

This lot is the last empty one in the vicinity. I have observed the standing water and abundant wildlife there during frequent walks.

The new construction has unfortunately obliterated the natural landscape and probably created drainage problems yet to be determined. This will affect any unsuspecting buyer as well as the nearby residences and users of Ojibway Trail, including trash collection, utility crews and other essentials.

The house is oversized for the lot and leaves no hope that any wildlife will call it a permanent home again.

Over many years, this lot was not developed for a number of good reasons. I don't think a fine or waiver fee paid by the developer or the small increase to Borough tax rolls can justify this construction.

Kathryn J. Hoover  
homeowner  
27 Shawnee Trail  
Medford Lakes, NJ 08055



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 07

**TITLE:** Denying an Application for a Waiver of Strict Compliance (Application Number 2015-0044.001)

Commissioner McGlinchey moves and Commissioner Barr seconds the motion that:

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

**2015-0044.001**

**Applicant:** Gary Russo  
**Municipality:** Hamilton Township  
**Management Area:** Pinelands Forest Area  
**Date of Report:** January 25, 2016  
**Proposed Development:** Single family dwelling

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver does not conform to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 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 2015-0044.001 for a Waiver of Strict Compliance is hereby **denied**.

### Record of Commission Votes

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

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: 2/12/16

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Sean W. Earlen  
Chairman



State of New Jersey

THE PINELANDS COMMISSION

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

**REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE**

January 25, 2016

Gary Russo  
1149 Viking Drive  
Port Orange, FL 32129

Re: Application # 2015-0044.001  
Block 593, Lot 1  
Hamilton Township

Dear Mr. Russo:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance ("Waiver") proposing development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission deny the application at its February 12, 2016 meeting.

You have expressed an interest in the New Jersey Department of Environmental Protection acquiring the parcel under the Commission's Limited Practical Use Program (LPU). One of the requirements to qualify for the LPU Program is Pinelands Commission denial of a Waiver application.

**FINDINGS OF FACT**

This application is for the development of one single family dwelling, served by an onsite septic system, on the above referenced 5.98 acre parcel in Hamilton Township. The parcel is located in Hamilton Township's FA-70 zoning district within a Pinelands Forest Area. To conform to the overall residential density requirements in the Pinelands Forest Area, Hamilton Township has established an overall residential density requirement of 1 dwelling unit per 70 acres in this portion of the Forest Area. As the proposed development is not consistent with the residential density requirement in a Pinelands Forest Area, the applicant is requesting a Waiver from the residential density requirement contained in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-5.23(c)).

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



The CMP (N.J.A.C. 7:50-6.84 (a)4iv.) requires that if development is proposed to be served by an onsite septic system, the proposed onsite wastewater disposal field must be located in an area where the depth to seasonal high water table is at least 5 feet below the natural ground surface. The Atlantic County Soils Survey indicates that the soils on this parcel have a seasonal high water table of less than 2 feet below the natural ground surface. The applicant has submitted no information to demonstrate that the septic system could be located in an area where the seasonal high water table is at least 5 feet below the natural ground surface. Since the available information indicates the seasonal high water table on the entire parcel is less than 5 feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement for an onsite wastewater disposal field contained in the CMP (N.J.A.C. 7:50-6.84(a)4iv.)

The CMP (N.J.A.C. 7:50-6.6) prohibits most development in wetlands. The CMP (N.J.A.C. 7:50-6.14) also prohibits most development within 300 feet of wetlands unless it is demonstrated that the proposed development will not result in a significant adverse impact on wetlands. Available information indicates that the parcel is comprised entirely of a hardwood swamp and pitch pine lowland which are wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2 and 3). These wetlands do not meet the CMP definition of an impaired wetlands (N.J.A.C. 7:50-2.11). The applicant has not demonstrated that no development would be located on these wetlands. The applicant has submitted no information to demonstrate that proposed development within 300 feet of wetlands would not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands, the applicant is requesting a Waiver from the wetlands and wetlands buffer requirements contained in the CMP (N.J.A.C. 7:50-6.6 and N.J.A.C. 7:50-6.14.)

The CMP (N.J.A.C. 7:50-6.27) prohibits development unless it is designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. The CMP (N.J.A.C. 7:50-6.33) prohibits development unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of those threatened and endangered animal species designated by the New Jersey Department of Environmental Protection. The applicant has submitted no information to demonstrate that the proposed development could be designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. The applicant has submitted no information to demonstrate that the proposed development could be designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of those threatened and endangered animal species designated by the New Jersey Department of Environmental Protection. As the applicant has not demonstrated there will not be a significant adverse impact on threatened and endangered species, the applicant is requesting a Waiver from the CMP threatened and endangered species protection standards (N.J.A.C. 7:50-6.27 and N.J.A.C. 7:50-6.33).

