



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

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, September 9, 2022 - 9:30 a.m.

This meeting will be held in-person and virtually

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

Watch the meeting on the Pinelands Commission YouTube channel:

www.youtube.com/c/PinelandsCommission

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 825 8997 5539

1. Call to Order

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

2. Adoption of Minutes

- August 12, 2022

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

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

Resolution Approving With Conditions (3) Applications for Public Development:

- Application No. 1984-1157.007 - Buena Regional Board of Education
 Construction of a 6,500 square foot building addition at the Buena Regional High School
 Buena Vista Township

- Application No. 1990-1104.003 - Buena Regional Board of Education
Construction of a 48-space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary School
Buena Vista Township
- Application No. 1991-1291.002 - Buena Regional Board of Education
Construction of a 10,780 square foot addition to the Milanese Elementary School and the expansion of an existing parking area
Buena Vista Township

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

- Application No. 1997-0257.020 - NJ Turnpike Authority
Improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway
Lacey Township

Resolution Approving With Conditions (3) Applications for Public Development:

- Application No. 1984-0509.003 - Pemberton Township
Construction of a playground and three docks at the Spring Lake Beach Park
Pemberton Township
- Application No. 1989-0349.022 - Pemberton Township
Installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of water main
Pemberton Township
- Application No. 2006-0440.001 - Pemberton Township Volunteer Fire Company
Construction of a 150-foot-tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building
Pemberton Township

Resolution Approving with Conditions (1) Application for a Waiver of Strict Compliance:

- Application No. 2020-0195.001 - Wrazen Homes, LLC
Single family dwelling
Stafford Township

B. Planning Matters

- Municipal Master Plans and Ordinances
 - Issuing an Order to Certify Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan
- 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. 1981-2437.018 – Atlantic County Vocational Technical School District
Construction of a 140,130 square foot three story building and a 97-space parking lot
Hamilton Township
- Application No. 1984-1157.008 – Buena Regional School District
Construction of a synthetic turf athletic field at the Buena Regional High School
Buena Vista Township
- Application No. 1988-0706.024 – Town of Hammonton
Construction of an 11-acre overland drip irrigation system for treated wastewater
Hammonton Town
- Application No. 2007-0318.001 – NJDEP, New Jersey Forest Service
Amended application for 1,305 acres of forestry and approximately 13 miles of forest
firebreak
Bass River & Little Egg Harbor Townships
- Application No. 2021-0112.003 – Pasadena Pemberton Solar Farm, LLC
Limited site disturbance to establish the limits of the Township landfill
Pemberton Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Franklin Township Ordinance O-18-22
- Monroe Township Ordinance O:14-2022
- South Toms River Borough Ordinance 22-2
- Waterford Township Ordinance 2022-14
- Winslow Township Ordinance O-2022-017
- Winslow Township Ordinance O-2022-018

7. Other Resolutions:

- To Authorize an Additional Extension of the Time Period for Atlantic County to Complete its Obligations Under the Secondary Impacts Agreement for Interchange 44 of the Garden State Parkway

- To Adopt the Pinelands Commission’s Fiscal Year 2023 Budgets for the Operating Fund, Katie Trust Fund, Fenwick Manor Preservation Fund, and the Pinelands Conservation Fund

8. Discussion of proposed forestry policies for submission to the New Jersey Forest Stewardship Task Force

9. General Public Comment

10. 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.)*

11. Adjournment

Upcoming Meetings

Fri., September 30, 2022	Policy & Implementation (P&I) Committee Meeting (9:30 a.m.)
Fri., September 30, 2022	Climate Committee Meeting (Immediately following the P&I Meeting)
Fri., October 14, 2022	Pinelands Commission Meeting (9:30 a.m.)

To ensure adequate time for all members of the public to comment, we will respectfully limit comments to three minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.

Pinelands Commission and Committee meeting agendas are posted on the Commission’s Website and can be viewed at www.nj.gov/pinelands/ for more information on agenda details, e-mail the Public Programs Office at Info@pinelands.nj.gov.

PINELANDS COMMISSION MEETING

MINUTES
August 12, 2022

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=ToM8RgXlgBY>

Commissioners Participating in the Meeting

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

Commissioners Absent

Dan Christy, Jane Jannarone, Ed Lloyd & Gary Quinn.

Call to Order

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

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

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

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's July 8, 2022 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the July 8, 2022 Commission meeting were adopted by a vote of 9 to 0.

Committee Reports

Commissioner Lohbauer provided a summary of the July 29, 2022 Pinelands Climate Committee Meeting:

The Committee voted to recommend that the Personnel & Budget Committee create an account as part of the FY 2023 budget for expenditures related to energy conservation improvements.

Staff delivered a presentation on potential climate-related Pinelands Comprehensive Management Plan (CMP) amendments.

Chair Matos provided a summary of the July 29, 2022 Policy and Implementation (P&I) Committee meeting:

The Committee was briefed on Pemberton Township Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan. The plan allows for 575 units of age-restricted housing in Pemberton's Regional Growth Area, with a 25% Pinelands Development Credit (PDC) requirement. The Committee voted to recommend certification by the full Commission.

The Committee was also briefed on Southampton Township Ordinance 2022-05, adopting the Red Lion Diner Non-Condensation Redevelopment Plan. The plan permits redevelopment of the existing Red Lion Diner and the two commonly owned parcels adjoining it. All new development must be served by an advanced wastewater treatment system and off-site lands must be preserved. The Committee voted to recommend certification by the full Commission.

Commission Environmental Specialist Branwen Ellis gave a presentation on the NJ Forest Stewardship Task Force, which draws together participants from government agencies, interest groups, and private citizens to reach a consensus on forestry policies for state lands. Key topics include herbicides, invasive species, carbon sequestration, climate change, and landscape diversity. Ms. Ellis noted her participation on three workgroups established by the Task Force: Climate; Ecological Health; and Forestry Legislation. Chuck Horner, Director of Regulatory Programs, then reviewed possible forestry policy proposals for the Committee's consideration.

Acting Executive Director's Report

Acting ED Grogan provided information on upcoming meetings:

- The Personnel & Budget Committee will meet on August 23, 2022 to discuss the FY 2023 Draft budget. The P&I Committee will hold a meeting on August 26, 2022. The PDC Bank will hold a virtual meeting on August 24, 2022. She noted

that the Bank's rules are set to expire and the Bank Board must meet to re-adopt its rules.

Acting ED Grogan provided an update on other matters:

- The PDC Bank is in the process of preparing its annual report. Former Commissioner Paul Galletta has chosen to participate in the PDC Program and recently severed credits from his farm in Atlantic County.
- The Kirkwood-Cohansey rules were submitted to the Office of Administrative Law (OAL) and will be published in the New Jersey Register on September 6, 2022, followed by a public hearing in October.

Acting ED Grogan introduced two new staff members that began working at the Commission in July. Johnny Paoline is a new Information Specialist, and he will perform a variety of functions in the Information Systems office. Charleen Cruz was hired to serve as the Commission's new Human Resources Manager.

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

- On July 13th, staff met with representatives of the New Jersey Department of Environmental Protection's (NJDEP) Forest Service and Forest Fire Service to discuss two applications from the summer of 2021. One application proposed the spot treatment of herbicide treatment to control invasive species at the Bass River Fire Tower. The other application proposed a 13-mile fuel break and 1,300 acres of forestry activities in Wharton State Forest. Neither application received eight votes to approve or deny. Different application approaches were discussed during the meeting. The NJDEP did raise concerns about fire safety after fighting numerous fires in Wharton State Forest earlier this summer. A pre-application conference is scheduled for next week and one or both applications may be before the Commission for action this fall.
- Earlier this year, the Commission certified a Tabernacle Township ordinance to allow for solar energy facilities. The Commission will be issuing a Certificate of Filing for an 11-acre solar facility application.

As noted in the July Management Report, staff members are reviewing two different applications for cannabis grow facilities and processing facilities.

- A coordination meeting has been scheduled with the New Jersey Department of Transportation (DOT) to discuss if any new measures such as DOT permission need to be put in place when an applicant is proposing development in a DOT right-of-way (ROW). The Commission has seen a recent uptick in development applications in DOT ROWs proposing signage, parking lots and utility extensions.

Commissioner Lohbauer suggested that at the next meeting with NJDEP Forest Fire Service, staff reiterate his objections to the use of glyphosate and concerns about ongoing snake studies in the vicinity of the proposed fuel break.

Commissioner Avery said he would like an assurance that when development occurs in a DOT ROW, no violation of a typical design section occurs. He said each state highway has a designated typical design section and permanent encroachments, other than signs, should not be permitted. He said the typical design section is adopted through a public process and if they are not adhered to, road improvements are much more costly.

Paul Leakan, Communications Officer, provided an update on the following:

- The 6th Annual Pinelands Summer Short Course was held on July 21st, and it was a success. He said 100% of the attendees who responded to the online, event evaluation survey said they would return next year. Staff is looking to hold the event on a Friday next year to generate more attendees.
- The Pinelands Orientation for Newly Elected Official was held on July 26th. Staff delivered three presentations, which can be viewed on the Commission's YouTube channel.
- Channel 6 Action News filmed a segment about the Jersey Devil in our exhibit area on August 11th. Mr. Leakan said he was interviewed during the segment, which will air closer to Halloween.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution for the creation of a grassland conservation and management area on a parcel in Atlantic County.

Commissioner Irick made a motion Approving With Conditions an Application for Public Development (Application Number 1984-1078.008) (See Resolution # PC4-22-27). Commissioner Pikolycky seconded the motion.

Ernest Deman of the Regulatory Programs office displayed an aerial of the site. He said the parcel is located in Hamilton Township, not far from the Atlantic City Expressway. He said South Jersey Transportation Authority (SJTA) was required by the amended Memorandum of Agreement to create 62 acres of critical habitat for two endangered bird species. He said structures from the parcel have already been removed. He noted that a good portion of the grassland management area is already grass habitat but a number of trees need to be removed from other areas. Some phragmites will be controlled and additional grassland planting will occur. The actual area seen outlined in red is 102 acres because the two bird species will not utilize habitat within 50 meters of a forest or tall structure.

Commissioner Lohbauer asked about the status of the frosted elfin butterfly habitat at the airport.

Stacey Roth, Chief, Legal & Legislative Affairs said SJTA has planted 9,000 wild indigo plants adjacent to the existing frosted elfin butterfly colony. She noted that it may be necessary for the United States Department of Agriculture biologists to hand carry the butterflies over to the new colony to get it acclimated.

The resolution was adopted by a vote of 9 to 0.

Chair Matos introduced a resolution for the construction of a twelve-space municipal parking lot in the Town of Hammonton.

Commissioner Irick made a motion Approving With Conditions an Application for Public Development (Application Number 1986-0944.008) (See Resolution # PC4-22-28). Commissioner Lohbauer seconded the motion.

Director Horner noted that the parking lot will be adjacent to the municipal building.

The resolution was adopted by a vote of 9 to 0.

Chair Matos introduced a resolution for the reconstruction of the existing main spillway at the Lake Lenape Dam.

Commissioner Irick made a motion Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0421.015) (See Resolution # PC4-22-29). Commissioner Lohbauer seconded the motion.

Director Horner said the Commission approved an application for the reconstruction of a secondary spillway associated with a former powerhouse a few months ago. He said the secondary spillway will be used as a temporary dam during the construction of the dam associated with this application.

Staff worked diligently with Atlantic County officials and NJDEP staff on the required freshwater wetlands general permit.

The resolution was adopted by a vote of 8 to 0. Commissioner Meade abstained from the vote.

Planning Matters

Chair Matos introduced a resolution related to a Pemberton Township Ordinance and Redevelopment Plan.

Commissioner Pikolycky made a motion Issuing an Order to Certify Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan. Commissioner Lohbauer seconded the motion.

Acting ED Grogan said the ordinance and redevelopment plan were discussed at length at last month's P&I Committee meeting. She said the redevelopment plan will permit a maximum of 575 age-restricted homes, which will all be constructed in the Regional Growth Area (RGA). She said the plan also includes a large portion of the Forest Area that will remain as open space. The redevelopment plan includes an open space requirement, a PDC requirement and an affordable housing requirement. She said this is an improved and simplified version of a 30-year-old zoning ordinance that never functioned. She said the number of units has decreased, as has the PDC obligation, and both are more realistic for the development to come to fruition and for PDCs to actually be redeemed.

She said another requirement of the plan is that all development must be designed to maximize passive solar heat gain. She said homeowners will have the option to install rooftop solar where appropriate. She added that she hopes to see other municipalities include similar energy efficiency requirements.

Commissioner Irick said he would be abstaining from the vote because he has concerns about the loss of trees associated with the development. He also said that PDCs are very important to Atlantic County and this application reduced the number of PDCs to be used. He said he would like to see other portions of Pemberton Township's RGA pick up the lost PDC opportunity caused by the redevelopment plan.

Acting ED Grogan offered some clarification related to PDCs in Pemberton Township and said staff remains comfortable that the redevelopment plan is consistent with the CMP. She said over the past 10 years Pemberton Township has adopted new RGA zoning and redevelopment plans that permit new housing and new PDC opportunities. An example is the old Rowan College at Burlington County site. She did note that the PDCs have not been replaced for a 1-to-1 ratio. She said 30 years ago the only opportunity for PDCs in Pemberton Township was the site subject of the redevelopment plan. It wasn't equitable or realistic. She said PDCs have been reduced as part of the redevelopment plan but the likelihood of PDCs being purchased by the developer and PDCs being redeemed at the site has increased.

She said the old zoning allowed for cluster development on the 300 acres in the Forest Area. Under the redevelopment plan, it will remain open space.

Commissioner Irick said his understanding is that some of the lost PDCs on this site have been picked up in other areas of Pemberton Township.

Acting ED Grogan said yes, some of the PDCs have been accommodated through the adoption of other redevelopment plans. She said it's important to note that PDCs are a mandatory requirement in these other redevelopment plans, just as they would be in the new Lakehurst Road Redevelopment Area.

Commissioner Lettman said she will be abstaining due to the loss of PDCs. She would have liked to have seen tables in the report related to potential PDC loss.

Acting ED Grogan said it's important that staff understand the precise concerns of Commissioners in order to gather the necessary information to share at the next meeting.

Commissioner Irick asked if the ordinance and redevelopment plan could be tabled today. He asked if staff could request that Pemberton Township increase PDC use at the redevelopment site.

Acting ED Grogan said that if the Commission voted to require such a change, that would be conveyed to the Township. She said the ordinance amendment and certification process would then need to be restarted. She noted that the PDC requirement in the redevelopment plan calls for 25% of 575 units. Staff continues to believe the PDC requirements in the redevelopment plan are consistent with the CMP.

Commissioner McCurry said that based on the discussion, he is not prepared to vote on the matter.

Acting ED Grogan asked Commissioners to please provide their questions in advance of the August 26th P&I Committee meeting. She said there are very specific timelines that are defined in the CMP for review and action on municipal ordinances. She said staff will prepare a chart to show the PDC calculation comparing the old and new zoning. She said the chart will show a decrease in PDC opportunities. She again emphasized that the PDC numbers associated with the old zoning were neither mandatory nor realistic. The new redevelopment plan requires significant PDC use at a more realistic level.

Commissioner Lohbauer asked if there is a developer for the site.

Acting ED Grogan confirmed that the Township has been working with a specific redeveloper.

Commissioner Lohbauer requested that the following questions be addressed at the August P&I Committee meeting. He asked for confirmation that there is adequate water and sewer to serve the development. He asked if there are any traffic studies that Commissioners should be aware of. Lastly, he asked about the secondary access road, if it is proposed in an open space portion of the site and if any trees would need to be cut down.

Commissioner Avery said it's important to note that the PDC program was strictly voluntary 30 years ago, and there was no guarantee that a developer would choose to increase density through the use PDCs. He said he supports the mandatory use of PDCs through redevelopment plans. He said this redevelopment plan will result in the purchase of PDCs, and that is necessary for the PDC program to work and will ultimately lead to the redemption of PDCs in Pemberton Township.

Acting ED Grogan said the PDC Bank Annual Report will demonstrate Commissioner Avery's point. The PDC program has become more successful and active through the mandatory PDC obligations defined in redevelopment plans.

Acting ED Grogan responded to Commissioner Lohbauer's questions. She said this is an actual, previously approved project and the developer has been working with the town for a number of years. She said staff will confirm the availability of water and sewer supply. She said the Township may require traffic studies. She said the access road is not something that is required by the Commission, but should it ever be developed, all CMP environmental standards would apply.

Acting ED Grogan stated that based on the discussion, there were not enough votes in favor of the Pemberton Township Ordinance and Redevelopment plan. The matter will be placed on the September 9th Commission meeting agenda for action. Staff will provide additional details regarding PDC opportunities in other portions of Pemberton Township's RGA at the August P&I Committee meeting. Chair Matos requested that if Commissioners have questions related to the redevelopment plan, they should reach out prior to the August P&I Committee meeting. A vote on the matter was not called.

Chair Matos introduced a resolution regarding the Red Lion Diner Redevelopment Plan.

Commissioner Lohbauer made a motion Issuing an Order to Certify Southampton Township Ordinance 2022-05, Adopting the Redevelopment Plan for the Red Lion Diner Redevelopment Area (See Resolution # PC4-22-30). Commissioner Irick seconded the motion.

Acting ED Grogan said this redevelopment plans consists of a 20-acre area in Southampton Township's Rural Development Area (RDA) along Route 70. The development will consist of the expansion of the Red Lion Diner and unknown commercial development on the adjacent two lots, all of which are located in the Highway Commercial Zone. All of the development is contingent on the replacement of the existing septic system with the use of an advanced wastewater treatment system, which will improve water quality significantly. She noted that because this plan is slightly modified from what the CMP permits, the redeveloper must identify and preserve other lands in Southampton's RDA. A deed restriction on those lands must be in place before any development can occur.

Acting ED Grogan said the redevelopment plan will improve water quality, direct commercial development along the circle and includes a land preservation component. Staff have been working with the town for a number of years and are recommending approval.

Commissioner McCurry said he would be abstaining because the future commercial businesses at the site have not been determined.

The resolution was adopted by a vote of 8 to 0. Commissioner McCurry abstained.

Commissioner McCurry left the meeting at 10:38 a.m.

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

Chair Matos read the list of Public Development and Waiver of Strict Compliance applications.

No one from the public provided comment.

Ordinances Not Requiring Commission Action

Acting ED Grogan read the list of Ordinances not requiring Commission action.

Commissioners did not raise any questions.

Presentation- Brotherton Reservation

Tony McNichol, a Commission Cultural Resources Planner, delivered a presentation on archaeological investigations at a portion of the 18th century Brotherton Reservation site in Shamong Township. The PowerPoint presentation and accompanying lecture provided a historic context for the establishment (and subsequent abandonment) of the reservation. In addition, Mr. McNichol provided details about a ground penetrating radar survey that was conducted at the site in late 2018, as well as preliminary trenching within areas of archaeological sensitivity in late April 2022. (See attached presentation slides.)

General Public Comment

Daniel Hornickel, who is the Pemberton Township Business Administrator, said the 2008 recession halted the development of the Lakehurst residential project. He said the town spent a lot of time working on the redevelopment plan and it's a shame it was not approved. He said Pemberton Township does not have any housing complexes dedicated to senior citizens. He said the Township recently met with the New Jersey Forest Fire Service to discuss the use of smart materials and fire breaks at the redevelopment site.

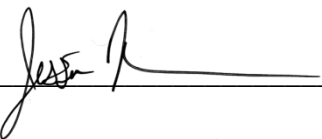
He said Pemberton Township supports Pinelands initiatives, but the wetlands encompass approximately 4,000 acres of Pemberton and when you add in the wetlands buffer, it becomes difficult to develop. He noted that the Commission's definition of wetlands is broader than NJDEP's. He suggested the Commission permit buffer averaging in the Regional Growth Area so that smart growth can occur. He said Pemberton Township needs handicap-accessible trails for the hundreds of disabled veterans who live in the municipality. He expressed frustration with attempting to get things done in Pemberton Township as a result of the Commission's regulations.

Shaun Giberson of Berlin Borough said he was seeking assistance with changing the zoning on a parcel along the White Horse Pike to preclude the development of a Dollar General store.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Irick seconded the motion. The Commission agreed to adjourn at 11:50 a.m.