### **PUBLIC NOTICE**

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on November 23, 2015. Newspaper public notice was completed on December 11, 2015. The application was designated as complete on the Commission's website on December 30, 2015. The Commission's public comment period closed on January 15, 2016. No public comment regarding this application was submitted to the Commission.

## CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. N.J.A.C. 7:50-4.62(a) requires that for a Waiver to be approved based on extraordinary hardship, an applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

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

The first condition is that the only relief sought is from one or more of the standards contained in the CMP (N.J.A.C. 7:50-6) for certain specified types of development. The development of a single family dwelling in a Forest Area that needs a Waiver from the residential density requirement contained in the CMP (N.J.A.C. 7:50-5.23 (c)) is not one of the specified categories of development. The application does not meet the condition contained in N.J.A.C. 7:50-4.63(a)1.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Hamilton Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances require a municipal lot area or density variance. No such variance has been obtained. The application does not meet the condition set forth in N.J.A.C. 7:50-4.63(a)4.

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

- |                        |   |
|------------------------|---|
| N.J.A.C. 7:50-4.65(b)5 | The development of a single family dwelling and associated improvements in wetlands unless that wetland is an impaired wetland;   |
| N.J.A.C. 7:50-4.65(b)6 | The development of a single family dwelling and associated improvements within 50 feet of any wetland unless the wetland is either an impaired wetland or located in a Regional Growth Area, Pinelands Town or Pinelands Village; |

- N.J.A.C. 7:50-4.65(b)7 Any development which will violate the threatened and endangered species protection requirements contained in N.J.A.C. 7:50-6.27 and 6.33; and
- N.J.A.C. 7:50-4.65(b)8 Any development which will require the location of an onsite wastewater disposal field in an area where the seasonal high water table is within 2 feet of the natural ground surface.

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

The parcel is located in a Pinelands Forest Area. The applicant has not demonstrated that the proposed development could be located at least 50 feet from wetlands. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)6.

The applicant has not demonstrated that the proposed development could be designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. The applicant has not demonstrated that the proposed development could be designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local population of those threatened and endangered animal species designated by the New Jersey Department of Environmental Protection. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)7.

The applicant has not demonstrated that a proposed onsite wastewater disposal field will not be located in an area where the seasonal high water table is within 2 feet of the natural ground surface. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)8.

The application does not meet the condition set forth in N.J.A.C. 7:50-4.63(a)5.

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

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

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

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

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

The first factor to be considered is the value of any existing development or use of the overall parcel, including any allocation of Pinelands Development Credits (PDCs). The overall parcel is vacant and no use has been established on the parcel. PDCs are not allocated to lands in a Forest Area.

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

The third factor to be considered is the ability of the property owner to sell the parcel to the owner of a contiguous parcel, any governmental agency or to a nonprofit conservation group for its fair market value. The applicant has submitted no information to demonstrate that the parcel cannot be sold for its fair market value to any other governmental agency or to a nonprofit conservation group for its fair market value.

The fourth factor is the ability of the property owner to either buy noncontiguous land or to sell the concerned parcel to a noncontiguous property owner under a residential density transfer provision contained in a certified municipal land use ordinance or pursuant to the CMP (N.J.A.C. 7:50-5.30). Hamilton Township's certified land use ordinances contain a residential density transfer provision which applies to lands in Hamilton Township's FA-70 zoning district. The applicant has submitted no information to demonstrate that this parcel could not be sold to the owner of a non-contiguous parcel located in the FA-70 zoning district in the Forest Area. The applicant has submitted no information to demonstrate that there is no non-contiguous land available to be purchased in the FA-70 zoning district to meet the 70 acre residential density requirement.

The fifth factor to be considered is whether any inability to have a beneficial use relates to or arises out of the characteristics of the concerned parcel and results from unique circumstances peculiar to the parcel which are not the result of any personal situation of the applicant and are not the result of any action or inactions by the application or any predecessor in title. The residential density, minimum depth to seasonal high water table for an onsite septic system wastewater disposal field, threatened and endangered species protection requirements and wetland protection requirements apply to all other vacant parcels in the area. Any hardship which does exist is a result of the applicant's personal circumstances and their actions and inactions.

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

The fourth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). As concluded above, the applicant has not demonstrated that a single family dwelling can be developed on the concerned parcel without violating N.J.A.C. 7:50-4.65(b)5, 6, 7 and 8. As a result, the applicant does not meet the condition contained in N.J.A.C. 7:50-4.63(b)4.

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

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

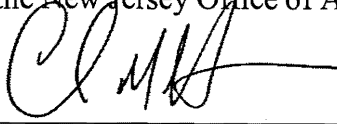
As a result, it is recommended that the Pinelands Commission **DENY** the requested Waiver of Strict Compliance.

### APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

- A. the name and address of the person requesting the appeal;
- B. the application number;
- C. a brief statement of the basis for the appeal; and
- D. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by:   
 Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Hamilton Township Planning Board (via email)
- Hamilton Township Construction Code Official (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Atlantic County Division of Public Health (via email)
- Anthony E. Russo, Esq. (via email)
- Betsy Piner



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

NO. PC4-16- 08

**TITLE:** To Authorize the Executive Director to Enter Into a Contract for the Fabrication and Installation of Exhibits at the Richard J. Sullivan Center for Environmental Policy and Education

Commissioner Ashmun moves and Commissioner Lohbauer  
seconds the motion that:

**WHEREAS**, in 1994, the Pinelands Commission adopted resolution PC4-94-96, which authorized the Pinelands Interpretive Plan; and

**WHEREAS**, the Pinelands Interpretive Plan calls for implementing a series of measures that raise awareness and appreciation of the Pinelands National Reserve, including the creation of a designated Pinelands Visitor Center where the public can learn about the region's natural, cultural and historic resources; and

**WHEREAS**, in 2009, the National Park Service (NPS) provided \$50,000 to fund the planning and design of Pinelands-themed exhibits for a Pinelands Visitor Center that will be housed in the Richard J. Sullivan Center for Environmental Policy and Education (RJS Center) in Pemberton Township, NJ; and

**WHEREAS**, the Pinelands Commission used a portion of the funds to hire Krista Kovach-Hindsley, an Exhibit Planner with the NPS Harpers Ferry Center, to prepare an Exhibit Assessment in May 2009; and

**WHEREAS**, in 2010, the Commission used the remaining funds to hire Content Design Collaborative of Scituate, Massachusetts to complete a comprehensive exhibit design plan; and

**WHEREAS**, in 2014, the Commission amended its policies for the use and management of the Pinelands Conservation Fund (PCF). The revised policies established a new objective to fund education and outreach initiatives, including the completion of the Pinelands Visitor Center; and

**WHEREAS**, a Request for Proposals (RFP) dated September 2, 2015 to procure the services to fabricate and install exhibits and complete all other work needed to convert existing space in the RJS Center into a Pinelands Visitor Center was prepared and advertised in the official newspapers of the Commission, and was posted on the Commission's website; and

**WHEREAS**, the RFP was mailed to 20 prospective bidders, and the Commission received four proposals prior to the receipt deadline of 3:00 p.m. on October 14, 2015; and

**WHEREAS**, a five-member evaluation committee composed of four members of the Pinelands Commission's staff and a representative from the Commission's Pinelands Educational Advisory Council met on October 19, 2015 and agreed to interview all of the prospective firms. The evaluation committee completed the interviews on November 19, 2015; and

**WHEREAS**, the evaluation committee met on November 25, 2015 to discuss the bids and interviews; and

**WHEREAS** during that time, the committee identified its top two candidates; and

**WHEREAS**, after a check of references and upon receipt of a Best and Final Offer from the top two candidates, the committee reconvened on December 15, 2015 to submit their evaluation scores; and

**WHEREAS** based on the firm's overall proposal and the responses from references, the committee recommended that the contract be awarded to Drill/Split Rock Studios of West Orange, NJ, in the amount of \$368,849; 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 Executive Director is authorized to enter into a contract with Drill/Split Rock Studios of 80 Main Street, Suite 570, West Orange, NJ, 07052 in the amount of \$368,849 to fabricate and install exhibits and to complete all other work necessary to create a Pinelands Visitor Center in the Richard J. Sullivan Center for Environmental Policy and Education.

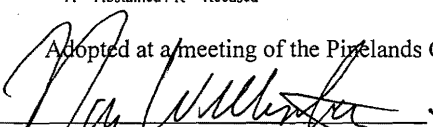
**Record of Commission Votes**

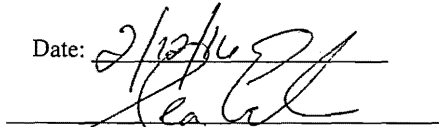
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun	X			DiBello			X	McGlinchey	X		
Avery	X			Galletta	2			Prickett	X		
Barr	X			Jannarone			X	Quinn	X		
Brown	X			Lloyd	X			Rohan Green	X		
Chila	X			Lohbauer	X			Earlen	X		

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: 2/12/10

  
 Nancy Wittenberg  
 Executive Director

  
 Sean W. Earlen  
 Chairman

RECOMMENDATION FOR CONTRACT AWARD  
Interpretive Exhibit Fabrication and Installation for the Pinelands Visitor Center  
Request for Proposal Number RFP-16-101  
Released on September 2, 2015

I. Recommendation

The Evaluation Committee recommends that the contract be awarded for all of the services specified in the September 2, 2015 Request for Proposal (RFP) to the firm of Drill/Split Rock Studios of 80 Main Street, Suite 570, West Orange, NJ, 07052

II. Background

A. Bid Responses

The Pinelands Commission received 4 bids by the closing date of October 14, 2015. All bids were deemed responsive and submitted to the Evaluation Committee for review.