Certified as true and correct:



Date: August 19, 2022



“PRELIMINARY
ARCHAEOLOGICAL
TRENCHING AT A
PORTION OF THE
BROTHERTON SITE”

An Eighteenth
and Early
Nineteenth
Century Lenape
Community in
Shamong
Township,
Burlington County

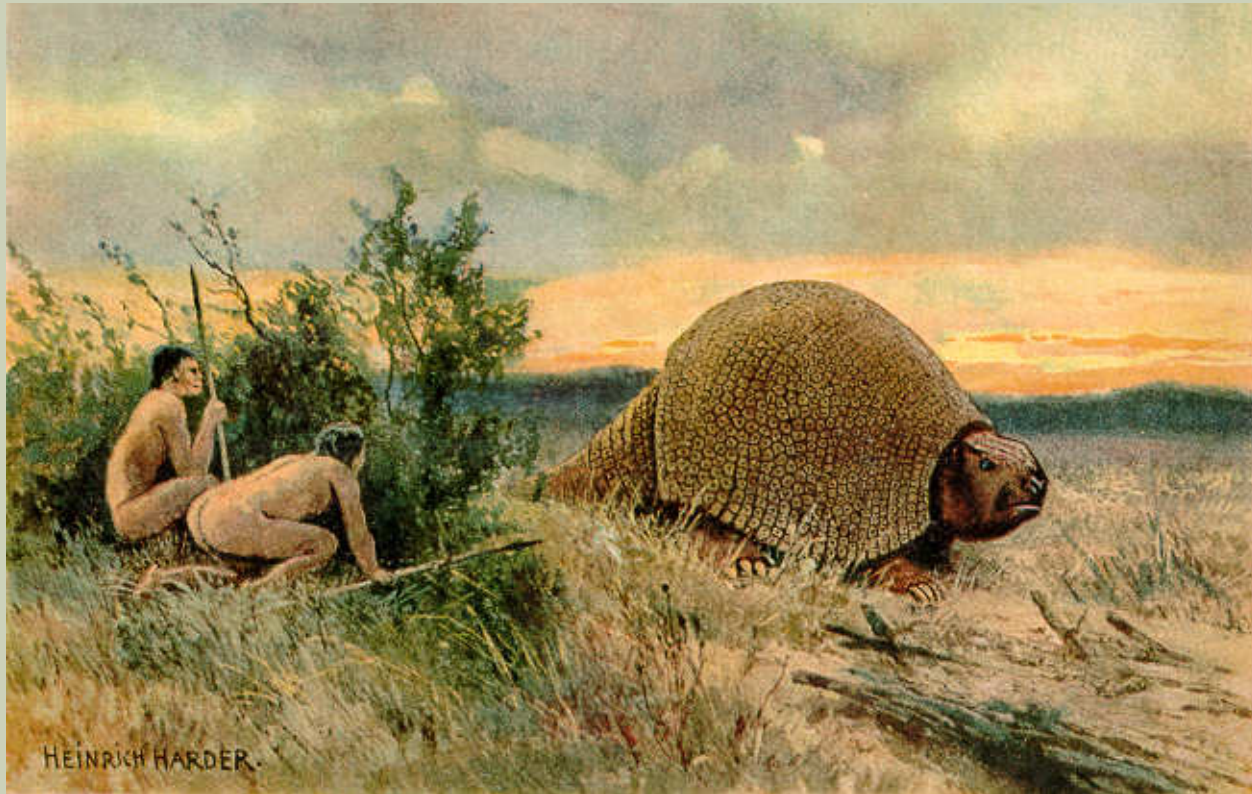
NEW JERSEY PREHISTORIC CHRONOLOGY

- **Paleo-Indian (12,000BP-8,000BP)**
- **Archaic Period (8,000BP-3,000BP) Early, Middle and Late**
- **Woodland (3,000BP-500BP) Early, Middle and Late**
- **Contact Period (European Encounters Increase In Frequency and Duration)**

'FLUTED' PALEO-INDIAN PROJECTILE POINT-NEW JERSEY SHORE



PALEO-INDIAN BIG GAME HUNTING



VERA CRUZ JASPER BOULDER/EMMAUS, PA



SOAPSTONE (STEATITE) VESSELS AND BROADSPEAR POINTS



LATE WOODLAND CERAMICS AND LEVANNA POINTS



GIOVANNI DA VERRAZZANO



DUTCH MASSACRE OF LENAPE AT HOBOKEN



MASSACRE OF INDIANS AT HOBOKEN.

THE GREAT AWAKENING-1730'S-1740'S



DAVID BRAINERD-1718-1747



DAVID BRAINERD MINISTERING TO THE MAHICAN



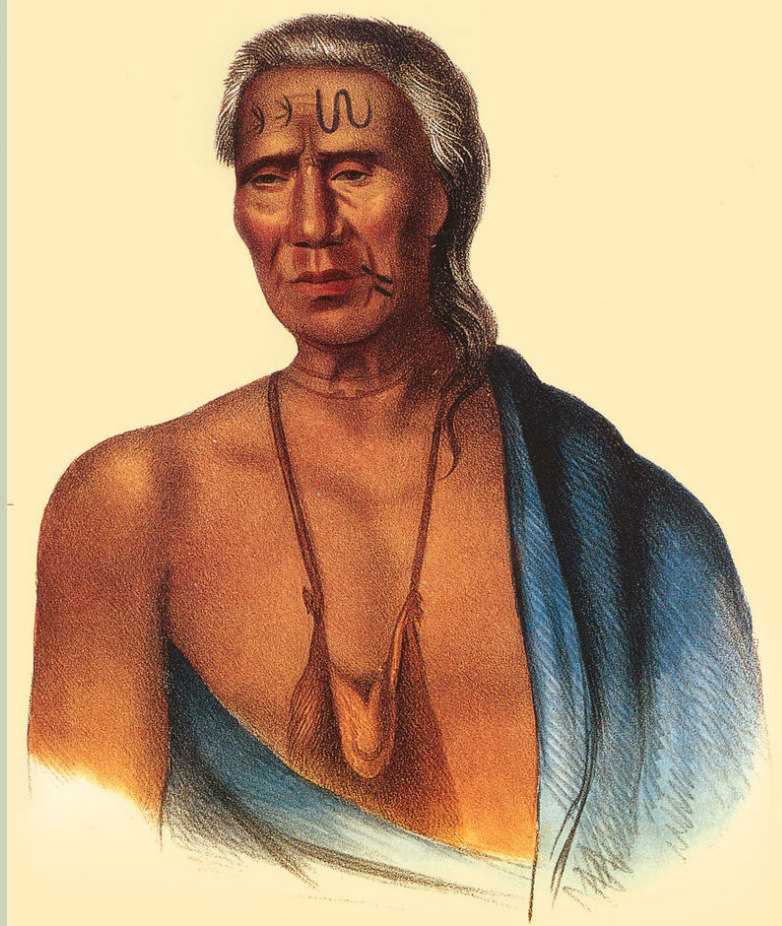
COMMEMORATIVE PLAQUE AT THE SITE OF THE INDIAN TOWN, BETHEL



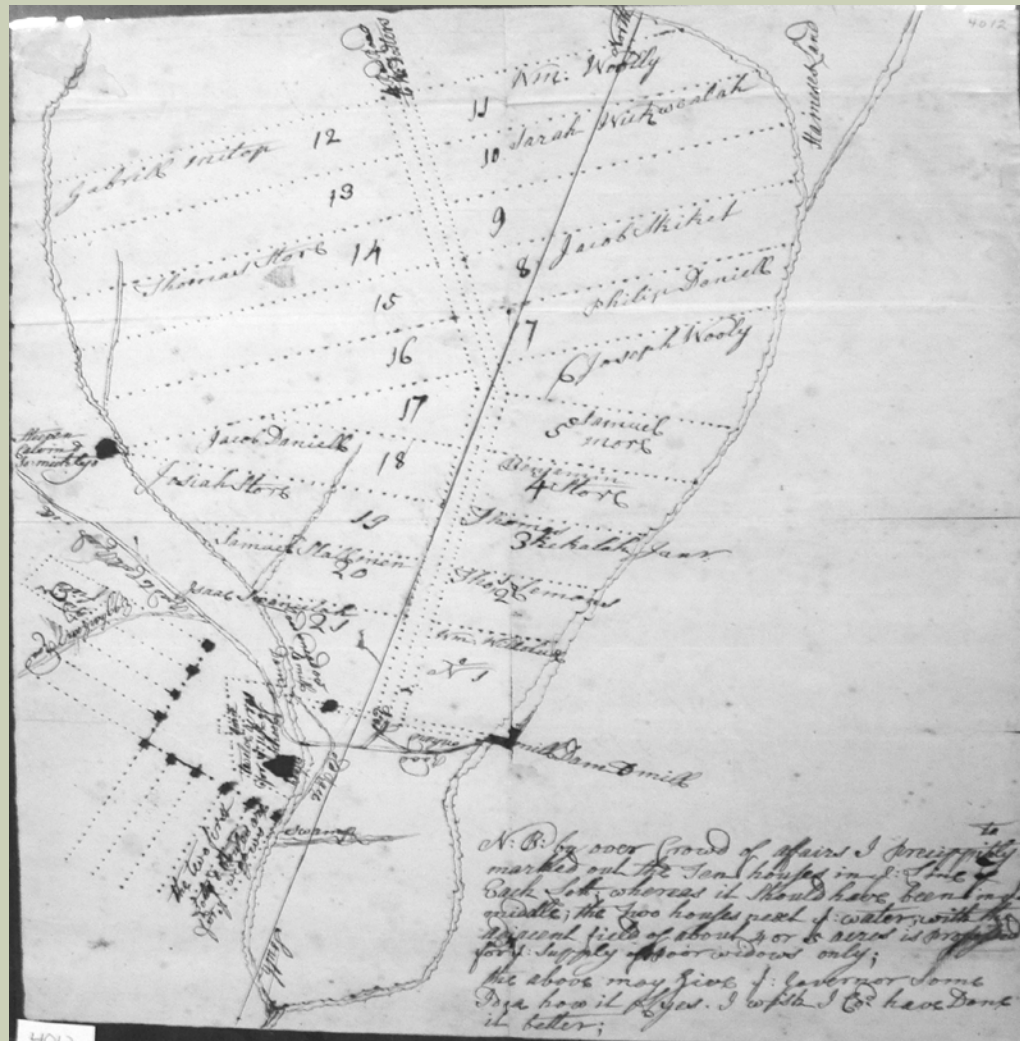
FRENCH AND INDIAN WAR/SEVEN YEARS WAR-1754-1763



LAPOWINSA-LENAPE CHIEF/GUSTAVUS HESSELIUS 1735



ORIGINAL SURVEY MAP OF BROTHERTON RESERVATION-1759



LEAVING BROTHERTON FOR STOCKBRIDGE



FEDERALLY RECOGNIZED LENAPE GROUPS

- Delaware Nation-Anadarko- Oklahoma
- Delaware Tribe of Indians- Bartlesville, Oklahoma
- Stockbridge Munsee Community- Bowler, Wisconsin



Because of the importance of this site to the Lenape, the Commission reached out to tribal representatives to ensure their participation in any decision-making vis a vis identification and testing strategies proposed on the parcel.

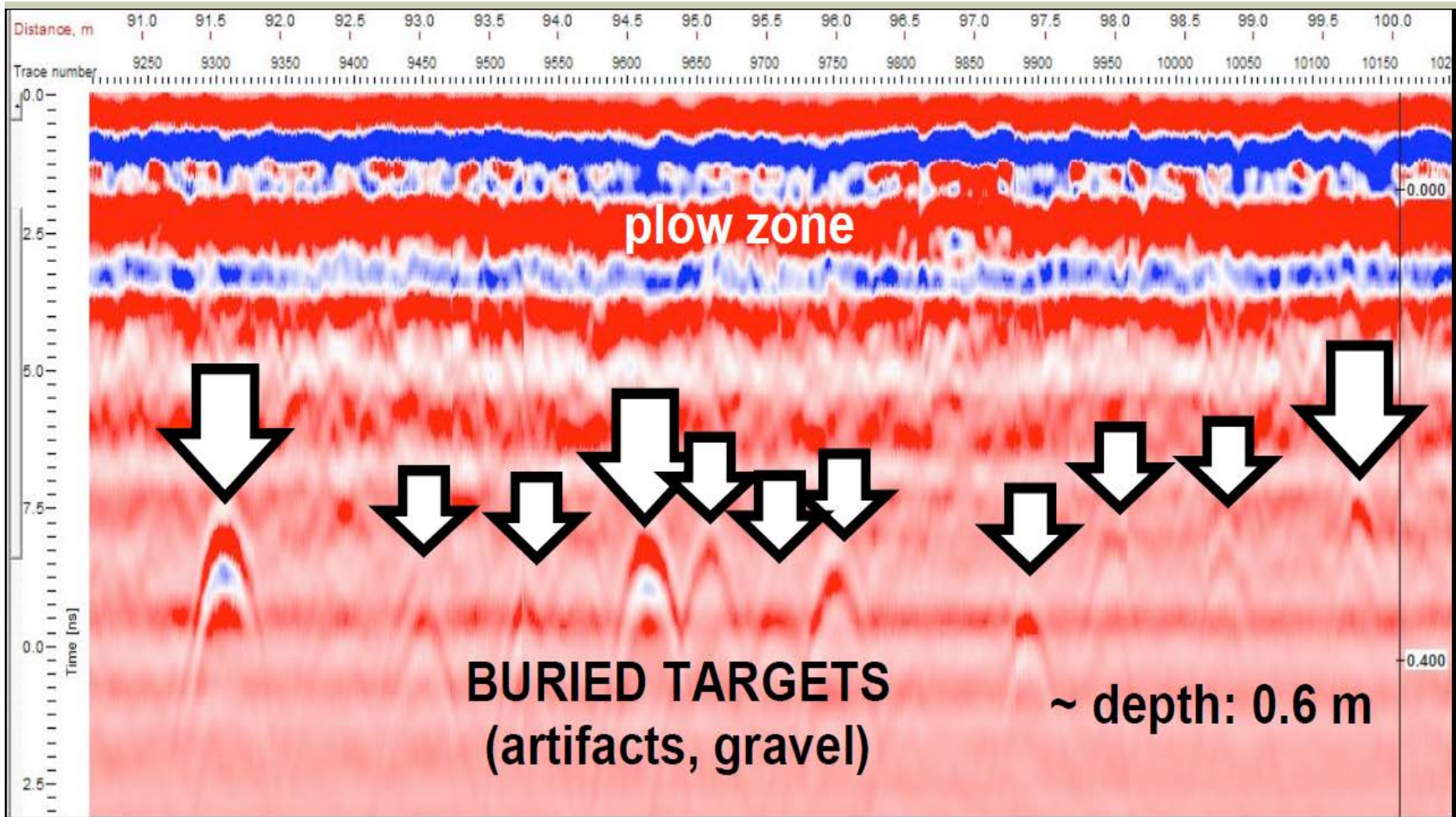
ARRANGEMENT OF CABIN LOTS EXTRAPOLATED FROM 18TH CENTURY SURVEY



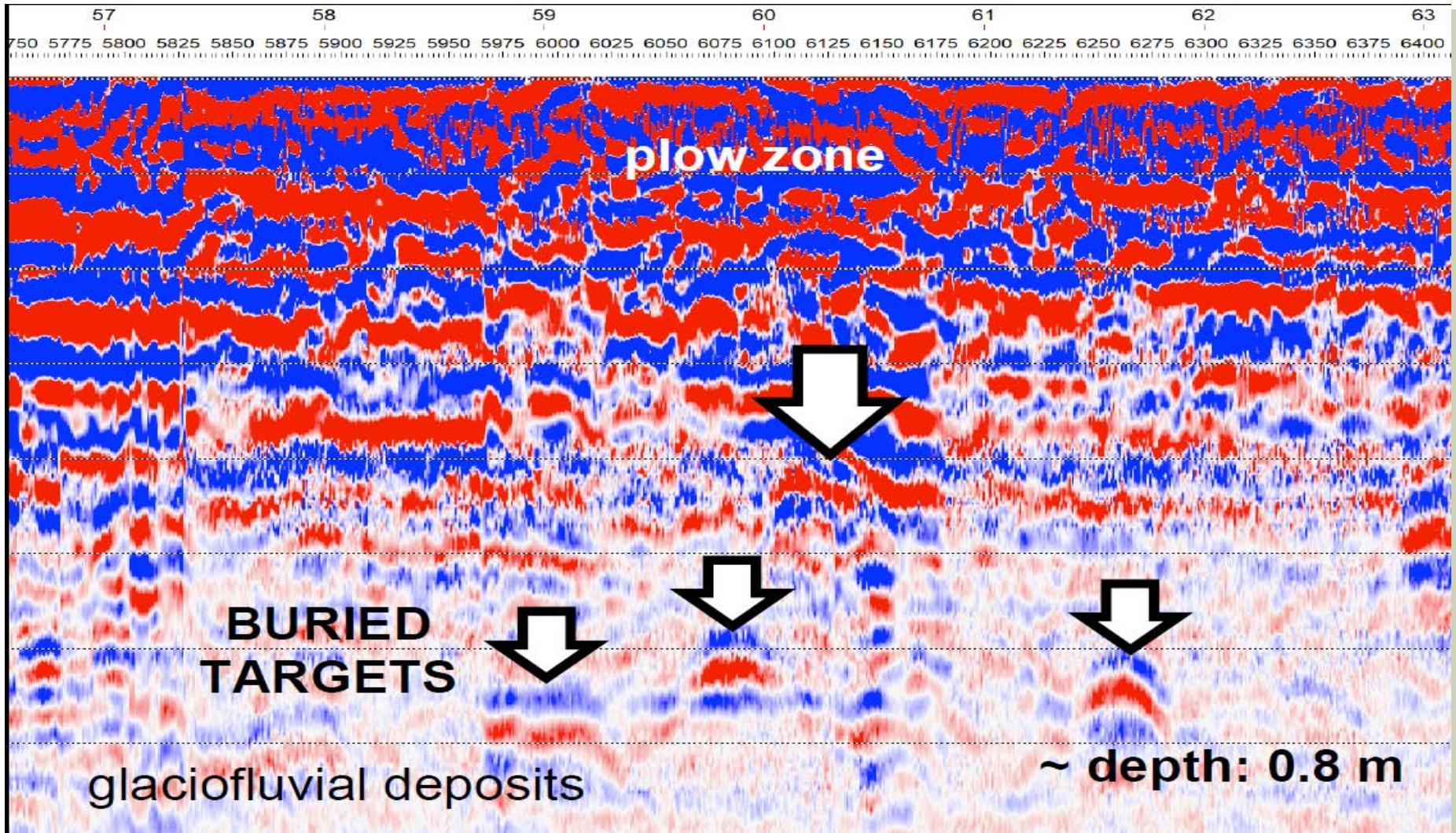
GPR WORK AT BROTHERTON



SUBSURFACE HYPERBOLA-NE FIELD



SUBSURFACE HYPERBOLA-SE FIELD



BROTHERTON PARCEL-VIEW WEST



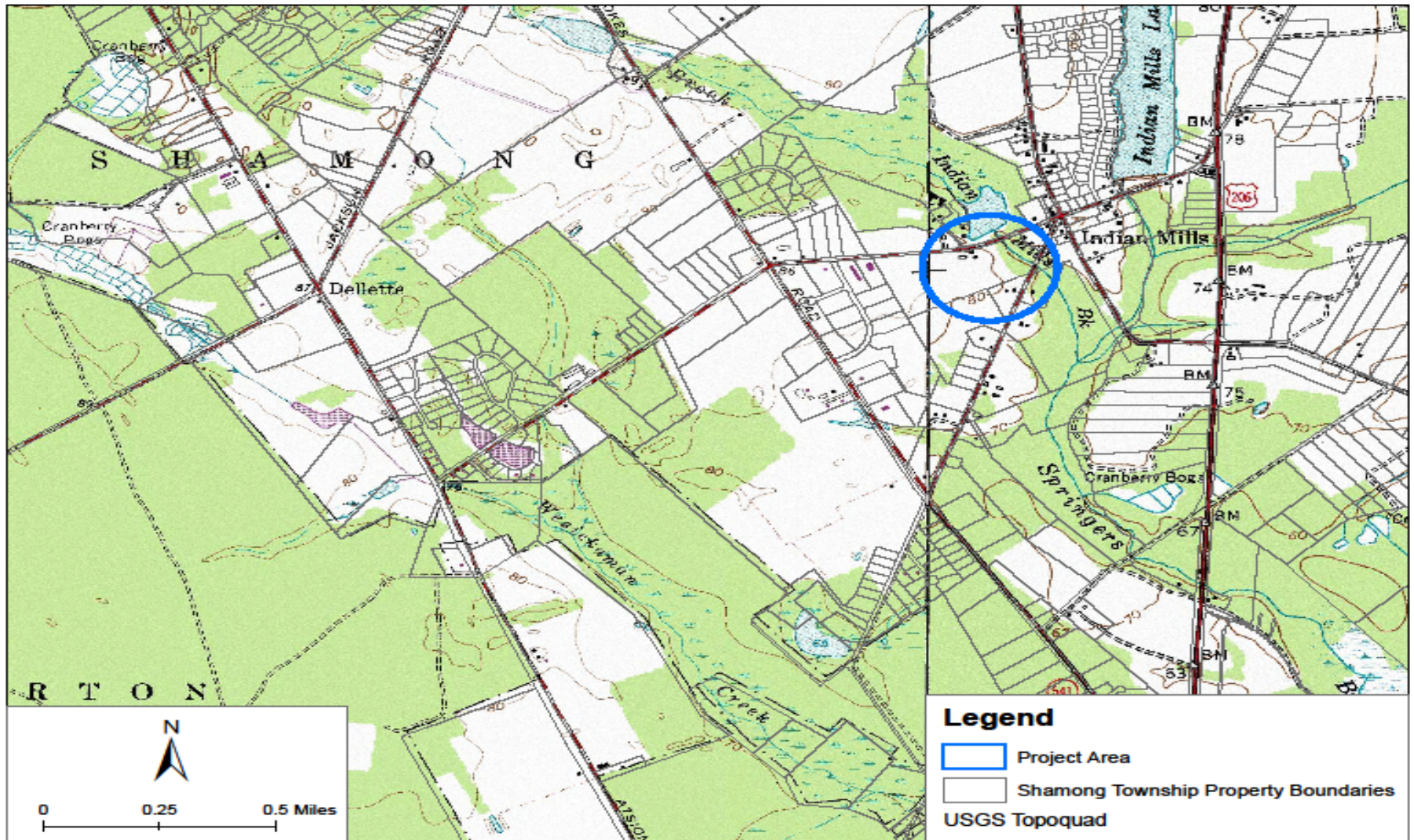
GPR ANOMALY MARKERS



SUNSET AT THE PROJECT AREA



PROJECT AREA-GENERAL LOCATION



LOCATION OF TEST TRENCHES 1-6



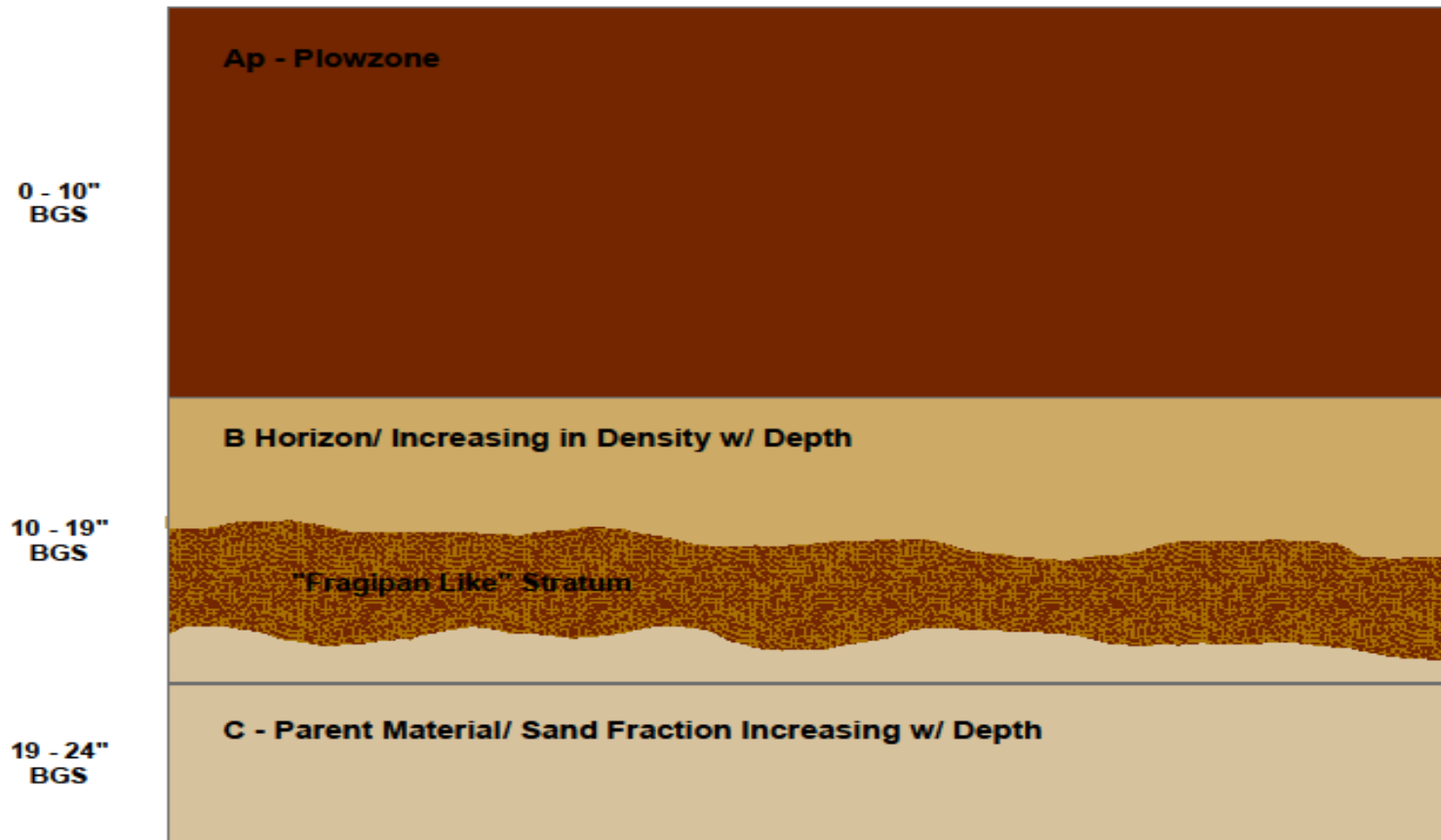
INDIAN MILLS ELEMENTARY SCHOOL



INDIAN MILLS ELEMENTARY SCHOOL



GENERALIZED SITE SOIL PROFILE



Generalized Soil Profile for Trenches 1 - 6

OLD WIZENED DATUM TREE



REBAR SITE DATUM



SPRINGERS BROOK



SITE FENCING AND TRENCHING AREA



BACKHOE WITH FLAT BLADE



TRENCH 3-OPENING EXCAVATION



TRENCH 3-PLOWZONE REMOVAL



TRENCHES 1-3 IN PROGRESS



TRENCH 6-IN FARM ROAD SOUTH



TRENCH 6-INITIAL EXCAVATION



FEATURE 4-INITIAL DISCOVERY



TRENCH 2-IN PROGRESS



TRENCH 2-FEATURE 3



MAPPING IN FEATURES



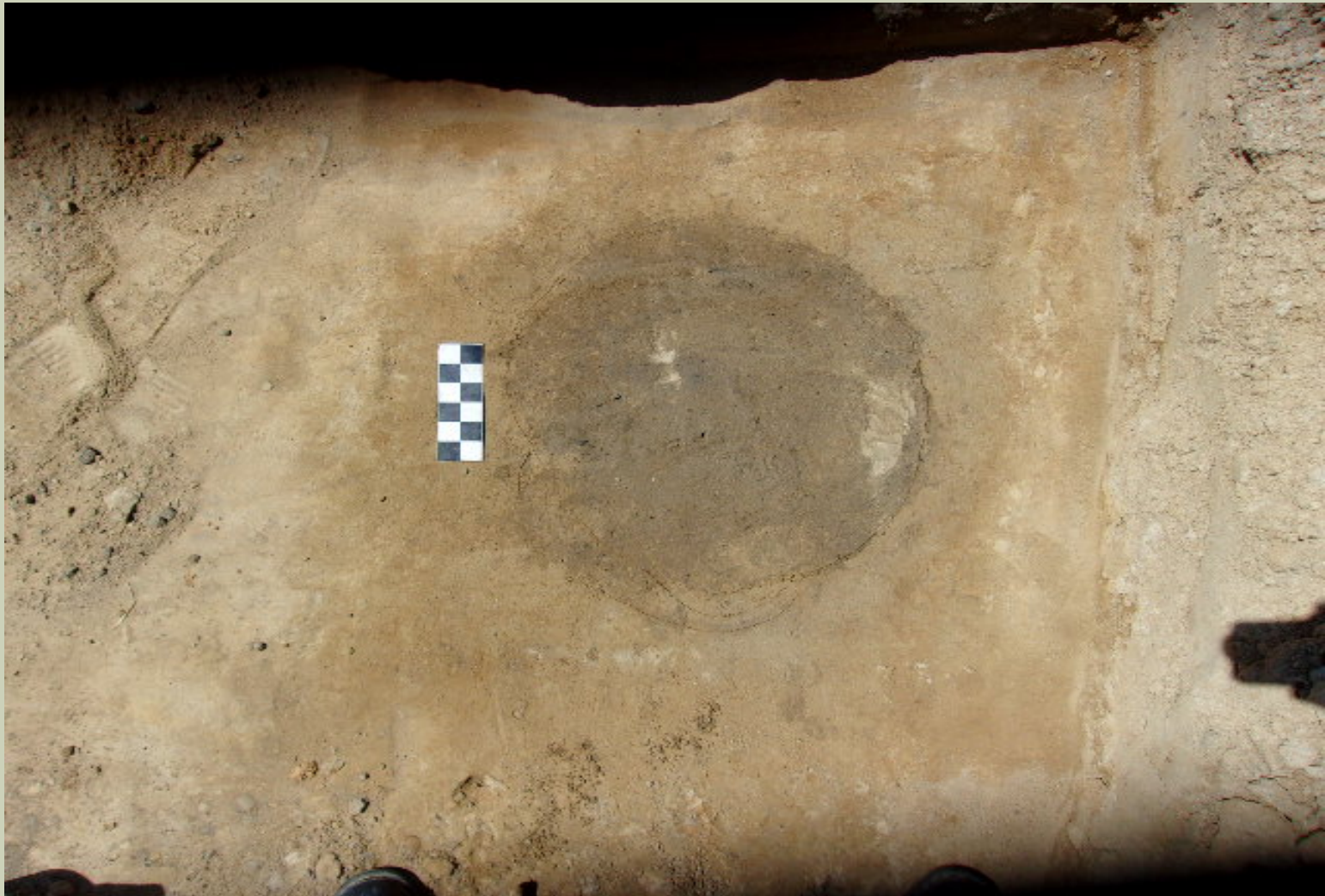
TRENCH 1-FEATURE 1



TRENCH 2-FEATURE 2



TRENCH 2-FEATURE 2



STRUCTURAL STAIN-ST. AUGUSTINE FLA.



TRENCH 2-FEATURE 3



TRENCH 5-FEATURE 4



TRENCH 5-FEATURE 4



MY FIELD BAG AS IRONIC STATEMENT ON EXISTENTIAL ENNUI AND CLOSURE



BACKFILLING OF TRENCHES





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-27

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1984-1078.008)

Commissioner Irick moves and Commissioner Pikolycky seconds the motion that:

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

1984-1078.008

Applicant:	South Jersey Transportation Authority
Municipality:	Hamilton Township
Management Area:	Pinelands Forest Area Pinelands Rural Development Area
Date of Report:	July 22, 2022
Proposed Development:	Establishment of a 102.6 acre grassland conservation and management area

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1984-1078.008 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 12, 2022

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

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

July 22, 2022

Stephen Mazur, PP, PE, CME (via email)
South Jersey Transportation Authority
PO Box 351
Hammonton, NJ 08037

Re: Application # 1984-1078.008
Block 591, Lot 1.02
Block 864, Lot 15
Hamilton Township

Dear Mr. Mazur:

The Commission staff has completed its review of this application for the establishment of a 102.6 acre grassland conservation and management area on the above referenced 233.3 acre parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2022 meeting.

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

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

Sincerely,

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

Enc(2):Appeal Procedure
7/8/22 Public Comment Letter

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)
Anthony Velazquez (via email)
Rhyan Grech (via email)



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Lt. Governor

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

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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2022

Stephen Mazur, PP, PE, CME (via email)
South Jersey Transportation Authority
PO Box 351
Hammonton, NJ 08037

Application No.: 1984-1078.008
Block 591, Lot 1.02
Block 864, Lot 15
Hamilton Township

This application proposes the establishment of a 102.6 acre grassland conservation and management area located on the above referenced 223.3 acre parcel in Hamilton Township.

On February 26, 2004, the South Jersey Transportation Authority (SJTA) and the Pinelands Commission entered into a Memorandum of Agreement (MOA) to facilitate the development of certain projects at the Atlantic City International Airport. The development projects were specified in the MOA. The Commission determined that the construction of the MOA specified development projects would result in a significant adverse impact on habitats that are critical to the survival of local populations of Uplands sandpiper (endangered species) and Grasshopper sparrow (threatened species). In accordance with the requirements of the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.52(c)2), to provide an equivalent level of protection to the resources of the Pinelands, the MOA required the SJTA to create and enhance 290 acres of grassland at the Atlantic City International Airport for Uplands sandpiper and Grasshopper sparrow.

Subsequent to Commission approval of the MOA, the SJTA submitted documentation to the Pinelands Commission addressing concerns related to possible wildlife strikes by aircraft at the Atlantic City International Airport. The documentation included letters from the Federal Aviation Administration, United States Department of Agriculture and the Commander of the New Jersey National Guard stationed at the Atlantic City International Airport.

On April 16, 2019, the SJTA and the Pinelands Commission executed an amendment to the February 26, 2004 MOA. The MOA amendment authorized SJTA to mow the 290 acres of enhanced grassland at the Atlantic City International Airport. Such mowing would discourage nesting of Uplands sandpiper and Grasshopper sparrow. The MOA amendment required that the SJTA acquire land within the Pinelands and create a grassland conservation and management area consisting of at least 62 acres of potential critical habitat for Upland sandpiper and Grasshopper sparrow on that acquired land. The MOA amendment also required that the new grassland conservation and management area be preserved in

perpetuity through the recordation of a conservation deed restriction.

The two concerned bird species tend to avoid utilizing suitable grassland habitats if those habitats are located within 50 meters of any forest edge or structure. To create at least 62 acres of potential critical habitat, the applicant will be removing all woody vegetation from a 102.6 acre portion of the 223.3 acre parcel. The removal of all woody vegetation from the 102.6 acres results in 63.4 acres of potential critical habitat that is located at least 50 meters from a forested edge or structure.

The proposed 102.6 acre grassland conservation and management area is currently comprised of grassland, successional red cedar and pitch pine trees and approximately 1.75 acres of mature forest. After removal of all woody vegetation and soil tilling, the 102.6 acres will be seeded with a grass seed mixture previously approved in the February 26, 2004 MOA for the creation of the grassland conservation and management area at the Atlantic City International Airport.

The area where the proposed grassland conservation and management area will be established previously contained a dwelling and six agricultural structures. The dwelling and six agricultural structures were all less than 50 years old. The seven structures have been demolished. The demolition of a structure less than 50 years old does not require an application to the Commission.

STANDARDS

The Commission staff has reviewed the proposed grassland conservation and management area 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. 7:50-5.23 (b)9 & 5.26(d))

The parcel is located in a Pinelands Forest Area (109.7 acres) and a Pinelands Rural Development Area (113.6 acres). The proposed wildlife habitat management is permitted in a Pinelands Forest Area and Pinelands Rural Development Area.

Wetlands Standards (N.J.A.C. 7:50-6.10(a) & (c))

There are approximately 10 acres of wetlands located within the 102.6 acre proposed grassland conservation and management area. These wetlands are mainly herbaceous wetlands, consisting of sedges and rushes with sparse pockets of successional red cedar and pitch pine trees. The wetlands are located within an area on the parcel previously utilized as horse pasture. To eliminate visual obstructions within the 102.6 grassland conservation and management area, the applicant will be removing the successional red cedar and pitch pine trees located in wetlands and the required buffer to wetlands. The CMP (N.J.A.C. 7:50-6.10(c)) allows for wildlife management activities within wetlands and the required buffers to wetlands. With the conditions recommended below, the proposed wildlife management activities within wetlands and the required buffer to wetlands will be consistent with the CMP wetlands protection standards.

Several of the herbaceous wetlands have pockets of dense Phragmites. The applicant proposes to control the stands of Phragmites by either placing permeable "weed blocker" fabric over the areas and leaving the fabric in place for two years to prevent further growth or by mechanical mowing the areas during the non-breeding season for the two concerned bird species. If mechanical mowing is utilized, the areas of Phragmites will be maintained at a height of no more than 16 inches by hand cutting during the

Uplands sandpiper and Grasshopper sparrows breeding seasons. The CMP (N.J.A.C. 7:50-6.10(a)) allows for the removal of Phragmites from wetlands and the required buffer to wetlands. With the conditions recommended below, the proposed Phragmites control within wetlands and the required buffer to wetlands will be consistent with the CMP wetlands protection standards.

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

The proposed grassland conservation and management area will be located within grassland, successional growth red cedar and pitch pine trees and approximately 1.75 acres of mature forest. The proposed clearing of woody vegetation and soil tilling of the 102.6 acres in preparation for grassland seeding is limited to that which is necessary to accommodate the establishment of the proposed grassland conservation and management area.

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 native Pinelands grass seed mixture approved in the February 26, 2004 MOA for the creation of the grassland conservation and management area.

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

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

PUBLIC COMMENT

The applicant has provided the required public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on May 9, 2022. Newspaper public notice was completed on May 12, 2022. The application was designated as complete on the Commission's website on June 28, 2022. The Commission's public comment period closed on July 8, 2022. The Commission received one public comment (enclosed) regarding this application.

Public Comment: The commenter questioned whether the disturbance of 10 acres of wetlands is consistent with CMP wetlands protection standards. The commenter also questioned the status of the MOA required deed restriction on the grassland conservation and management area and the MOA required creation of the frosted elfin butterfly habitat at the Atlantic City International Airport. The commenter further questioned whether the MOA had been suspended and, if so, whether the suspension been lifted. If the suspension has been lifted, the commenter questioned whether mowing and other activities at the Atlantic City International Airport have been allowed to resume. Lastly, the commenter inquired as to whether an equivalent level of protection to the resources of the Pinelands has been provided to the frosted elfin butterfly, the Upland sandpiper and the Grasshopper sparrow as required by the MOA.

Staff Response: The CMP (N.J.A.C. 7:50-6.10(c)) allows for the disturbance of wetlands and the required buffers to wetlands for wildlife management activities provided certain conditions are met. The CMP (N.J.A.C. 7:50-6.10(a)) also allows for the removal of Phragmites from wetlands and wetlands buffer provided certain conditions are met. With the recommend conditions of approval contained in this Report, the

proposed disturbance of wetlands and wetlands buffers is consistent with the CMP wetland protection standards.

Based upon Commission Resolution No. PC4-22-03 approved on January 14, 2022, the MOA required deed restriction on the grassland conservation and management area must be imposed by April 16, 2023. Commission Resolution No. PC4-22-03 also provides that the deadline for completion of the frosted elfin butterfly habitat was extended until April 16, 2023. However, as of June 2022, the applicant has created 13.5 acres of frosted elfin habitat at the Atlantic City International Airport and has planted over 4,000 Wild Indigo plants within the 13.5 acres. Based upon Commission approval of Resolution No. PC4-22-03, the MOA is not suspended. Based upon Resolution No. PC4-22-03, mowing of the former grassland conservation and management area at the Atlantic City International Airport is permitted and development can proceed in accordance with the requirements of the MOA. The Commission found through approval of the MOA on February 26, 2004 and the approval of the First Amendment to that MOA on April 16, 2019 that an equivalent level of protection to the resources of the Pinelands has been provided to the frosted elfin butterfly, the Upland sandpiper and the Grasshopper sparrow.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of one sheet, prepared by AECOM, undated and revised May 20, 2022.
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.
4. By April 16, 2023, the South Jersey Transportation Authority shall provide to the Pinelands Commission a recorded copy of the deed of conservation restriction for the proposed 102.6 acre grassland conservation and management area.
5. The South Jersey Transportation Authority shall complete the establishment of the grassland conservation and management area subject of this approval by April 16, 2024.
6. On January 1st of 2025 and then every year thereafter on January 1 until 2030, the South Jersey Transportation Authority shall submit a report to the Commission regarding all activities to establish and maintain the grassland conservation and management area that have occurred in the prior year. The report shall also provide a breakdown of the existing vegetative coverage of the grassland conservation and management area. The report shall further provide the results of a survey completed during the breeding seasons for Upland sandpiper and Grasshopper sparrow noting the presence or absence of the two concerned threatened or endangered species.

7. To address the CMP required conditions for wildlife management activities in wetlands and the required buffer to wetlands, the South Jersey Transportation Authority shall monitor the establishment of the grassland conservation and management area in wetlands and the required buffer to wetlands and on January 1, 2030 submit to the Commission a report documenting the outcome of the proposed establishment of grasslands in the wetlands and the required buffer to wetlands.
8. To address the CMP required conditions for Phragmites removal from wetlands and the required buffer to wetlands, the South Jersey Transportation Authority shall monitor and submit to the Commission on January 1, 2030 a report addressing the outcome of the proposed Phragmites removal in wetlands and wetland buffers.

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

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 August 9, 2022 and include the following information:

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

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



PINELANDS
PRESERVATION
ALLIANCE

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17 Pemberton Rd
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609-858-8860

ppa@pinelandsalliance.org
www.pinelandsalliance.org

July 8, 2022

New Jersey Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

RE: Application No. 1984-1078.009 – South Jersey Transportation Authority

Dear Chairwoman Matos and Pinelands Commissioners,

I would like to comment on the application for the establishment of a threatened and endangered avian grassland conservation area by South Jersey Transportation Authority (SJTA). The site of the proposed habitat currently consists of approximately 10 acres of wetlands that appear at risk for disturbance during the construction activities. SJTA must adhere to the wetlands protection standards of the Comprehensive Management Plan (CMP) by not performing development activities within wetlands and the 300-foot wetlands buffer. I urge the Pinelands Commission to hold this applicant to those standards.

The Pinelands Commission last publicly discussed the Memorandum of Agreement (MOA) with SJTA, and the lack of compliance with that MOA, at the January 2022 meeting. Yet another extension was granted to SJTA then, as they had missed their already extended deadlines that were established in the 2019 Amended MOA to the 2004 MOA, all of which allowed variance on top of variance. At this point, what is the status of the creation of the frosted elfin butterfly habitat at the Atlantic City Airport, and the conservation deed restriction that was to be recorded for the new grassland habitat? During the January meeting, the Pinelands Commission considered SJTA out of compliance with the MOA, and subsequently development activities under the MOA were suspended, including the mowing of the original grassland habitat area at the airport. That mowing was due, per the schedule established by the Amended MOA, in the spring. At this point, has the Commission lifted that suspension and allowed mowing and other activities to resume?

N.J.A.C. 7:50-4.52(c)2 states that “the Commission may enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of N.J.A.C. 7:50-5 and 6, provided such agency demonstrates and the Commission finds that variation from the standards of this Plan is accompanied by measures that will, **at a minimum, afford an equivalent level of protection** of the resources of the Pinelands than would be provided through a strict application of the standards of this Plan.” (emphasis added).

I ask the Commission: since April of 2019, have the threatened and endangered species (the frosted elfin butterfly, the upland sandpiper and the grasshopper sparrow) at the heart of these ongoing timeline extensions, amendments and violations of agreement terms with SJTA been afforded, at minimum, an equivalent level of protection as they would have had SJTA complied with the standards of the CMP? If that answer is no, then SJTA is in violation of the terms of their MOA.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Rhyan Grech". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rhyan Grech
Policy Director
Pinelands Preservation Alliance



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-28

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1986-0944.008)

Commissioner Irick moves and Commissioner Lohbauer seconds the motion that:

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

1986-0944.008

Applicant:	Town of Hammonton
Municipality:	Town of Hammonton
Management Area:	Pinelands Town
Date of Report:	July 21, 2022
Proposed Development:	Construction of a twelve space municipal parking lot.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1986-0944.008 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 12, 2022

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



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

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

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

July 21, 2022

Stephen DiDonato, Mayor (via email)
Town of Hammonton
100 Central Ave.- Town Hall
Hammonton NJ 08037

Re: Application # 1986-0944.008
Block 2811, Lots 6, 7 & 9
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for construction of a twelve space municipal parking lot. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure
c: Secretary, 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 Risley (via email)



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

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

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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 21, 2022

Stephen DiDonato, Mayor (via email)
 Town of Hammonton
 100 Central Ave.- Town Hall
 Hammonton NJ 08037

Application No.: 1986-0944.008
 Block 2811, Lots 6, 7 & 9
 Town of Hammonton

This application proposes construction of a twelve space paved municipal parking lot on the above referenced 1.21 acre parcel in the Town of Hammonton. The proposed parking lot will be located on Block 2811, Lot 6. The Town of Hammonton municipal building is located on Block 2811, Lots 7 and 9. The proposed parking lot will serve the municipal building.