The 4 bidders were:

<u>FIRM</u>	<u>PRICE</u>
Frederick G. Wohlgenuth	\$433,583
Dimensional Communications	\$352,000
Drill/Split Rock Studios	\$368,849
Lynch Exhibits	\$390,736

B. The members of the Evaluation Committee are:

Paul Leakan	Pinelands Commission
Joel Mott	Pinelands Commission
Donna Graham	Pinelands Commission
Ed Wengrowski	Pinelands Commission
Melanie Reding	JCNERR

Though not a member of the Evaluation Committee, Dawn Rago, RPPO was present at the meetings to facilitate, guide and take notes to document the meetings.

III. Evaluation

The Committee members evaluated the proposals using a 0-10 point system, with 10 being the highest score, for each of the three qualitative criteria included in the RFP. The criteria and their weights were as follows:

<u>Criteria</u>	<u>Weight</u>	<u>Calculation of Score</u>
Approach	60 %	Points x 6
Personnel Credentials/Qualifications	30 %	Points x 3
Cost	10 %	Points x 1

The Evaluation Committee met on October 19, 2015 to discuss the responses to the RFP and decided to conduct interviews with all of the prospective firms. The interviews were conducted on the following dates: Dimensional Communications on November 2, 2015, Wohlgemuth on November 17, 2015 and Drill/Split Rock Studios and Lynch on November 19, 2015.

#### A. Total Scores of the Proposals

Committee members were asked to report the total scores they calculated for each of the prospective firms. The results of the total scores are contained in Table 1.

Table 1: Total Scores of the Proposals

Firm	Committee Members Total Score for Each Proposal					Aggregate Score
Drill/Split Rock Studios	98	74	82	89	99	442
Lynch Exhibits	97	70	78	77	93	415
Frederick G. Wohlgemuth, Inc.	64	66	68	79	66	343
Dimensional Communications, Inc.	40	63	53	75	34	265

#### B. Separate Evaluation Criteria

Table 2 summarizes the members' scoring of each firm's approach to the project.

Table 2: Project Approach

Firm	Approach Score					Aggregate Score
Drill/Split Rock Studios	60	42	48	54	60	264
Lynch Exhibits	60	42	48	48	54	252
Frederick G. Wohlgemuth, Inc.	42	42	42	48	42	216
Dimensional Communications, Inc.	18	36	30	42	6	132

Table 3 summarizes the members' scoring of each firm's personnel credentials and qualifications

Table 3: Personnel Credentials/Qualifications

Firm	Personnel Credentials/Qualifications Score					Aggregate Score
Drill/Split Rock Studios	30	24	27	27	30	138
Lynch Exhibits	30	21	24	24	30	129
Frederick G. Wohlgemuth, Inc.	21	18	21	24	21	105
Dimensional Communications, Inc.	12	18	15	24	18	87

Table 4 summarizes the members' scoring of each firm's cost for the project

Table 4: Cost

Firm	Cost Score					Aggregate Score
Drill/Split Rock Studios	8	8	7	8	9	40
Lynch Exhibits	7	7	6	5	9	34
Frederick G. Wohlgemuth, Inc.	1	6	5	7	3	22
Dimensional Communications, Inc.	10	9	8	9	10	46

#### IV. Final Review and Conclusion

The Evaluation Committee completed the bidder interviews on November 19, 2015. On November 25, 2015 the members discussed their overall reactions to the interviews and proposals. It was concluded that the two top candidates were Drill/Split Rock and Lynch Exhibits. At this time, the members requested that Dawn Rago contact the references for these 2 firms and also send them a request for a Best and Final Offer. Once this was completed, the references and Best and Final Offer responses were distributed to the members for review.

In response to the request for a Best and Final Offer, Lynch Exhibits reduced their fee to \$379,014 and Drill/Split Rock reaffirmed its original bid of \$368,849.

The Evaluation Committee reconvened on December 15, 2015 to submit their individual evaluation scores and discuss the results.

Based on the firm's overall proposal and the responses from references, the Committee recommended that the contract be awarded to Drill/Split Rock Studios.

Prepared by: *Dawn M. Rago*  
Dawn Rago, Business Specialist

Date: 1-5-16

Approved: *Nancy Wittenberg*  
Nancy Wittenberg, Executive Director

Date: 1/5/16