On May 14, 2021, the Commission approved the demolition of a former industrial building located on Block 2811, Lot 6 (App. No. 1986-0944.007). The former industrial building has not yet been demolished.

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.

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

The proposed development will be located within an existing developed area and a maintained lawn 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.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on May 5, 2022. Newspaper public notice was completed on May 7, 2022. The application was designated as complete on the Commission's website on June 23, 2022. The Commission's public comment period closed on July 8, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., all sheets dated January 2022 and last revised April 27, 2022.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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

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

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 8, 2022 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 29

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0421.015)

Commissioner Irick moves and Commissioner Lohbauer seconds the motion that:

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

1990-0421.015

Applicant: Atlantic County
Municipality: Hamilton Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 13, 2022
Proposed Development: Reconstruction of the existing main spillway at the Lake Lenape Dam.

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

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

WHEREAS, the Pinelands Commission hereby determines that the proposed public development and Certificate of Appropriateness both conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Acting Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0421.015 for public development and a Certificate of Appropriateness is hereby approved subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

Table with 16 columns (Ave, Nay, NP, A/R*) and 5 rows of member names and their corresponding votes.

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 12, 2022

Susan R. Grogan signature

Susan R. Grogan
Acting Executive Director

Laura E. Matos signature

Laura E. Matos
Chair



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



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

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

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

July 13, 2022

Douglas R. DiMeo, PE (via email)
Atlantic County
PO Box 719
Northfield NJ 08225

Re: Application # 1990-0421.015
Block 730, Lots 5.01, 5.02 & 8
Hamilton Township

Dear Mr. DiMeo:

The Commission staff has completed its review of this application for the reconstruction of the existing main spillway at the Lake Lenape Dam. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Matthew Lunemann, PE (via email)
Haddon Antonucci (via email)



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

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

PUBLIC DEVELOPMENT APPLICATION REPORT
AND
CERTIFICATE OF APPROPRIATENESS

July 13, 2022

Douglas R. DiMeo, PE (via email)
Atlantic County
PO Box 719
Northfield NJ 08225

Application No.: 1990-0421.015
Block 730, Lots 5.01, 5.02 & 8
Hamilton Township

This application proposes to reconstruct the existing main spillway at the Lake Lenape Dam located on the above referenced 6.15 acre parcel in Hamilton Township.

The applicant has indicated that the existing Lake Lenape Dam is deteriorating and the dam does not have enough capacity to safely pass the routed spillway design flood. The proposed development is intended to address the deteriorating condition of the existing spillway and to mitigate upstream flooding conditions by bringing the spillway into compliance with current dam design standards.

On January 14, 2022, the Commission approved an application for the replacement of two existing water control slide gates associated with a second spillway at Lake Lenape (App. No. 1990-0421.013). During reconstruction of the existing main dam spillway, the second spillway that directs water to an existing powerhouse building will provide an alternate method of controlling the lake level.

STANDARDS

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

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

The proposed reconstruction of the existing main spillway is located in a Pinelands Regional Growth Area. The proposed reconstruction of the existing main spillway is permitted in a Pinelands Regional Growth Area.

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

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

The proposed main spillway reconstruction will be located within wetlands and the required buffer to wetlands. The proposed main spillway reconstruction will result in the disturbance of approximately 0.855 acres of wetlands. The CMP permits linear improvements, such as dams, in wetlands and the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed reconstruction of the main spillway that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to wetlands. In addition, the reconstruction of the main dam spillway will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The proposed main spillway reconstruction is necessary to address the poor condition of the existing spillway and to mitigate upstream flooding conditions by bringing the spillway into compliance with current dam design standards. The applicant has demonstrated the need for the proposed reconstruction of the main spillway overrides the importance of protecting the concerned wetlands.

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

The proposed development will be located within an existing developed area and open water. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

The Lake Lenape Dam is located in the Mays Landing Historic District. The dam and the powerhouse building were constructed in the 1920s to provide hydroelectric power to a nearby cotton mill.

Based upon its listing in the National and State Registers of Historic Places, the Mays Landing Historic District is designated by the Pinelands Commission as an historic resource of significance to the Pinelands. The cultural resources standards of the CMP (N.J.A.C. 7:50-6.156(a)1 and 4) require that a Certificate of Appropriateness be issued by the Pinelands Commission when development proposed by a County agency will involve a Commission designated historic resource (N.J.A.C. 7:50-6.154).

The standards for a Certificate of Appropriateness (N.J.A.C. 7:50-6.156(c)) identify the treatment that will be required for the resource from among the following three alternatives:

- Preservation in place, if possible;
- Preservation of the resource at another location if preservation in place is not possible; or
- Recordation, if neither of the other alternatives is possible.

The Commission staff has determined that recordation is the appropriate treatment required for this application. The Commission staff recommends that the Pinelands Commission issue a Certificate of Appropriateness requiring recordation of the resource consistent with the Secretary of Interior's

Standards and Guidelines for Archeology and Historic Preservation.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on March 28, 2022. Notice to required landowners within 200 feet of the above referenced parcel was completed on April 26, 2022. The application was designated as complete on the Commission's website on June 24, 2022. The Commission's public comment period closed on July 8, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 21 sheets, prepared by WSP USA, Inc. and dated as follows:
 - Sheet 1 – October 14, 2020; revised to June 28, 2022
 - Sheets 2 - 4, 12 & 17-19 – October 14, 2020; revised to February 1, 2022
 - Sheets 5, 14 & 15 – November 30, 2021; revised to February 1, 2022
 - Sheets 6 & 16 – May 11, 2020; revised to February 1, 2022
 - Sheets 7, 9 - 11, 13 & 21 – January 13, 2022; revised to February 1, 2022
 - Sheet 8 – May 2, 2022; revised to June 15, 2022
 - Sheet 20 – January 14, 2022; revised to February 1, 2022.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. 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. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
6. Prior to the construction of any portion of the proposed development which will result in the disturbance of any freshwater wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
7. Prior to the construction of any portion of the proposed development which will result in the disturbance of any tidal wetland area, the applicant shall obtain any authorization or permits that may be required by the New Jersey Department of Environmental Protection and the United States Army Corps of Engineers.
8. Prior to construction, a copy of a recordation report shall be provided to the Commission. The recordation report shall utilize the Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation.

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 August 1, 2022 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 30

TITLE: Issuing an Order to Certify Southampton Township Ordinance 2022-05, Adopting the Redevelopment Plan for the Red Lion Diner Redevelopment Area

Commissioner Lohbauer moves and Commissioner Irick seconds the motion that:

WHEREAS, on May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Southampton Township; and

WHEREAS, Resolution #PC4-83-40 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and review of amendments to the certified municipal master plans and land use ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-40 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 May 17, 2022, Southampton Township adopted Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condemnation Redevelopment Area, dated March 21, 2022; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2022-05 on June 1, 2022; and

WHEREAS, by letter dated June 21, 2022, the Acting Executive Director notified Southampton Township that Ordinance 2022-05 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2022-05 was duly advertised, noticed, and remotely held on July 13, 2022 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2022-05 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Acting Executive Director's report and has recommended that Ordinance 2022-05 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2022-05 and has reviewed the Acting Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Acting 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 that 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 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Redevelopment Area, is in conformance with the Pinelands Comprehensive Management Plan.

2. Any additional amendments to Southampton 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.

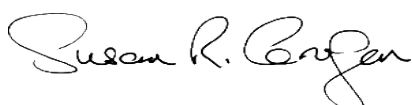
Record of Commission Votes

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


*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 12, 2022



Susan R. Grogan
Acting Executive Director



Laura E. Matos
Chair



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

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

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

Report on Southampton Township Ordinance 2022-05, Adopting the Redevelopment Plan for the Red Lion Diner Redevelopment Area

July 29, 2022

Southampton Township
 5 Retreat Road
 Southampton, NJ 08088

Findings of Fact

I. Background

The Township of Southampton is located in the northeastern portion of the Pinelands Area, in Burlington County. Pinelands municipalities adjacent to Southampton Township include the Townships of Medford, Pemberton, Tabernacle, and Woodland in Burlington County.

On May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Southampton Township.

On May 17, 2022, Southampton Township adopted Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area, dated March 21, 2022. The Pinelands Commission received a certified copy of Ordinance 2022-05 on June 1, 2022.

By letter dated June 21, 2022, the Acting Executive Director notified the Township that Ordinance 2022-05 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 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area, introduced on April 19, 2022 and adopted on May 17, 2022.

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 sections below 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 2022-05 adopts the Redevelopment Plan for the Red Lion Diner Non-Condemnation Redevelopment Area. The 20-acre redevelopment area is located on the southwest corner of the Red Lion traffic circle at the intersection of US Route 206 and NJ Route 70 (Exhibit 1). The redevelopment plan applies to three lots currently under common ownership. One lot contains an existing 7,000 square foot restaurant (Block 3002, Lot 5.02), while the remaining lots are vacant and wooded (Block 3002, Lots 5 and 5.03). The entirety of the redevelopment area is within the Township's Highway Commercial (HC) District and within a Pinelands Rural Development Area (RDA).

The goal of the plan is to facilitate the coordinated redevelopment of the area for commercial uses while recognizing the existing use and environmental constraints of the tract. To that end, the redevelopment plan establishes a variety of permitted commercial uses, including retail stores, service stations with convenience stores, restaurants, banks, personal and household services, professional services, medical services, business offices, gyms, and self-storage facilities. The plan also provides various area, bulk and height standards as well as landscaping, design, signage and off-street parking requirements. The redevelopment plan limits the total gross floor area in the redevelopment area to 25,000 square feet. The plan incorporates the underlying land development regulations applicable to the HC District and the minimum environmental standards of the Pinelands CMP, except as modified by the plan and further described below.

An important component of the redevelopment plan is its requirements for water quality protection and land preservation. Drawing upon the CMP's municipal flexibility provisions, the Township's redevelopment plan puts forth an approach to developing the vacant portions of the redevelopment area in a manner that recognizes known environmental constraints and the existing use, while also meeting the objectives and minimum requirements of the CMP. The redevelopment area contains one of the few vacant, upland tracts remaining within the Pinelands Area portion of Southampton Township and prior development efforts have been hindered by the inability to site new onsite wastewater treatment systems due to seasonal high water table limitations (N.J.A.C. 7:50-6.84(a)4iv).

The redevelopment plan requires that the existing conventional septic system currently used by the restaurant on Block 3002, Lot 5.02 be replaced with an advanced wastewater treatment system that will serve all proposed and existing uses within the redevelopment area. Under the plan, no further development generating wastewater within the redevelopment area, including a change of the existing restaurant to another use, can occur until the existing septic system is replaced with an advanced treatment system. The advanced wastewater treatment system must be designed to ensure that the groundwater exiting from the entire redevelopment area will not exceed two parts per million nitrate/nitrogen. This is consistent with the CMP's overall water quality objectives.

Use of an advanced wastewater treatment system for nonresidential development in a Rural Development Area is normally permitted only for existing nonresidential uses that are currently not meeting CMP water quality standards. The CMP (N.J.A.C. 7:50-6.84(a)5ii(2)) provides that such uses may expand by up to 50% upon the installation of an advanced treatment system designed to reduce nitrogen. A strict interpretation of these standards would allow a 3,500 square foot expansion of the existing restaurant, but no new nonresidential development on the adjacent vacant lots included in the redevelopment area. The redevelopment plan allows for a total gross floor area of 25,000 square feet within the redevelopment area as a whole. This results in an opportunity for 14,500 square feet of nonresidential development potential beyond that provided by the CMP.

To offset the increased non-residential development potential in the Red Lion Diner Redevelopment Area, the redevelopment plan includes a land preservation requirement that will reduce the development potential of lands elsewhere in the Township's RDA. For every 1,000 square feet of existing and proposed floor area approved under the redevelopment plan, 1 acre of contiguous or non-contiguous land in the Township's RDA is required to be permanently preserved by deed restriction. The required deed restriction would impose the same limitations as required for lands preserved through the CMP's residential density transfer program (N.J.A.C. 7:50-5.30(b)4). The deed restriction would limit the use of the preserved lands to low-intensity recreation, ecological management, and forestry, provided no more than five percent of the land is cleared.

In Rural Development Areas, the CMP's septic dilution requirement serves not only as a water quality standard, but also as a limit on non-residential development potential. Whereas the CMP limits residential development in the RDA by imposing a 3.2-acre minimum lot size requirement, non-residential development intensity is limited by the ability of a given parcel of land to meet the CMP's septic dilution requirements, regardless of whether the use is connected to sewer. The Pinelands Septic Dilution Model was used to evaluate the parity between the amount of land preservation required compared to the level of additional development potential being allowed in the redevelopment area. The Pinelands Septic Dilution Model requires approximately 1 acre for every 800 square feet of floor area devoted to a restaurant in order to meet CMP water quality standards using a conventional septic system. Therefore, 14,500 square feet of restaurant development would need approximately 18 acres to meet the CMP's septic dilution requirements. Restaurants have somewhat higher septic flows compared to other commercial uses permitted in the redevelopment area. Since a maximum of 25 acres of land could be preserved under this redevelopment plan, the preservation requirement would not only balance out the increased non-residential development potential provided by the redevelopment plan but would likely exceed it.

The Township has provided evidence of sufficient vacant lands within its RDA to satisfy the preservation requirement of the redevelopment plan. An analysis by the Township identified approximately 250 acres of vacant land in the Township's RDA that is not preserved. The Township's analysis also indicated that these lands were held by 15 different property owners. Ultimately, it will be the redeveloper's obligation to ensure that the necessary deed restrictions have been recorded.

Staff finds that the water quality and land preservation requirements of the redevelopment plan are an appropriate exercise of the CMP's municipal flexibility provisions. The redevelopment plan effectively adapts the Commission's residential density transfer program for nonresidential use, while ensuring that CMP water quality standards will be met by all development in the redevelopment area. On balance, the redevelopment plan provides an opportunity for commercial development of one of the few vacant, upland sites in the Pinelands Area portion of the Township in a manner that ensures CMP water quality and land use intensity objectives are met.

Ordinance 2022-05 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

The redevelopment plan adopted by Ordinance 2022-05 incorporates the development application submission requirements applicable to the underlying zoning districts. This includes the requirement that no local permitting agency shall determine an application for development in the Pinelands Area complete unless it is accompanied by a Certificate of Filing from the Pinelands Commission. Therefore, this standard for certification is met.

4. Requirement for Municipal Review and Action on All Development

The redevelopment plan adopted by Ordinance 2022-05 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the review of all development within the redevelopment area by the Township Planning Board in accordance with the existing review procedures in the Township's certified land development regulations. Therefore, this standard for certification is met.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

The redevelopment plan adopted by Ordinance 2022-05 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the requirement that no local permit shall be effective until it is reviewed by the Pinelands Commission in accordance with the CMP. Therefore, this standard for certification is met.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2022-05 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 2022-05 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

Ordinance 2022-05 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Southampton Township's application for certification of Ordinance 2022-05 was duly advertised, noticed and held on July 13, 2022, at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinance 2022-05 were accepted through July 15, 2022. However, no written comments were received.




Conclusion

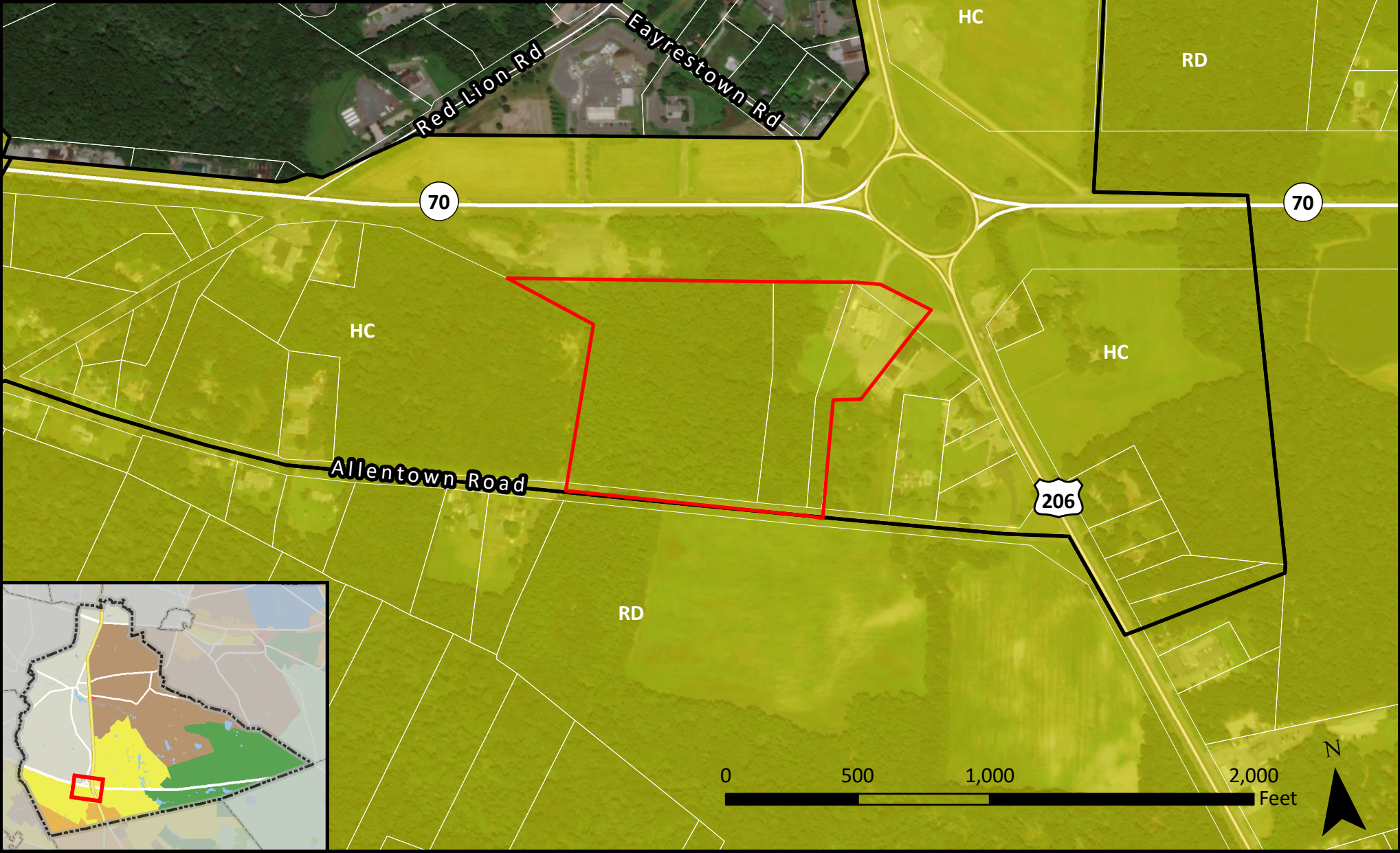
Based on the Findings of Fact cited above, the Acting Executive Director has concluded that Ordinance 2022-05, adopting the Redevelopment Plan for the Red Lion Diner Non-Condensation Redevelopment Area of Southampton Township, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify Southampton Township Ordinance 2022-05.

SRG/DBL/KLE/CSO
Attachments

Southampton Township Red Lion Diner Redevelopment Plan

Executive Director's Report
Southampton Twp Ord. 2022-05
Exhibit 1
7/29/2022

-  Pinelands Management Area
-  Redevelopment Area
-  Existing Zoning
-  Lots





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1984-1157.007, 1990-1104.003 & 1991-1291.002)

Commissioner _____ moves and Commissioner _____
seconds the motion that:

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

1984-1157.007

Applicant:	Buena Regional Board of Education
Municipality:	Buena Vista Township
Management Area:	Pinelands Rural Development Area
Date of Report:	August 18, 2022
Proposed Development:	Construction of a 6,500 square foot building addition at the Buena Regional High School;

1990-1104.003

Applicant:	Buena Regional Board of Education
Municipality:	Buena Vista Township
Management Area:	Pinelands Rural Development Area
Date of Report:	August 17, 2022
Proposed Development:	Construction of a 48 space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary School; and

1991-1291.002

Applicant:	Buena Regional Board of Education
Municipality:	Buena Vista Township
Management Area:	Pinelands Town Pinelands Rural Development Area
Date of Report:	August 18, 2022
Proposed Development:	Construction of a 10,780 square foot addition to the Milanesi Elementary School and the expansion of an existing parking area.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1984-1157.007, 1990-1104.003 & 1991-1291.002 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

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

August 18, 2022

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

Re: Application # 1984-1157.007
Block 3701, Lots 7 & 8
Buena Vista Township

Dear Mr. Yacovelli:

The Commission staff has completed its review of this application for construction of a 6,500 square foot building addition at the Buena Regional High School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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



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LAURA E. MATOS
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SUSAN R. GROGAN
Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 18, 2022

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

Application No.: 1984-1157.007
Block 3701, Lots 7 & 8
Buena Vista Township

This application proposes construction of a 6,500 square foot building addition at the Buena Regional High School located on the above referenced 77.82 acre parcel in Buena Vista Township. The parcel also contains an existing middle school. The proposed addition will provide new indoor athletic facilities and a nurse's office.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26)

The parcel is located in a Pinelands Rural Development Area. The proposed development is a permitted land use in a Pinelands Rural Development Area.

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

The proposed development will be located within existing paved and maintained grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

Water Quality Standard (N.J.A.C. 7:50-5.26(d) & 6.84(a)4)

The existing high school on the 77.82 acre parcel subject of this application was constructed prior to the 1981 effective date of the Commission's regulations. In addition, the high school was serviced by public sanitary sewer prior to the 1981 effective date of the Commission's regulations.

The existing high school is located in a Pinelands Rural Development Area. The CMP does not permit the extension of public sanitary sewer to service new development in a Pinelands Rural Development Area. The CMP (N.J.A.C. 7:50-5.26(d)) does provide that if development on a parcel in a Pinelands Rural Development Area is serviced by public sanitary sewer as of 1981, the minimum lot size required for additional proposed development on the parcel is determined based upon the lot area required for the existing and proposed development to meet the groundwater quality (septic dilution) standard. This CMP regulation recognizes that there would be instances where expansion of development which existed prior to the 1981 adoption of the CMP was proposed and the existing development was serviced by public sanitary sewer.

In 2005, the Commission approved the construction of the existing middle school on the 77.82 acre parcel (App. No. 1984-1157.005). That Commission approval permitted the middle school to be serviced by public sanitary sewer. As part of App. No. 1984-1157.005, it was represented that the existing high school had a maximum enrollment of 1,176 students and that the proposed middle school would have a maximum enrollment of 657 students. To meet the groundwater quality (septic dilution) standard) for a maximum of 1,833 students, a total of 275.4 acres were required. The parcel containing the existing high school and the existing middle school is 77.82 acres. To demonstrate consistency with the groundwater quality (septic dilution) standard of the CMP, App. No. 1984-1157.005 deed restricted 197.75 vacant contiguous acres of Block 3701, Lot 5 in Buena Vista Township.

The proposed 6,500 square foot building addition to the high school will provide new indoor athletic facilities and a nurse's office. The applicant has provided information documenting that the existing schools are not exceeding their maximum enrollment of 1,833 students and the proposed building addition will not result in an increase in student enrollment.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a subsurface stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on December 9, 2021. Notice to required landowners within 200 feet of the above referenced parcel was completed on December 30, 2021. The application was designated as complete on the Commission's website on July 1, 2022. The Commission's public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of nine sheets, prepared by Adams, Rehmann & Heggan Associates,

Inc., all sheets dated February 2022 and revised to June 28, 2022.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 September 6, 2022 and include the following information:

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

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



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

August 17, 2022

Pasquale Yacovelli (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Re: Application # 1990-1104.003
Block 502, Lot 5
Buena Vista Township

Dear Mr. Yacovelli:

The Commission staff has completed its review of this application for a 48 space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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



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

PUBLIC DEVELOPMENT APPLICATION REPORT

August 17, 2022

Pasquale Yacovelli (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Application No.: 1990-1104.003
Block 502, Lot 5
Buena Vista Township

This application proposes a 48 space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary School located on the above referenced 19.88 acre parcel in Buena Vista Township. This application also proposes a 950 linear foot five foot wide paved walking path on the parcel.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26)

The parcel is located in a Pinelands Rural Development Area. The proposed development is a permitted land use in a Pinelands Rural Development Area.

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

There are wetlands located within 300 feet of the parcel. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands. The Commission staff has determined that a 250 foot buffer to the wetlands would not result in a significant adverse impacts to the wetlands. The proposed development will be located at least 250 feet from wetlands.

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

The proposed parking lot and a majority of the proposed walking path will be located within existing maintained grassed areas. Approximately 220 linear feet of the proposed walking path will be located along the perimeter of an existing forested area. No forest clearing is proposed. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the 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 stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing two stormwater infiltration basins.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced lot was completed on January 24, 2022. Newspaper public notice was completed on April 25, 2022. The application was designated as complete on the Commission's website on July 28, 2022. The Commission's public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC and dated as follows:

 Sheets 1, 3 & 5 - November 10, 2021; revised to July 25, 2022
 Sheets 2 & 6 - August 10, 2021; revised to July 25, 2022
 Sheet 4 - November 10, 2021; revised to August 17, 2022
 Sheet 7 - November 11, 2021; revised to August 17, 2022
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. All development, including clearing and land disturbance, shall be located at least 250 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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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 September 6, 2022 and include the following information:

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

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



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

August 18, 2022

Pasquale Yacovelli (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Re: Application # 1991-1291.002
Block 5301, Lots 1 & 35
Block 5402, Lot 11
Buena Vista Township

Dear Mr. Yacovelli:

The Commission staff has completed its review of this application for construction of a 10,780 square foot addition to the Milanese Elementary School and the expansion of an existing parking area. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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



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LAURA E. MATOS
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SUSAN R. GROGAN
Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 18, 2022

Pasquale Yacovelli (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Application No.: 1991-1291.002
Block 5301, Lots 1 & 35
Block 5402, Lot 11
Buena Vista Township

This application proposes construction of a 10,780 square foot addition to the Milanesi Elementary School and the expansion of an existing parking area located on the above referenced 133.49 acre parcel in Buena Vista Township.

The proposed building addition will contain a new gymnasium and performing arts stage. The parking area will be expanded to include an additional 22 parking spaces.

STANDARDS

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

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

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

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

There is an isolated wetland located on the northwest side of the parcel. The parcel fronts on Route 40. There is a grassed wetland located on the parcel on the easterly side of Route 40 and a wooded wetland located along the westerly side of Route 40. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

The Commission staff has determined that a 110 foot buffer to the isolated wetlands would not result in a significant adverse impact to the isolated wetland. The proposed development will be located at least 110 feet from the isolated wetland and at least 300 feet from all other wetlands.

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

The proposed development will be located within existing paved and maintained grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The school is serviced by an existing onsite septic system(s). On July 14, 2000, the Commission approved an application for 15,270 square feet of classroom and cafeteria additions to the school on a 133.49 acre parcel (App. No. 1991-1291.001). Based upon a maximum projected enrollment of 495 students, it was determined that the proposed development approved in App. No. 1991-1291.001 met the groundwater quality (septic dilution) standard. The applicant has represented that the current enrollment is 269 students. The proposed gymnasium and performing arts stage will not result in an increase in student enrollment. The proposed development is consistent with the groundwater quality (septic dilution) standard.

To ensure that the existing and proposed development maintains consistency with the groundwater quality (septic dilution) standard, a condition is included in this report requiring that the three existing lots subject of this application be consolidated into one 133.49 acre lot.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be enlarging an existing stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on February 3, 2022. Newspaper public notice was completed on February 3, 2022. The application was designated as complete on the Commission's website on July 28, 2022. The Commission's public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, all sheets dated December 6, 2021 and revised to July 19, 2022.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. The proposed development shall be located at least 110 feet from the isolated wetland located northwest of the parcel and at least 300 feet from all other wetlands.
6. Prior to receipt of a certificate of occupancy for the proposed 10,780 square foot addition to the Milanesi Elementary School, a recorded copy of a deed consolidating the three existing lots into one lot shall be submitted to the Pinelands Commission.

CONCLUSION

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



State of New Jersey

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PHILIP D. MURPHY
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SHEILA Y. OLIVER
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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 September 6, 2022 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1997-0257.020)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1997-0257.020

Applicant:	NJ Turnpike Authority
Municipality:	Lacey Township
Management Area:	Parkway Overlay District
Date of Report:	August 17, 2022
Proposed Development:	Improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1997-0257.020 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



State of New Jersey

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

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

August 17, 2022

Robert Fischer, PE (via email)
NJ Turnpike Authority
P.O. Box 5042
Woodbridge NJ 07095

Re: Application # 1997-0257.020
Garden State Parkway right-of-way
Lacey Township

Dear Mr. Fischer:

The Commission staff has completed its review of this application for improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Lacey Township Planning Board (via email)
Lacey Township Construction Code Official (via email)
Lacey Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Michael Folli (via email)



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

PUBLIC DEVELOPMENT APPLICATION REPORT

August 17, 2022

Robert Fischer, PE (via email)
NJ Turnpike Authority
P.O. Box 5042
Woodbridge NJ 07095

Application No.: 1997-0257.020
Garden State Parkway right-of-way
Lacey Township

This application proposes improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway located in Lacey Township.

The southbound entrance ramp will be widened a maximum of 10 feet for approximately 500 linear feet. The applicant has indicated that the proposed widening is required to meet current roadway design standards.

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. 7:50-5.35)

The proposed development is located within the existing Garden State Parkway right-of-way. The Garden State Parkway right-of-way is located with the CMP designated Parkway Overlay District. The proposed improvement to the existing roadway is a permitted land use in the Parkway Overlay District.

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

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in the required buffer to wetlands.

The CMP permits roads (linear improvements) 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 required buffer to wetlands. The applicant has represented that the proposed widening of the entrance ramp is necessary to improve traffic safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located within a maintained grassed shoulder. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

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

The New Jersey State Historic Preservation Office previously determined that the Garden State Parkway was eligible for the National Register of Historic Places. The entrance ramp is not a contributing resource to the register eligible Garden State Parkway Historic District. A noncontributing resource means any structure which is not an integral component of an historic district because they neither date from a time period for which the historic district is significant, nor represent an architectural style, period or construction method for which the historic district is significant. Because the entrance ramp is not a contributing resource to the register eligible Garden State Parkway Historic District, no Certificate of Appropriateness is required for this application.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on April 14, 2022. The application was designated as complete on the Commission's website on July 27, 2022. The Commission's public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 12 sheets, prepared by AECOM Technical Services, Inc. and dated as follows:
 - Sheet 1 - July 18, 2022
 - Sheets 2-12 - April 2022
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

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

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 September 6, 2022 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1984-0509.003, 1989-0349.022 & 2006-0440.001)

Commissioner _____ moves and Commissioner _____
seconds the motion that:

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

1984-0509.003

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	August 19, 2022
Proposed Development:	Construction of a playground and three docks at the Spring Lake Beach Park;

1989-0349.022

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Agricultural Production Area Pinelands Regional Growth Area
Date of Report:	August 19, 2022
Proposed Development:	Installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of water main on 327.3 acre Block 812, Lot 9.01

2006-0440.001

Applicant:	Pemberton Township Volunteer Fire Company
Municipality:	Pemberton Township
Management Area:	Pinelands Forest Area
Date of Report:	August 17, 2022
Proposed Development:	Construction of a 150 foot tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building.

WHEREAS, Application No. 1984-0509.003 proposes the removal of approximately 350 linear feet of rip-rap that was placed along the edge of Spring Lake without application to, and approval by, the Pinelands Commission in violation of the application requirements of the Pinelands Comprehensive Management Plan; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1984-0509.003, 1989-0349.022 & 2006-0440.001 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



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

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

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

August 19, 2022

David Patriarca, Mayor (via email)
 Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton NJ 08068

Re: Application # 1984-0509.003
 Block 621, Lot 9
 Block 952, Lot 1.01
 Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for construction of a playground and three docks at the Spring Lake Beach Park. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

The applicant previously placed 350 linear feet of rip-rap along the water line associated with Spring Lake on the above referenced parcel. The rip-rap is approximately 6 feet wide. By letter dated May 20, 2022, the Township's consultant represented that the purpose of the rip-rap was to prevent swimming at the site due to a lack of lifeguards. The placement of the stone rip-rap within wetlands and prior to the completion of an application with the Pinelands Commission constitutes a violation of the wetland protection standards and the application requirements of the Pemberton Township land use ordinance and the Pinelands Comprehensive Management Plan. The applicant proposes to remove the rip-rap to resolve the violation.

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

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

Sincerely,

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

Enc: Appeal Procedure
Public Comments (2)

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Marianne Risley (via email)
Rick Brown (via email)
Kevin Appelget, NJDEP (via email)



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PHILIP D. MURPHY
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 SHEILA Y. OLIVER
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General Information: Info@pinelands.nj.gov
 Application Specific Information: AppInfo@pinelands.nj.gov

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

PUBLIC DEVELOPMENT APPLICATION REPORT

August 19, 2022

David Patriarca, Mayor (via email)
 Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton NJ 08068

Application No.: 1984-0509.003
 Block 621, Lot 9
 Block 952, Lot 1.01
 Pemberton Township

This application proposes construction of a playground and three docks at the Spring Lake Beach Park located on the above referenced 102.47 acre parcel in Pemberton Township.

This application proposes the construction of an approximately 3,700 square foot playground on a proposed pervious surface, 855 linear feet of a five foot wide pervious walking path, an approximately 54 foot by 36 foot T-dock and two 22.5 foot long docks. The three proposed docks will be 8.5 feet wide.

The applicant previously placed 350 linear feet of rip-rap along the water line associated with Spring Lake on the above referenced parcel. The rip-rap is approximately 6 feet wide. By letter dated May 20, 2022, the Township’s consultant represented that the purpose of the rip-rap was to prevent swimming at the site due to a lack of lifeguards. The placement of the stone rip-rap within wetlands and prior to the completion of an application with the Pinelands Commission constitutes a violation of the wetland protection standards and the application requirements of the Pemberton Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). The applicant proposes to remove the rip-rap to resolve the violation.

STANDARDS

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

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

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

Wetlands Standards (N.J.A.C. 7:50-6.7, 6.12 & 6.14)

There are wetlands located on the above referenced parcel associated with Spring Lake. The CMP 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 such development will not result in a significant adverse impact on the wetlands as set for in the CMP (N.J.A.C. 7:50-6.7).

The proposed playground and walking path will be located approximately 30 feet from wetlands on an existing sand beach.

The CMP (N.J.A.C. 7:50-6.7) identifies nine specific criteria that must be addressed to determine whether a proposed buffer to wetlands of less than 300 feet will result in an irreversible adverse impact on the wetlands. Based upon existing site conditions and the design of the proposed development, including the proposed stormwater management plan, the applicant has demonstrated that the proposed playground and walking path will not result in a significant adverse impact on the wetlands.

The CMP (N.J.A.C. 7:50-6.12) permits water dependent recreational facilities, such as public docks, in wetlands and the required buffer to wetlands provided certain CMP specified conditions are met. One of those conditions requires that the proposed development not result in a significant adverse impact to wetlands. The three proposed docks have a combined surface area of 1,075 square feet. The proposed docks will extend a maximum of 54 feet from an existing sand beach into Spring Lake. Based upon the size of the proposed docks and their maximum extension of 54 feet into Spring Lake from the existing sand beach, the proposed docks will not result in a significant adverse impact to wetlands.

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

The proposed development will be located within an existing sand beach. 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. To meet the stormwater management standards, the applicant will be constructing three stormwater infiltration basins (rain gardens).

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on May 19, 2022. Newspaper public notice was completed on May 22, 2022. The application was designated as complete on the Commission's website on July 28, 2022. The Commission's public comment period closed on August 12, 2022. The Commission received two public comments from one individual regarding this application.

Public Comments: By email dated October 18, 2021, the commenter advised the Commission that development had occurred on the parcel.

By email dated December 1, 2021, the same commenter indicated to the Commission that the concerned area is incumbered as a New Jersey Department of Environmental Protection (NJDEP), Green Acres recreational area and that the Township could not destroy the use of the parcel as a beach without compensation.

Response: In response to the October 18, 2021 email, the Commission staff completed a site inspection of the parcel and determined that the Township had placed rip-rap on the parcel within Spring Lake (wetlands). The Commission staff discussed the rip-rap issue with the Township. Subsequently, the Township provided a conceptual plan to the Commission on October 20, 2021 and indicated that an application for the development of a playground and the placement of the rip-rap would be submitted to the Commission.

The Township now proposes to remove the rip-rap in Spring Lake from the parcel.

This approval is conditioned upon the applicant obtaining any other necessary permits and approvals. In consultation with the NJDEP, Green Acres Program, the applicant is responsible for determining whether there are any NJDEP Green Acres restrictions related to the recreational use of the parcel. A copy of this report is being sent to the NJDEP, Green Acres Program.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:

Sheet 1 - July 18, 2022

Sheets 2, 5 & 6 - January 2022; revised to July 18, 2022

Sheet 3 - January 2022; revised to July 28, 2022

Sheet 4 - January 2022; revised to July 27, 2022

Sheets 7 & 8 - January 2022

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. 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.
6. Prior to any development of the proposed playground, walking path or docks, but no later than January 1, 2023, the applicant shall remove the concerned rip-rap from the parcel.

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 September 6, 2022 and include the following information:

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

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

From: Rick Brown <pineyrick@hotmail.com>
Sent: Monday, October 18, 2021 10:59 AM
To: AppInfo, PC [PINELANDS]
Subject: [EXTERNAL] Development in pinelands waters, buffers, by a public entity; clearing and grading over 5000 square feet
Attachments: attachment 1.pdf

Please investigate the development the township has illegally engaged in at the location on the map labeled as Crescent Beach.

Thanks for your time and efforts

Rick Brown

Sent from me to you



From: Rick Brown (pineyrick@hotmail.com)
Received: 12/1/2021 5:18:19 PM
To: AppInfo, PC [PINELANDS] (AppInfo@pinelands.nj.gov)
CC:
Subject: [EXTERNAL] Re: Pinelands Application #1984-0509.003
Attachments: Email-01-ConnectWithUs.png, Email-02-Facebook.png, Email-03-YouTube.png

Thanks for your reply

Be aware that the area is a Green Acres encumbered recreation area which is a designated beach and the township may not destroy the recreational use as a beach without compensation

I have an official
Map which depicts the ROSI parcels in the township from 2004 and it clearly identifies the site as a beach
and an encumbered property

Please coordinate any Review with Green Acres

Rick

Sent from my iPhone



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

August 19, 2022

Dan Hornickel (via email)
Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton NJ 08068

Re: Application # 1989-0349.022
Pemberton-Browns Mills Road right-of-way
Block 812, Lot 9.01
Pemberton Township

Dear Mr. Hornickel:

This application proposes the installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of water main on 327.3 acre Block 812, Lot 9.01.

Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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

Secretary, Burlington County Planning Board (via email)
Marianne G. Risley (via email)



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LAURA E. MATOS
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SUSAN R. GROGAN
Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 19, 2022

Dan Hornickel (via email)
Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton NJ 08068

Application No.: 1989-0349.022
Pemberton-Browns Mills Road right-of-way
Block 812, Lot 9.01
Pemberton Township

This application proposes the installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of potable water main on 327.3 acre Block 812, Lot 9.01.

This application also proposes the demolition of a 168 and 186 square foot well house, both 50 years old or older, and both located on Block 812, Lot 9.01. The application further proposes the construction of two replacement well houses. The two proposed replacement well houses will contain a total of 640 square feet and be located on Block 812, Lot 9.01.

STANDARDS

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

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

The 2,464 linear feet of potable water main proposed to be installed in the Pemberton-Browns Mills Road right-of-way is located in a Pinelands Regional Growth Area.

Block 812, Lot 9.01 is located partially in a Pinelands Regional Growth Area (75.89 acres) and partially in a Pinelands Agricultural Production Area (251.5 acres). The proposed 2,407 linear feet of potable water main, two well house buildings to be demolished and the two replacement well houses are located in the Pinelands Regional Growth Area portion of Block 812, Lot 9.01.

All of the proposed development is a permitted land use in a Pinelands Regional Growth Management Area.

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 up to a 300 foot buffer to wetlands.

Of the total proposed 4,871 linear feet of potable water main, 4,454 linear feet will be located under existing pavement or gravel surfaces.

Approximately 417 linear feet of proposed potable water main and a proposed access driveway will be located within the required 300 foot buffer to wetlands. The 417 linear feet of proposed potable water main and access driveway will be located approximately 80 feet from wetlands in an existing maintained grass area. This proposed development will provide access to one of the proposed replacement well houses that will contain an existing potable water well.

The CMP permits the installation of linear improvements (potable water main and access drive) 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 in an existing maintained grass area that does not involve development in the required buffer to wetlands that will result in a less significant adverse impact 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 required buffer to wetlands. The development proposed within the required buffer to wetlands is necessary to provide water service from one of the proposed replacement well houses to existing development in the Township. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the required buffer to wetlands.

One of the existing well houses is located within the required 300 foot buffer to wetlands. To demonstrate consistency with the wetlands protection standards, the proposed replacement well house will be located no closer to wetlands than the previously existing well house.

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

The proposed potable water main will be located under existing pavement, gravel and maintained grass areas. The replacement well houses will be located within existing disturbed and maintained areas on Block 812, Lot 9.01. The proposed soil disturbance is limited to that which is necessary to accommodate the 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)

This application proposes the removal of 839 square feet of existing impervious surfaces associated with the two existing well houses and 4,351 square feet of impervious surface associated with an existing access driveway on the parcel. The total amount of impervious surfaces to be removed is 5,190 square feet. The proposed development will result in 5,157 square feet of new impervious surfaces associated with the two proposed replacement well houses and an access drive. The proposed development will result in a decrease of impervious surfaces by 33 square feet. There will be no increase in the volume

and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with CMP stormwater management standards.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced project was completed on April 21, 2022. Newspaper public notice was completed on April 24, 2022. The application was designated as complete on the Commission's website on July 25, 2022. The Commission's public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 22 sheets, prepared by Adams, Rehmann & Heggan and dated as follows:

Sheet 1 - March 3, 2022; revised to June 27, 2022
Sheets 2-16 & 18-22 - August 17, 2021
Sheet 17 - March 3, 2022
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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



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

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2022 and include the following information:

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

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



State of New Jersey

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

August 17, 2022

Craig Augustoni (via email)
Pemberton Township Volunteer Fire Company
15 Trenton Rd.
Browns Mills NJ 08015

Re: Application # 2006-0440.001
Block 732, Lots 1 - 4 & 10 - 13
Pemberton Township

Dear Mr. Augustoni:

The Commission staff has completed its review of this application for construction of a 150 foot tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Frank DeGenova (via email)



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

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

PUBLIC DEVELOPMENT APPLICATION REPORT

August 17, 2022

Craig Augustoni (via email)
 Pemberton Township Volunteer Fire Company
 15 Trenton Rd.
 Browns Mills NJ 08015

Application No.: 2006-0440.001
 Block 732, Lots 1 - 4 & 10 - 13
 Pemberton Township

This application proposes construction of a 150 foot tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building located on the above referenced 3.5 acre parcel in Pemberton Township. This application also proposes a 1,600 square foot equipment compound and a 125 linear foot access drive accessory to the tower.

A portion of the 3.5 acre parcel is subject to a deed restriction that was required pursuant to a Waiver of Strict Compliance approved by the Commission in 1988 for the development of 103 single family dwellings on certain other blocks and lots in the Presidential Lakes section of Pemberton Township (App. No. 1982-2969.002). The proposed cell tower, equipment compound and access drive will be located outside the deed restricted area.

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. 7:50-5.23(b)17)

The proposed development is located in a Pinelands Forest Area. The proposed development is a permitted land use in a Pinelands Forest Area provided the proposed cell tower meets the CMP height limitation standards (N.J.A.C. 7:50-5.4(c)). The CMP height limitation standards specify that cell towers in the Forest Area may not exceed a height of 35 feet unless a comprehensive plan for siting such facilities in the Pinelands Area has been certified (approved) by the Pinelands Commission.

The 150 foot high cell tower is proposed in the search area associated with Site #90 as identified in the August 1, 2011 Pinelands Commission approved "Amendment to the Comprehensive Plan for PCS Communications Facilities in the Pinelands on Behalf of T-Mobile Northeast LLC doing business as T-

Mobile.” In accordance with the height limitation standards of the CMP, the applicant has demonstrated that the need for cellular service cannot be met by locating an antenna on an existing suitable structure. The applicant has further demonstrated that the proposed cell tower will be sited in a manner that minimizes visual impacts. Development of the proposed cell tower on the parcel of an existing fire station is therefore consistent with the approved cellular facilities plan and the height limitations of the CMP.

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

The proposed development will be primarily located within an existing gravel parking area. A portion of the proposed access road will be located over an existing impervious access drive. No vegetation clearing is proposed. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development. No revegetation or landscaping is proposed.

PUBLIC COMMENT

The CMP defines the proposed development as “minor.” The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on July 26, 2022. The Commission’s public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Vallore, LLC, all sheets dated November 16, 2020 and revised to April 19, 2021.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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LAURA E. MATOS
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SUSAN R. GROGAN
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PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2022 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2020-0195.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

2020-0195.001

Applicant: Wrazen Homes, LLC
Municipality: Stafford Township
Management Area: Pinelands Regional Growth Area
Date of Report: August 17, 2022
Proposed Development: Single family dwelling.

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Acting 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 Acting Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2020-0195.001 for a Waiver of Strict Compliance is hereby **APPROVED** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



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

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

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

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

August 17, 2022

Wrazen Homes, LLC (via email)
 3062 Wilbur Avenue
 Manchester NJ 08753

Re: Application # 2020-0195.001
 Block 44.119, Lot 12
 Stafford Township

Dear Applicant:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the 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 Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling, serviced by public sanitary sewer, on the above referenced 15,956 square foot parcel. The parcel is located in a Pinelands Regional Growth Area and in Stafford Township’s R-90 zoning district. In this zoning district, Stafford Township’s certified land use ordinance establishes a minimum lot size of 9,000 square feet to develop a single family dwelling serviced by public sanitary sewer.

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.

There are wetlands within 300 feet of the proposed development. The wetlands are associated with a stormwater basin that was constructed in approximately 1972 as part of the Ocean Acres residential development.

The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.14) requires that the development proposed in this application maintain a 300 foot buffer to wetlands unless the applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2). The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development

will 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 located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The application proposes a variable buffer to wetlands. The proposed buffer to wetlands ranges in width from 55 feet to 85 feet. No development, including clearing and land disturbance, will be located on or within 55 feet of wetlands.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Stafford Township's certified land use ordinance. A single family dwelling can be developed on the parcel without violating any of the substantial impairment of the resources of the Pinelands Area criteria contained in the CMP (N.J.A.C. 7:50-4.65(b)) if the conditions recommended below are imposed.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on June 23, 2022. Public notice to all property owners within 200 feet of the parcel was completed on June 15, 2022 and July 19, 2022. The application was designated as complete on the Commission's website on August 1, 2022. The Commission's public comment period closed on August 12, 2022. One written public comment (attached) was received by the Pinelands Commission on August 11, 2022 regarding this application.

Written Public Comment: The commenter expressed concern regarding the negative effects of the proposed development on wildlife habitat. The commenter provided photographs of four different animal species.

Commission Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands. Three of the four photographs depict common animal species. One of the four photographs depicts a treefrog species that may be either a Northern grey treefrog or a Southern grey treefrog. Southern grey treefrog is an endangered animal species. Northern grey treefrog and Southern grey treefrog can only be distinguished based upon their vocalizations or chromosomal analysis.

The Township land use ordinance and the CMP provide that no development shall be carried out unless it is designed to avoid irreversible adverse impact on habitats that are critical to the survival of any local population of threatened and endangered animal species as designated by the New Jersey Department of Environmental Protection.

The single family dwelling is proposed on a vacant "infill" lot in a densely developed residential area known as Ocean Acres. The Ocean Acres development contains thousands of existing single family dwellings. The concerned 15,956 square foot parcel backs up to a wetland associated with a stormwater basin that was constructed in approximately 1972. There are existing single family

dwelling on both sides of the proposed dwelling. These two existing single family dwellings are maintaining a 65 foot buffer and a 140 foot buffer to the wetland associated with the stormwater basin. In total, there are approximately 34 existing dwellings that back up to the wetlands associated with the stormwater basin. There are three additional remaining vacant lots that back up to the wetlands associated with the stormwater basin.

The Commission staff reviewed the proposed development for consistency with the T&E species protection standards. The Commission staff concluded that even if the photograph is of an endangered Southern grey treefrog, based upon the existing land development pattern in the area, the proposed development will not result in an irreversible adverse impact on habitat that is critical to the survival of a local population of Southern grey treefrog.

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

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

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 development specified in N.J.A.C. 7:50-4.63(a)1. This application is only for a Waiver from the wetlands buffer standard contained in N.J.A.C. 7:50-6. One of the specified types of development in N.J.A.C. 7:50-4.63(a)1 is a single family dwelling on a parcel within a Pinelands Regional Growth Area which will be serviced by a centralized wastewater treatment system (“public sanitary sewer”) This application proposes a single family dwelling in a Pinelands Regional Growth Area that will be serviced by public sanitary sewer. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1iv.

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 applicant meets the criteria 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 applicant meets the criteria 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. Stafford Township’s master plan and land use ordinances have been certified by the Pinelands Commission. In the R-90 zoning district, Stafford Township’s certified land use ordinance establishes a minimum lot size of 9,000 square feet for a single family dwelling serviced by public sanitary sewer. This application proposes to develop a single family dwelling serviced by public sanitary sewer on a 15,956 square foot parcel. No municipal lot area or density variance is required to develop the proposed single family dwelling. As a result, the applicant meets the criteria 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, Section 502 of the National Parks and Recreation Act of 1978 (PL 95-625) (“Federal Act”) and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. The CMP (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 a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five 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)1.

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c), and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the application is obtaining a Waiver from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included in this Report on an Application for a Waiver of Strict Compliance to require the applicant to purchase the requisite 0.25 PDCs.

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 plan prepared by Professional Design Services, LLC, dated September 8, 2021 and last revised July 28, 2022.
2. Appropriate measures shall be taken prior to 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.
3. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
4. The driveway shall be constructed of crushed stone or other permeable material.

5. All development associated with the single family dwelling, including clearing and land disturbance, shall maintain at least a 55 foot buffer to wetlands.
6. 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.
7. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
8. This Waiver shall expire September 9, 2027 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 September 9, 2027, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
9. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. The deed shall also specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall state that the conditions are enforceable by the Pinelands Commission, Stafford Township, the Ocean County Health Department, 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 of the CMP.

Since the applicant meets the CMP Waiver 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 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver 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 and received by the Commission's office no later than 5:00 PM on September 6, 2022 and 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 Acting 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

Attach (1) Written Public Comment

- c: Secretary, Stafford Township Planning Board (via email)
 Stafford Township Construction Code Official (via email)
 Stafford Township Environmental Commission (via email)
 Secretary, Ocean County Planning Board (via email)
 Mike Suter (via email)
 Rocco Cassarino

Pinesland Commission
15 Springfield Road
Pemberton Township NJ 08068

APP # 20200195.w
Doc Type 100
AUG 11 2022
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Dear commissioners,

I am writing this letter with great concern for the proposed development and wildlife displacement on Block 44.119 Lot 12 on Breakers drive in Stafford township NJ. I recieved a letter on June 13, 2022 about pinelands application # 0202-0195.001 regarding this matter.

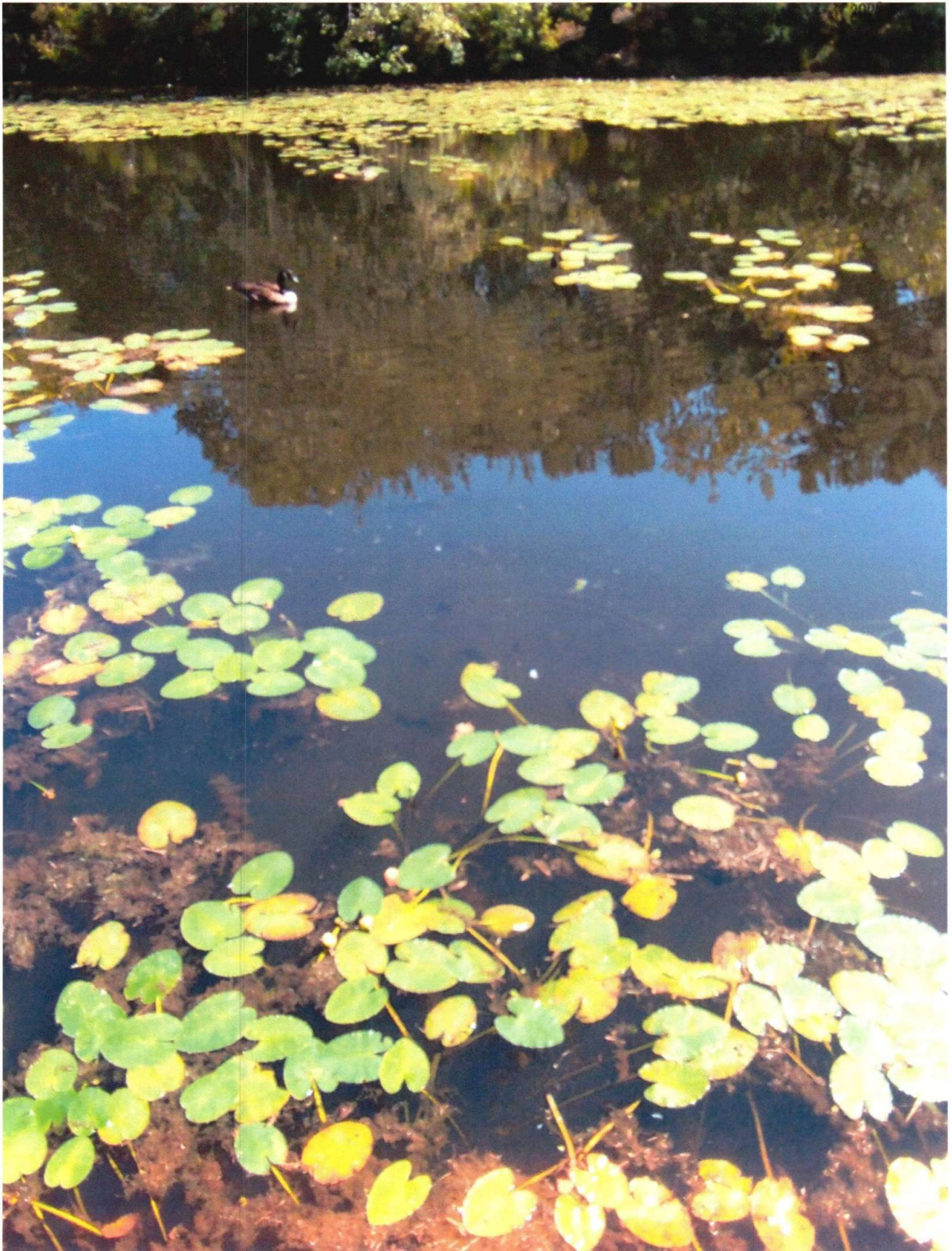
The property mentioned is one of the only lots that has not had any human traffic and has been vacant for decades. Because of this serenity, it has been a habitat and breeding area for many of the wild life in and around Forecastle Canal.

Examples of a few animails that I have discovered and enjoy are the grey tree frog, snakes, several different species of turtle and a variety of birds that migrate and nest in this area. Im sure there are alot more species that need protecting that, I have overlooked.

Please, consider

Thank you, for your continued mission in preserving our pinelands.

Rocco Cassarino
1528 Breakers Drive
Manahawkin, NJ 08050



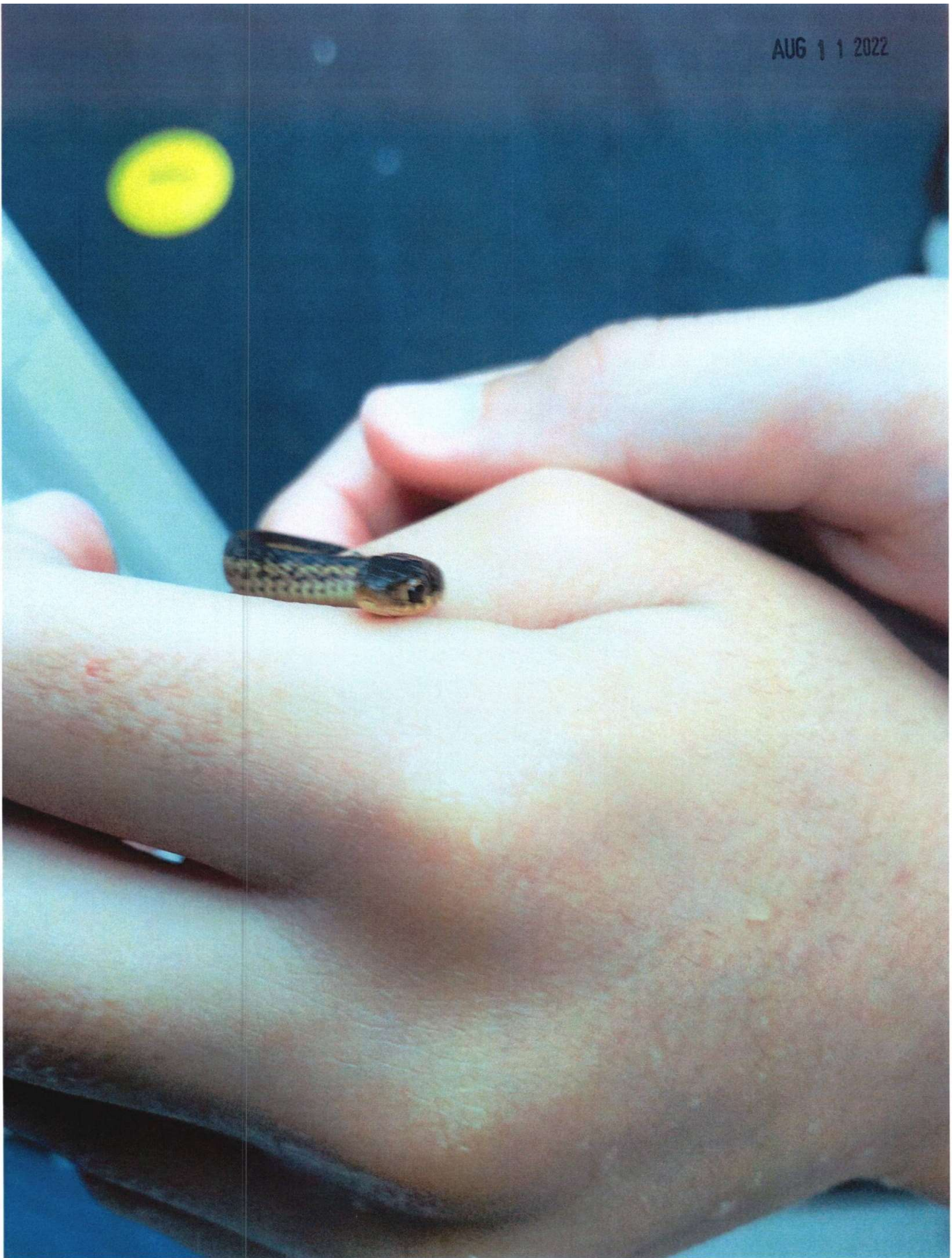
AUG 11 2022







AUG 11 2022





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: Issuing an Order to Certify Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township; and

WHEREAS, Resolution #PC4-83-52 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and review of amendments to the certified municipal master plans and land use ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-52 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 May 19, 2022, Pemberton Township adopted Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan, dated April 11, 2022; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 11-2022 on June 1, 2022; and

WHEREAS, by letter dated June 21, 2022, the Acting Executive Director notified Pemberton Township that Ordinance 11-2022 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 11-2022 was duly advertised, noticed, and remotely held on July 13, 2022 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 11-2022 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Acting Executive Director's report and has recommended that Ordinance 11-2022 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 11-2022 and has reviewed the Acting Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Acting 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 that 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 11-2022, adopting the Lakehurst Road Redevelopment Plan is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Pemberton 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					Lettman					Pikolycky				
Christy					Lloyd					Quinn				
Holroyd					Lohbauer					Wallner				
Irick					McCurry					Matos				
Jannarone					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Acting Executive Director

 Laura E. Matos
 Chair



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



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

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

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

Report on Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan

July 29, 2022

Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton, NJ 08068

Findings of Fact

I. Background

The Township of Pemberton is located in eastern Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Pemberton Township include the Townships of New Hanover, Springfield, Southampton and Woodland as well Wrightstown Borough in Burlington County and the Townships of Manchester and Plumsted in Ocean County.

On June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township.

On May 19, 2022, Pemberton Township adopted Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan, dated April 11, 2022. The Pinelands Commission received a certified copy of Ordinance 11-2022 on June 1, 2022.

By letter dated June 21, 2022, the Acting Executive Director notified the Township that Ordinance 11-2022 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 11-2022, adopting the Lakehurst Road Redevelopment Plan of Pemberton Township, introduced on April 20, 2021 and adopted on May 19, 2022.

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 sections below 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 11-2022 adopts the Lakehurst Road Redevelopment Plan. The redevelopment plan applies to an approximately 718-acre redevelopment area consisting of 66 lots in the vicinity of Lakehurst Road, Junction Road, and the existing Country Lakes Estates senior development (see Exhibit 1). There are some existing structures within the redevelopment area, but most of the area is vacant and wooded. The certified, underlying zoning of the redevelopment area is summarized in Table 1 below. The redevelopment area is located in a Pinelands Regional Growth Area and a Pinelands Forest Area.

The goal of the plan is to facilitate the development of an age-restricted community of single-family homes and townhouses in the Regional Growth Area portion of the redevelopment area. To that end, the plan establishes two new zoning districts: The Planned Community (PC) District and the Community Extension (CE) District (See Exhibit 2). The PC District accounts for approximately 692 acres of the redevelopment area, while the CE District contains approximately 27 acres. Both new zones include portions of RGA and Forest Area.

Table 1. Summary of Zoning Changes in Acres by Pinelands Management Area

Certified Zoning	CE District	PC District	Total
Forest Area			
Very Low Density Single-Family Residential (R-17)	10	329	339
Regional Growth Area			
Infill Residential District with Planned Community Conditional Use (R-A)	11	354	366
Infill Single-Family Residential (R-I)	-	7	7
Neighborhood Commercial Pinelands (NCP)	2	1	3
General Commercial/Light Industrial (GCLI)	3	-	3
Very High Density Single-Family Residential (R-96)	-	1	1
Total	26	692	718

Within the RGA portion of the new PC District, age-restricted, detached single-family dwellings and townhouses are permitted. The redevelopment plan requires that any planned community within the PC District contain a minimum 500-acre tract area and no more than 575 dwelling units. The RGA portion of the PC District also permits a variety of accessory uses complimentary to a planned community, including a community center, recreation areas, off-street parking, fences, storage sheds, decks, patios, porches, model homes, and sales offices. Planned communities within the PC District are also required to provide inclusionary housing affordable to low- and middle-income households. A minimum 20% of all for-sale dwellings must be set aside as affordable, and a minimum of 15% of all rental dwelling must be set aside as affordable. The plan includes a variety of bulk, yard, area and design standards, including a 100 foot minimum perimeter setback and 50 foot minimum perimeter landscaped buffer. In terms of site coverage, the redevelopment plan permits a maximum of 35% building coverage and 45% impervious coverage. The redevelopment plan also requires that requirement that at least 40% of the tract be set aside for open space and recreation. Notably, the redevelopment plan requires that where practical and feasible, all units should be designed to maximize passive solar heat gain through use of architectural treatments. In addition, the redeveloper is required to offer active solar photovoltaic energy system purchase and installation options for rooftop installation on single-family detached and townhouse units with appropriate solar orientation.

The redevelopment plan further specifies that primary vehicle access to the planned community is to be provided via a single egress driveway from Lakehurst Road (County Route 530). A secondary means of access is not required but, if necessary, may be permitted for temporary, permanent or emergency purposes only if fully consistent with all CMP environmental standards.

Within the Forest Area portion of the PC District, the redevelopment plan permits only accessory low intensity recreational facilities and necessary access/egress driveways. The plan expressly provides that all development of principal residences and accessory structures must be located within the RGA portion of the Redevelopment Area.

The new CE District contains various existing structures and uses. The redevelopment plan does not adopt any new standards applicable to this area; the CE District merely retains the permitted uses and requirements of the certified, underlying zoning.

As noted in the summary chart above, much of the RGA portion of the redevelopment area is currently located in the Township's R-A District. Residential development in the R-A District is permitted at a base net density of 0.33 units per acre. Pinelands Development Credits (PDC) may be used to increase this net density to 2.0 units per acre. Once all necessary PDCs have been used, age-restricted "bonus" density is permitted, up to a total maximum net density of 4.25 units per acre. This unique zoning plan was put in place 30 years ago with the hope of encouraging age-restricted housing and ensuring the use of Pinelands Development Credits. It allows for a total of 1,258 units, of which 181 are "base" units, 411 require the use of PDCs and 666 are age-restricted bonus units. The redevelopment plan establishes a maximum number of permitted units (575) that is well below what is permitted in the underlying R-A District. This represents a reduction in theoretical zoning capacity of 683 units. Ordinarily, a reduction of that magnitude might conflict with CMP requirements for RGAs and raise concerns. In this case, however, the R-A zoning plan provided an opportunity for nearly double the number of units required by the CMP. A strict application of CMP standards would require the Township to accommodate only

662 units, which is generally in keeping with the 575 units permitted under the redevelopment plan. It is also noteworthy that the Township has provided increased housing opportunities in other portions of its RGA over the past 30 years, largely through the adoption of redevelopment plans that permit higher density mixed use projects. This more than offsets the reduction in theoretical residential zoning capacity in the Lakehurst Road Redevelopment Area.

Ordinance 11-2022 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application submission requirements applicable to the underlying zoning districts. This includes the requirement that no local permitting agency shall determine an application for development in the Pinelands Area complete unless it is accompanied by a Certificate of Filing from the Pinelands Commission. Therefore, this standard for certification is met.

4. Requirement for Municipal Review and Action on All Development

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the review of all development within the redevelopment area by the Township Planning Board in accordance with the existing review procedures in the Township's certified land development regulations. Therefore, this standard for certification is met.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application review procedures applicable to the underlying zoning districts..This includes the requirement that no local permit or approval shall be effective until it is reviewed by the Pinelands Commission in accordance with the CMP. Therefore, this standard for certification is met.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Within Regional Growth Areas, Pinelands municipalities are required to provide a sufficient level of residentially zoned lands that are eligible for an increase in density through the use of Development Credits (N.J.A.C. 7:50-5.28(a)3).

In order to meet this requirement, Pemberton Township created its R-A District in 1992 and adopted zoning regulations that provided an opportunity for 1,258 total units, of which 411 would require the use of PDCs. These numbers, both in terms of total units and PDC opportunities, were well in excess of what the CMP required. In fact, it was recognized at the time that the Township's RGA was "overzoned"; however, the Township believed the higher permitted densities were necessary in order to facilitate development of a planned retirement community. For its part, the Commission determined that the number of permitted units was acceptable, largely because an extremely low threshold for PDC use had been incorporated into the R-A District regulations. For a planned retirement community, a base density of only 0.33 units per acre was established, effectively guaranteeing that PDC use would be necessary for the development of any sizeable project. If proposed at the maximum permitted density of 4.25 units per acre, a planned retirement community would have been entitled to 181 base units and 666 age-restricted bonus units. An additional 411 units would have been permitted through the use of PDCs, which equates to nearly 33% of the total.

The Lakehurst Road Redevelopment Plan retains the same goals as the underlying R-A District zoning plan: to facilitate development of a planned, age-restricted community while at the same time providing guaranteed PDC use. However, in recognition of the now known environmental limitations of portions of the zone, the redevelopment plan reduces the number of permitted residential units from 1,258 to 575. PDC use is accommodated through incorporation of a requirement for redemption of PDCs for 25% of the market-rate residential units within the redevelopment area, rather than through the retention of the low base density and bonus age-restricted housing density in the prior zoning plan. Furthermore, an exemption from the 25% PDC requirement is provided for residential units developed onsite and made affordable to low- and moderate-income households, up to the required set-aside percentages in the redevelopment plan. Any affordable units provided beyond the required set-aside amount will be required to redeem PDCs at the 25% rate. In addition, any units permitted above the 575 specified in the redevelopment plan will require the use of PDCs, as will any nonresidential development not permitted in the redevelopment plan.

Based on the standards adopted by the redevelopment plan, a maximum of 575 units will be permitted in the Lakehurst Road Redevelopment Area, of which as many as 20% will be affordable housing units. PDCs will be required for 25% of the market rate units, resulting in the need to redeem 115-122 rights (28.75-30.50 PDCs). While this is a significantly smaller number of PDC opportunities than was theoretically provided under the old R-A District requirements, it is also a much more reasonable and realistic obligation. Importantly, the redevelopment plan requires the use of PDCs in all projects, regardless of density, rather than leaving the use of PDCs to the option of a developer who may or may not choose to exceed permitted base density. This greater certainty, coupled with the adoption of more realistic requirements, offsets the loss of theoretical PDC opportunities. The Acting Executive Director therefore finds that the PDC requirements adopted by Ordinance 11-2022 are consistent with CMP standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 11-2022 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 11-2022 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

Ordinance 11-2022 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Pemberton Township's application for certification of Ordinance 11-2022 was duly advertised, noticed and held on July 13, 2022, at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinance 11-2022 were accepted through July 15, 2022. However, no written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Acting Executive Director has concluded that Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan of Pemberton Township, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify Pemberton Township Ordinance 11-2022.

SRG/DBL/KLE/CPE

Attachments

Pemberton Township

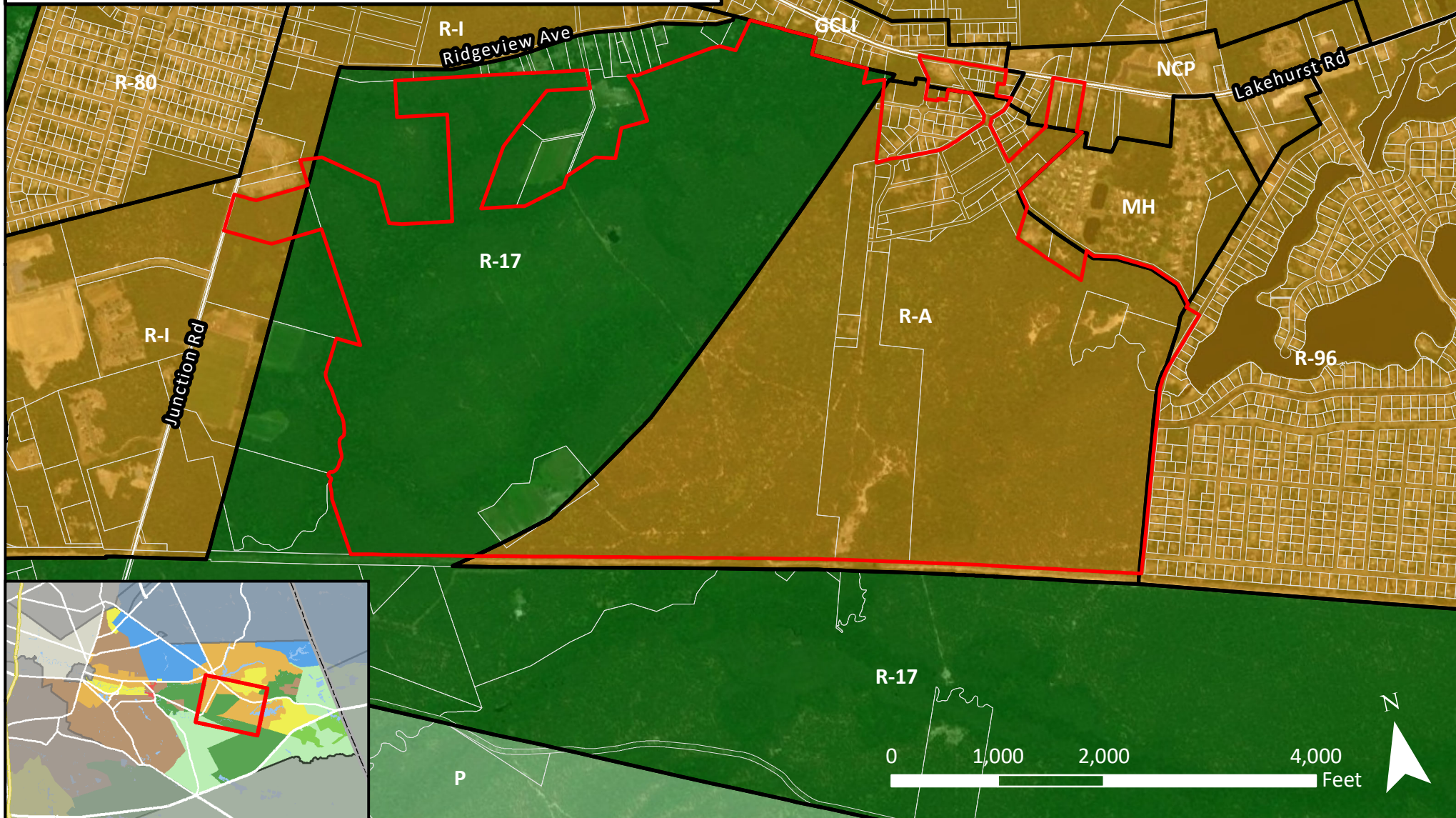
Lakehurst Road Redevelopment Plan - Existing Zoning

Pinelands Management Area

- Preservation Area District
- Forest Area
- Regional Growth Area
- Rural Development Area

- Redevelopment Area
- Existing Zoning
- Pemberton Twp Parcels










Executive Director's Report
Pemberton Twp. Ord. 11-2022
Exhibit 1
7/29/2022

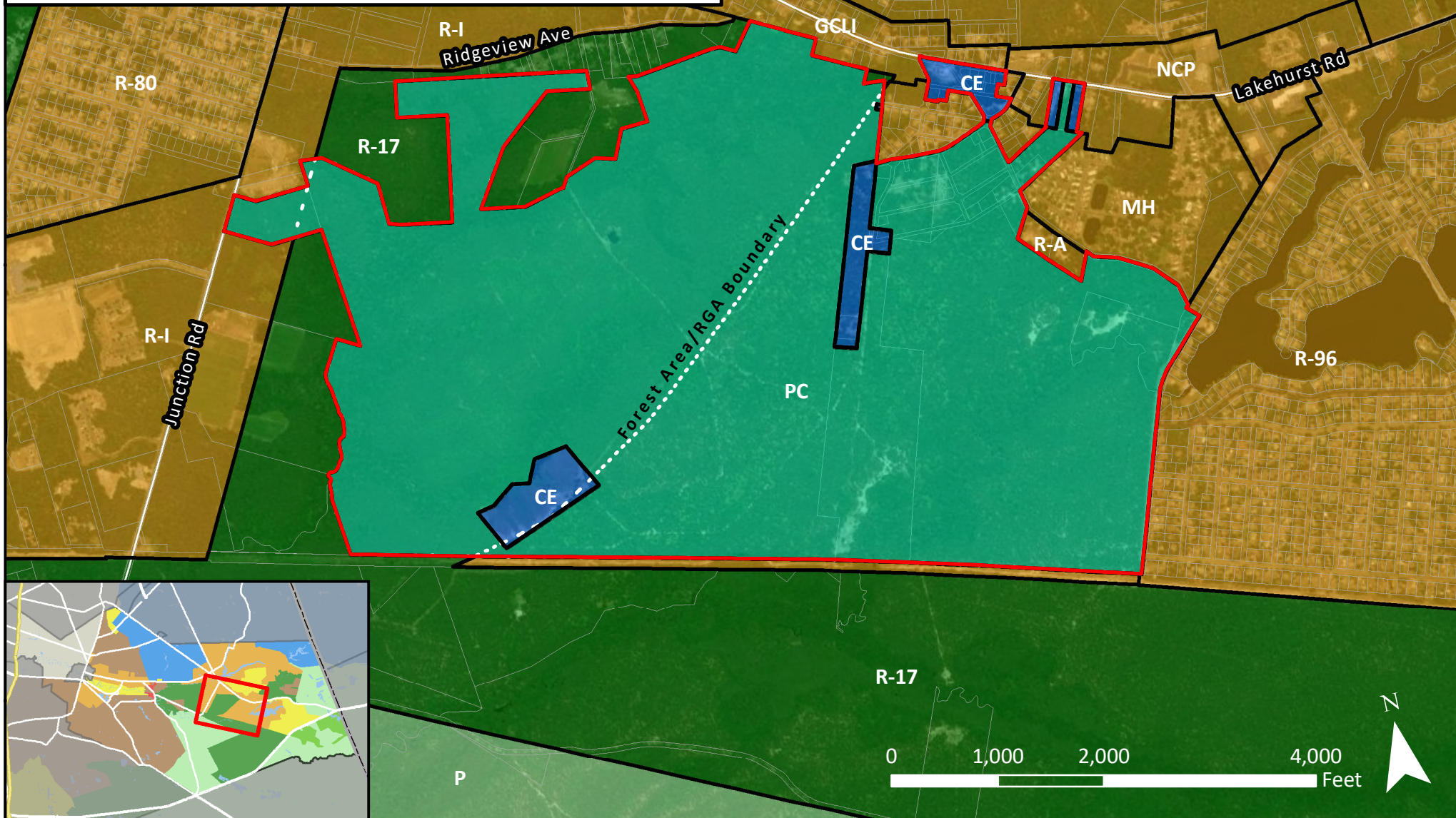


Pemberton Township

Lakehurst Road Redevelopment Plan - Proposed Zoning

Executive Director's Report
Pemberton Twp. Ord. 11-2022
Exhibit 2
7/29/2022

- | | |
|---|--|
|  Preservation Area District |  Redevelopment Area |
|  Forest Area |  Community Extension Zone |
|  Regional Growth Area |  Planned Community Zone |
|  Rural Development Area |  Existing Zoning |
| |  Pemberton Twp Parcels |





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: To Authorize an Additional Extension of the Time Period for Atlantic County to Complete its Obligations Under the Secondary Impacts Agreement for Interchange 44 of the Garden State Parkway

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on January 7, 2014, the Pinelands Commission (Commission) and Atlantic County (the County) entered into a Secondary Impacts Agreement (the Agreement) as a means of obviating the potential secondary impacts associated with the completion of Interchange 44 of the Garden State Parkway; and

WHEREAS, this Agreement obligated the County to limit the development potential of parcels located within 1.5 miles of Interchange 44 (356 acres) within the Pinelands Area; and

WHEREAS, the County had 3 years to obviate the secondary impacts within this 1.5 mile area, referred to in the Agreement as Tier 1; and

WHEREAS, the Agreement afforded the County the opportunity to request that the Executive Director extend the time period for completion of the County's obligations for a period of up to 18 months, upon the submission of documentation demonstrating that completion of the task to obviate secondary impacts in Tier 1 was imminent and would be completed within the extended time period; and

WHEREAS, the County has focused all of its efforts to obviate secondary impacts associated with the Interchange 44 project within Tier 1; and

WHEREAS, by letter dated March 5, 2020, the County advised the Commission that it had completed acquisition of 327 acres of lands within Tier 1 and would be closing on an additional 15 acres within the next thirty days, bringing the total amount of its acquisitions to 342 acres; and

WHEREAS, in that letter, the County also requested an additional extension to complete its acquisition of the remaining 29 acres required by the Agreement; and

WHEREAS, on May 8, 2020, the Pinelands Commission adopted Resolution PC4-20-14, granting the County a twenty-four (24) month extension from January 7, 2020 to January 7, 2022 to complete its obligations under the Agreement; and

WHEREAS, from March 9, 2020 through July 4, 2021, the State of New Jersey was under a public health emergency because of COVID-19; and

WHEREAS, by letter dated August 15, 2022, the County advised the Commission that it has acquired 342 of the 356 acres of lands within Tier 1 and requested an additional 12-month extension to complete acquisition of the 14 remaining acres; and

WHEREAS, the County noted that it had acquired the 15 acres of land within Tier 1 discussed in Resolution PC4-20-14 on December 20, 2020; and

WHEREAS, the County also advised that since the 2020 acquisition, it had continued its efforts to acquire the remaining 14 acres of land within Tier 1 to complete its obligation under the Agreement; and

WHEREAS, the County's efforts included identifying 110 privately held lots totaling approximately 95 acres for potential acquisition; sending letters of interest to the assessed owners of these lots; obtaining an appraisal for the overall parcel; and commencing title research on these lots; and

WHEREAS, based on landowner communications conducted to date, the County has executed agreements of sale with five (5) property owners, including the owner of a ten (10) acre lot; and

WHEREAS, the County anticipates closing on some of these lots prior to the end of the calendar year; and

WHEREAS, there are potential title issues associated with many of the lots that the County has identified for potential acquisition: and

WHEREAS, these title issues have complicated the County’s acquisition process; and

WHEREAS, on July 5, 2022, the Atlantic County Board of Commissioners adopted Ordinance #7 of 2022, which authorizes the acquisition of the 110 lots either through negotiation or the use of eminent domain for those lots where clear title cannot be established; and

WHEREAS, the extension granted by Resolution PC4-20-14 expired on January 7, 2022; and

WHEREAS, the Agreement contains a provision that requires the County to pay an amount equal to fair market value of any acreage that it fails to acquire within Tier 1 within six years from the effective date of the Agreement (January 7, 2020), to a non-profit, government entity or university or college to undertake the acquisition of Pinelands Development Credits from agricultural lands or other projects, including land acquisition, to improve water quality within the boundaries of Tiers 1 through 3 in Atlantic County; and

WHEREAS, the Commission believes it is preferable to allow the County to complete its acquisition of the remaining 14 acres rather than having the County provide funds to a non-profit, governmental entity or university for that purpose, given the County’s diligent effort to date to complete its obligations under the Agreement; and

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

NOW, THEREFORE BE IT RESOLVED that the Commission grants Atlantic County an additional extension from January 7, 2022 until September 7, 2023 to acquire the remaining 14 acres within Tier 1 to satisfy its obligations under the Secondary Impacts Agreement.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Acting Executive Director

 Laura E. Matos
 Chair



Atlantic County

Department of Regional Planning and Development

Dennis Levinson
County Executive

John Peterson
Department Head

Division of Planning
609/645-5898 FAX: 609/645-5836
TDD: 348-5551

Division of Engineering
609/645-5898 FAX: 609/645-5964

Office of GIS

August 15, 2022

Susan Grogan, Acting Executive Director
NJ Pinelands Commission
PO Box 359
15 Springfield Road
New Lisbon, New Jersey 08064

RE: GSP Interchange 44, Galloway Twp. – Secondary Impacts Agreement

Dear Ms. Grogan,

Please accept this letter as a request to extend the agreement between Atlantic County and the NJ Pinelands Commission, previously executed in connection with the NJ Turnpike Authority's expansion of Interchange 44 of the Garden State Parkway. To date, Atlantic County has acquired most of the land required to satisfy the requirements of that agreement, including the purchase of 342 of 356 acres of land within the Tier 1 area targeted for preservation. Since the time of our last update, the County acquired 15 acres in December of 2020, with 14 acres remaining to satisfy the terms of the agreement.

Following the 2020 purchase, the County continued its pursuit of lands within the Tier 1 target area. Approximately 110 privately held lots are now being targeted for acquisition, totaling 95 acres, more or less. Letters of interest were sent out in 2021 to the assessed owners of the lots, with some positive initial response. An appraisal report was obtained for the overall parcel to determine value. Title research is currently underway for all of the lots. Based on landowner communications to date, it is anticipated that the County will be able to proceed with closing on some lots prior to the end of the year. We have received signed Agreements of Sale from 5 owners, including one 10-acre lot. Unfortunately, it also appears that there may be title issues impacting many of these lots, which has complicated the acquisition process.

On July 5th, the Atlantic County Board of Commissioners adopted Ordinance #7 of 2022, which authorizes acquisition of the 110 lots. The Ordinance allows for the County to purchase the lots via negotiations or Eminent Domain action (mostly in cases where clear title cannot be established). Formal offer packages are being developed for those owners who did not respond to our initial outreach, and will be based on the results of our title research.



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Atlantic County is an Equal Opportunity Employer



Based on our progress to date and our ongoing commitment to purchase and preserve the remaining acreage, we respectfully request the Commission's consideration of a 12-month extension of time to complete this project.

The Commission's consideration of this request is greatly appreciated. If you or your staff have any questions regarding this request or the County's progress to date, please feel free to contact me at 609-645-5898. Thank you.

Respectfully,



Ranae L. Fehr, PP, AICP, CPM
Acting Department Head

cc: Stacey Roth, Esq., Chief, Legal and Legislative Affairs, NJ Pinelands Commission



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-_____

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2023 Budgets for the Operating Fund, Katie Trust Fund, Fenwick Manor Preservation Fund, and the Pinelands Conservation Fund

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

WHEREAS, the State of New Jersey has appropriated \$3,399,000 to support the Commission's operations during Fiscal Year 2023; and

WHEREAS, the Department of the Treasury has informed the Commission that \$687,000 (31%) of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in Fiscal Year 2023; and

WHEREAS, the Commission anticipates that additional funding sources of \$1,725,500 will be available to further support the Commission's operations; and

WHEREAS, as recommended by the Pinelands Climate Committee at its meeting of July 29, 2022, the Fiscal Year 2023 Operating Budget includes the establishment of a \$500,000 Energy Conservation Reserve to be used for projects and capital expenditures that foster the Commission's mission toward improved energy conservation, sustainability and mitigation of greenhouse gas emissions to the greatest extent feasible, consistent with Pinelands Commission Resolutions PC4-20-37 and PC4-22-15; and

WHEREAS, in order to accomplish these and other important initiatives and to continue to carry out the Commission's regulatory responsibilities, the Fiscal Year 2023 Operating Budget anticipates a \$688,078 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Operating Budget for Fiscal Year 2023 totals \$6,499,578; and

WHEREAS, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and

WHEREAS, the Katie Trust Fund Budget for Fiscal Year 2023 anticipates expenditures of \$500, which will be drawn from the Fund Balance and used for maintenance of the new rain garden on the Commission's property; and

WHEREAS, adoption of a new Fenwick Manor Preservation Budget is necessary to recognize the \$500,000 special appropriation to the Pinelands Commission included in the State's Fiscal Year 2023 Budget for the refurbishment, maintenance and preservation of Fenwick Manor. Anticipated expenditures of \$500,000 will be drawn from this State Aid; and

WHEREAS, a financial plan for the Pinelands Conservation Fund (PCF), which includes four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach), was approved by the Commission in April 2005 and last revised in August 2014; and

WHEREAS, the Fiscal Year 2023 budget for the Land Acquisition program totals \$8,350; and

WHEREAS, the Fiscal Year 2023 budget for the Conservation Planning and Research program totals \$703,011; and

WHEREAS, the Fiscal Year 2023 budget for the Community Planning and Design program totals \$154,070; and

WHEREAS, the Fiscal Year 2023 budget for the Education and Outreach program totals \$95,400; and

WHEREAS, the total Fiscal Year 2023 budget for the Pinelands Conservation Fund is \$960,831; and

WHEREAS, the Commission’s Personnel & Budget Committee has reviewed the FY 2023 budgets for the Operating Fund, Katie Trust Fund, Fenwick Manor Preservation Fund and Pinelands Conservation Fund and has recommended their adoption by the Commission; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts the attached Fiscal Year 2023 Budgets for the Operating Fund totaling \$6,499,578, the Katie Trust Fund totaling \$500, the Fenwick Manor Preservation Fund totaling \$500,000 and the Pinelands Conservation Fund totaling \$960,831.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2023**

Revenue Source	FY2020 Audited	FY2021 Unaudited	FY2022 Unaudited	FY2023 Anticipated	Notes
State Appropriation	2,949,000	3,099,000	3,249,000	3,399,000	1
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	40	0	0	0	
Interest Income	50,000	4,000	4,000	6,500	3
NPS - Long Term Environmental Monitoring	192,000	144,000	155,400	145,055	4
NPS - Long Term Economic Monitoring	191,000	156,000	142,600	152,945	4
EPA - Micro	100,000	125,000	95,000	0	
EPA - Kingsnake	0	160,000	225,000	85,000	5
Wetlands Permitting	4,000	1,000	1,000	6,000	6
Pinelands Application Fees	690,000	380,000	500,000	650,000	7
TOTAL REVENUE	4,863,040	4,756,000	5,059,000	5,131,500	
Microfilm Reserve Anticipated	3,650	3,650	3,650	0	
Computer Reserve Anticipated	18,420	18,420	18,420	0	
Fenwick Manor Painting Reserve Anticipated	120,000	120,000	120,000	120,000	8
Energy Conservation Reserve	0	0	0	500,000	9
Administrative Assessment (PCF)	60,000	60,000	60,000	60,000	10
Undesignated Fund Balance Anticipated	849,964	957,004	705,132	688,078	11
TOTAL OTHER INCREASES	1,052,034	1,159,074	907,202	1,368,078	
TOTAL REVENUE AND OTHER INCREASES	5,915,074	5,915,074	5,966,202	6,499,578	

**PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2023**

Expenditure Account	FY2020 Audited	FY2021 Unaudited	FY2022 Unaudited	FY2023 Anticipated	Notes
PERSONNEL					
Salaries & Wages	3,094,758	3,050,972	3,021,984	3,374,398	12
Fringe Benefits	1,822,822	1,904,593	1,910,905	2,188,901	13, 14
TOTAL PERSONNEL	4,917,580	4,955,565	4,932,889	5,563,299	
SUPPLIES					
Printing & Office Supplies	28,705	35,275	26,420	34,040	15
Vehicular Supplies	7,525	6,900	10,900	11,400	16
Household Supplies	9,300	10,800	10,400	18,420	17
Fuel & Utilities	43,000	42,500	42,500	47,500	18
Other Supplies	14,503	33,309	41,492	36,842	19
TOTAL SUPPLIES	103,033	128,784	131,712	148,202	
SERVICES					
Travel	6,350	4,445	5,925	4,190	20
Telephone	36,800	40,500	45,120	46,120	21
Postage	6,150	3,650	2,175	1,725	22
Insurance	61,225	55,136	59,225	64,260	23, 24
Information Processing	77,325	85,082	108,861	126,835	25
Household Services	2,600	2,600	2,600	4,600	26
Professional Services	541,333	485,652	462,728	222,500	27
Other Services	30,558	24,901	35,717	35,147	28
TOTAL SERVICES	762,341	701,966	722,351	505,377	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	46,500	47,000	94,000	75,500	29
Maintenance - Equipment	21,250	21,850	21,350	23,500	30
Maintenance - Vehicular	5,720	6,720	6,720	9,720	31
Rent - Other	8,050	8,050	10,550	10,350	32
TOTAL MAINTENANCE & RENT	81,520	83,620	132,620	119,070	
IMPROVEMENTS & ACQUISITIONS					
Acquisitions - Equipment	28,600	20,730	10,130	106,630	33
Acquisitions - Information Processing Equipment	22,000	24,408	36,500	57,000	34
TOTAL IMPROVEMENTS & ACQUISITIONS	50,600	45,138	46,630	163,630	
TOTAL EXPENDITURES	5,915,074	5,915,074	5,966,202	6,499,578	35, 36, 37

PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2023 NOTES
August 23, 2022

1. The Governor's budget includes a FY 2023 State Appropriation to the Commission in the amount of \$3,399,000.
2. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$838,218 in FY 2012, \$837,927 in FY 2013, \$844,809 in FY 2014 and \$840,455 in FY 2015 but was only approved to receive \$687,000. No increase in funding occurred between FY2016-FY2022. The FY2023 budget once again anticipates receipt of only \$687,000.
3. Interest Income is earned in the Commission's checking account and the cash management fund designated for general use. Interest income for the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have fluctuated in recent years and have greatly affected interest income over several years. FY 2023 will see an increase in interest due to the Federal Reserve's recent rate increases during June and July of 2022.
4. The Commission is entering its 27th year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year and unspent funds from prior years, which are reimbursed in full.
5. The EPA Kingsnake Study remains an active grant; staff will continue their work in Fiscal Year 2023.
6. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.
7. Application Fees of \$650,000 are anticipated to be received during FY 2023, based on an average of the past five years of application fee revenue. This important component of the Commission's Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.
8. The Fenwick Manor Painting Reserve was established in FY2015 to earmark funds for exterior painting of Fenwick Manor. Funds were added annually as follows: \$40,000 in FY 2015; \$40,000 in FY 2016; \$20,000 in FY 2017 and \$20,000 in FY 2018. A total of \$120,000 remains available in the reserve for the painting project.

9. FY 2023 will be the inaugural year of the Commission's Energy Conservation Reserve. This reserve will be for projects and capital expenditures that foster the Commission's mission toward energy conservation and sustainability. Some of the projects earmarked are: installation of an electric vehicle charging station; retention of a solar facility expert to assess the feasibility of installing a solar energy facility on the Commission's property; purchase of two electric/hybrid field vehicles; purchase of energy efficient lawn maintenance and other office equipment; development of a long-term plan for replacement of the Commission's existing HVAC systems; and other initiatives recommended in the Local Government Energy Audit reports or by the Pinelands Climate Committee. Grants available to state agencies will also be pursued.

10. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund, which was amended in 2014. Included in the plan is an annual assessment of \$20,000 from three of the programs in the Fund (see Pinelands Conservation Fund budget note #3). This \$60,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.

11. The projected amount needed from the Undesignated Fund Balance to balance the FY2023 budget deficit is \$688,078.

12. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 22 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2023 salaries and wages budgets (Operating and Pinelands Conservation Fund) finance only 44 of the 66 authorized full time equivalent positions.

13. The fringe benefits budget includes expenditures for the employer's share of Social Security (\$225,000), Medicare (\$65,000), disability insurance (\$1,000), flexible savings accounts (\$1,500) and miscellaneous administrative charges (\$500). The employer liability of pension related funds is estimated at \$550,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,550,000 with a \$160,000 reduction for coinsurance payments from staff members. Also included is \$18,000 for dental insurance premiums and \$900 for participation in the Employee Advisory Service. Lastly, \$233,247 of the total fringe benefits budget is projected to be funded by the Pinelands Conservation Fund as shown in those budgets.

14. Upon Commission approval of the FY 2023 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$290,000.

15. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and staff and Commissioner service awards. Grant-related expenses account for \$9,740 of this budget.

16. The majority of the vehicular supplies budget covers gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits.
17. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$2,000 and other operating supplies.
18. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer.
19. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 98%) of this account, totaling \$36,142 for FY 2023.
20. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances.
21. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service.
22. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically, including letters, reports and public outreach materials.
23. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers, and the umbrella liability policy. Through the years, the Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commission's buildings under the State's property insurance.
24. Upon Commission approval of the FY 2023 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$64,260 to cover the Commission's insurance premiums.
25. The FY 2023 budget for information processing includes \$115,835 for software maintenance agreements and data purchases, \$6,000 for payroll processing, \$3,000 for database administration services and \$1,000 for online legal services and \$1,000 for hardware maintenance. Over \$8,539 of this budget is reimbursable through grants or special revenue.
26. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.
27. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$100,000 for legal fees associated with DAG services; \$50,000 for labor counsel and \$6,000 for publication of the

Commission's rulemaking documents by the Office of Administrative Law. Grant related technical services totaling \$36,000 are budgeted.

28. Expenditures in the other services budget include annual subscriptions (\$2,800), required memberships and professional licenses (\$5,930); meeting expenses (\$1,500); advertising (\$4,255), research related fees (\$1,362), training (\$17,300), and banking fees (\$1,200).

29. The maintenance buildings and grounds budget for FY 2023 includes an estimated cost for implementation of Energy Efficiency measures and installation of an Electric Vehicle Charging Station (the cost of which may be partially offset by grant funding). The remaining amount is available for minor maintenance services (plumbing, electrical, HVAC, Tree Trimming, etc.). Interior upgrades for enhanced security of the Commission's offices will be installed and monitored for effectiveness.

30. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment.

31. The maintenance vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work not performed by the Commission's Maintenance Technician.

32. The FY 2023 budget includes \$200 for the postage meter, \$7,200 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$250 for the safe deposit box. Leasing of a Large Format Scanner for \$2,500 per year is also included to facilitate scanning and saving of site plans and zoning maps.

33. The acquisitions - equipment budget contains \$6,630 for scientific equipment supporting grant related projects and \$2,000 for unanticipated telephone system expenses. Also included are estimated costs associated with purchase of two electric/hybrid field vehicles, one of which will replace an existing 2008 hybrid vehicle that proved to be unsuitable for field work.

34. The acquisitions - information processing equipment budget includes the replacement of outdated computers, servers and additional laptops needed to support the workSmart Telework Pilot program initiated on July 1, 2022, by the State of New Jersey.

35. The total estimated Operating Budget expenditures for FY 2023 equal \$6,499,578. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund and the Pinelands Conservation Fund do not exceed \$3,883,014.

36. Several expenditure account budgets include funding for various services and benefits that are reimbursed to the State of New Jersey and are over the Executive Director's authorized

contracting limit of \$150,000 (OMB 22-09-DPP). These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

37. Upon Commission approval of the FY 2023 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2023 BUDGET**

Revenue Source	FY2020 Audited	FY2021 Unaudited	FY2022 Unaudited	FY2023 Anticipated	Notes
Interest Income - Land Acquisition	15,000	1,640	1,050	5,100	1
Interest Income - Conservation Planning & Research	47,255	3,200	1,800	5,000	1
Interest Income - Community Planning & Design	34,000	1,600	900	2,800	1
Interest Income - Education & Outreach	22,000	620	1,100	950	1
SJTA - MOA	500,000	500,000	500,000	500,000	2
Total Revenue	618,255	507,060	504,850	513,850	
Cancellation of Prior Year Encumbrances	0	0	0	0	
Reserves for Pinelands Conservation Activities	0	323,556	538,782	446,981	
Total Revenue/Other Sources Anticipated	618,255	830,616	1,043,632	960,831	

Expenditure Account	FY2020 Unaudited	FY2021 Unaudited	FY2022 Unaudited	FY2023 Anticipated	Notes
<u>Land Acquisition</u>					
Salaries & Wages	5,750	16,800	20,000	5,000	
Fringe Benefits	2,875	7,896	10,600	2,650	
Land Acquisition	0	0	0	0	
Printing & Office Supplies	0	0	0	600	
Travel	0	0	0	100	
Total Land Acquisition Expenditures	8,625	24,696	30,600	8,350	4

Conservation Planning and Research

Salaries & Wages	207,133	232,346	363,812	372,616	
Fringe Benefits	103,566	109,203	192,820	191,937	
Printing & Office Supplies	0	0	0	0	
Other Supplies	17,872	15,125	15,500	35,150	
Travel	2,227	3,100	5,421	7,421	
Information Processing	728	1,410	500	1,110	
Technical Services		5,300	5,300	0	
Professional Services		90,868	88,199	67,647	
Other Services	200	100	75	330	
Acquisitions - Equipment		3,000	3,400	6,800	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Conservation Planning/Research Expenditures	351,726	480,452	695,027	703,011	5

Community Planning and Design

Salaries & Wages	85,000	129,000	101,000	90,000	
Fringe Benefits	42,500	60,630	53,530	42,370	
Printing & Office Supplies	500	100	100	200	
Travel	54	0	0	0	
Postage	500	500	500	500	
Information Processing	500	618	250	750	
Other Services	550	300	275	250	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Community Planning/Design Expenditures	149,604	211,148	175,655	154,070	6

Education and Outreach

Salaries & Wages	55,000	60,000	75,000	40,000	
Fringe Benefits	27,500	28,200	39,750	21,200	
Printing & Office Supplies	500	0	0	2,000	
Travel	0	100	100	100	
Other Supplies	500	1,320	1,600	4,500	
Other Services	4,800	4,700	5,000	7,600	
Acquisitions - Equipment			900	0	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Education and Outreach	108,300	114,320	142,350	95,400	7

Total Expenditures	618,255	830,616	1,043,632	960,831	
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PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2023 BUDGET NOTES
August 23, 2022

1. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in four separate cash accounts, one for each program of the Fund. The FY 2023 estimated interest income totals are anticipated to reach \$13,850 and are comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the associated projects. The Federal Reserve recently issued two interest rate increases during June and July of 2022; thus, higher interest revenue is projected for FY2023.
2. This revenue results from the SJTA MOA Amendment executed in April of 2019, under which SJTA is required to contribute a total of \$3,000,000 for land acquisition in the Pinelands Area. The Pinelands Commission will receive six annual payments of \$500,000.00. Payment #5 will be made in FY2023.
3. The financial plan that designated the three original programs within the Fund (Land Acquisition, Conservation Planning & Research and Community Planning & Design) was approved by the Commission in April 2005 and included a \$20,000 annual assessment from each program to cover administrative expenses as described in Operating Budget note #10. The Commission amended the PCF policies in 2014 to include a fourth program, Education & Outreach, from which a \$20,000 annual administrative assessment is also drawn. The annual assessment from the Land Acquisition program has been eliminated.
4. The Land Acquisition program budget for FY 2023 totals \$8,350. Personnel costs (salaries/wages and fringe benefits) are estimated at \$7,650 in support of the Commission's permanent land protection initiatives.
5. The Conservation Planning and Research program budget for FY 2023 totals \$703,011. Personnel costs (salaries/wages and fringe benefits) are estimated at \$564,553 to support the following initiatives and special projects: the landfill closure assessment; continued implementation of the alternate septic system pilot program; rulemaking associated with the Kirkwood-Cohansey aquifer water management amendments; rulemaking related to the Electric Transmission Right of Way Maintenance Pilot Program; rulemaking associated with the Black Run Watershed; maintenance of threatened and endangered species data and associated data sharing agreements; and data maintenance and reporting related to permanent land protection. In addition, the Science Office will be continuing to conduct Corn Snake and King Snake research, in partnership with EPA and Herpetological Associates. In FY2023, the Science Office's research related to box turtles will also be funded from this account. Miscellaneous expenses (software, supplies, travel and legal advertisements) supporting the program total \$42,900. Additional expenses for the Corn and King Snake research include \$67,647 in Professional Services and \$6,800 in fixed assets. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

6. The Community Planning and Design program budget for FY 2023 totals \$154,070. Personnel costs (salaries/wages and fringe benefits) are estimated at \$132,370 to support the following initiatives and special projects: review and proposal of CMP amendments related to Forest and Rural Development Area clustering, solar energy facilities and the use of Pinelands Development Credits; preparation of updated PDC supply and demand estimates; administrative responsibilities supporting the Pinelands Development Credit Bank; administration of the Pinelands Infrastructure Trust Fund; and support for the Pinelands Climate Committee and related initiatives. Miscellaneous expenses (software, postage, printing, supplies, meeting expenses and legal advertisements) supporting the program equal \$1,700. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

7. The Education and Outreach program budget for FY 2023 totals \$95,400. Personnel costs (salaries/wages and fringe benefits) are estimated at \$61,200 to support the two annual Pinelands Short Courses, the World Water Monitoring Challenge and other Outreach programs. Also included is a total of \$6,500 for supplies related to the Visitors Center, the World Water Monitoring Challenge and maintenance of the bog garden, as well as \$5,000 for services and supplies to launch the Commission's on-line store. Miscellaneous expenses (honoraria for participants in the Pinelands Speakers Series and mileage) supporting the program equal \$2,700. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

PINELANDS COMMISSION
Fenwick Manor Preservation Budget
FISCAL YEAR 2023 BUDGET

Revenue	FY 2023 Anticipated	Notes
State Aid Anticipated	500,000	1
Total Reserve Anticipated	500,000	

Expenditure Account	FY 2023 Anticipated	Notes
Preservation Plan	50,000	2
Exterior Painting	250,000	3
Structural Engineer	20,000	4
Structural Reinforcement/Maintenance	165,000	5
Interior Modifications	15,000	6
Total Expenditures	500,000	

**PINELANDS COMMISSION
FENICK MANOR PRESERVATION
FISCAL YEAR 2023 BUDGET NOTES
August 23, 2022**

1. This is the anticipated State Aid provided by the State of New Jersey FY 2023 Budget. (Pages 79-80 of P.L. 2022, Chapter 49).
2. The Commission previously solicited quotes (through RFP) for the preparation of a Historic Preservation Plan for Fenwick Manor. The budgeted amount reflects the likely total cost for the plan. Should the Commission receive grant funding through the New Jersey Historic Trust, we would be responsible for only 25% of the cost. The remaining funds would then become available for structural repairs and long-term maintenance.
3. Fenwick Manor remains in dire need of exterior painting. Two rounds of RFPs have been issued in the past, with bids starting at \$245,000. Upon completion of the Preservation Plan noted in #2 above, we will once again apply to the New Jersey Historic Trust for a Capital Level I Grant, which would offset a portion of the cost.
4. The main chimney in Fenwick Manor is structurally compromised, leading to growing cracks in the walls and ceiling running from the basement to the attic. This is the core structure of the foundation affecting all surrounding levels. A Structural Engineer will need to be retained to assess existing conditions and safety concerns and identify appropriate measures to repair the structure.
5. This total represents all remaining funds, which will be used for structural repairs and reinforcements, improvements recommended in the Preservation Plan, and long-term maintenance of the building.
6. Offices surrounding the structurally compromised chimney will need interior modifications and repair once the reinforcements are completed.

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2023 BUDGET**

	FY 2020 Audited	FY 2021 Unaudited	FY 2022 Unaudited	FY 2023 Anticipated	Notes
Revenue					
Katie Trust Fund Balance Anticipated	15,000	15,000	20,000	500	1
Total Reserve Anticipated	15,000	15,000	20,000	500	

Expenditure Account	FY 2020 Audited	FY 2021 Unaudited	FY 2022 Unaudited	FY 2023 Anticipated	Notes
Rain Garden Supplies	-	-	20,000	500	2
	-	-	20,000	500	
Ground Supplies					
Plants & Fencing	4,000	4,000	-	-	
Total Supplies	4,000	4,000	-	-	
Services					
Professional Services	10,000	10,000	-	-	
Total Services	10,000	10,000	-	-	
Improvements & Acquisitions					
Acquisitions - Furniture	1,000	1,000	-	-	
Total Improvements & Acquisitions	1,000	1,000	-	-	
Total Expenditures	15,000	15,000	20,000	500	

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2023 BUDGET NOTES
August 23, 2022**

1. This is the anticipated Fund Balance after design and installation of the Commission's Rain Garden, which serves as an extension of the Visitors Center.
2. Supplies and replacement plants that may be needed to foster the first year of the Rain Garden's growth until it become self-sustaining.



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 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

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

MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*
 Planning Specialist

Date: August 31, 2022

Subject: No Substantial Issue Findings

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

Franklin Township Ordinance O-18-22 – amends Chapter 253 (Land Development) of the code of Franklin Township. The ordinance permits solar energy systems as an accessory use in the following zoning districts within the Pinelands Area portion of the Township: Pinelands Institutional (P-I), Pinelands Agricultural Production (PA-P), Pinelands Rural Residential (PR-R), Pinelands Highway Commercial (PH-C), Pinelands Neighborhood Commercial (PN-C), and Pinelands Light Manufacturing Industrial (PLM-I). The ordinance includes standards for roof-mounted and ground-mounted solar energy systems. The P-I, PR-R, PH-C, and PN-C districts are located within a Pinelands Rural Development Area. The PA-P District is located within a Pinelands Agricultural Production Area.

Monroe Township Ordinance O:14-2022 – amends Chapter 175 (Land Management) of the Code of Monroe Township. The ordinance expands the list of activities requiring a zoning permit to include any commercial change in ownership, change in tenant or change in business name. The ordinance also requires the submission of a land survey for any zoning permit application involving exterior work that extends outside of the principal structure.

South Toms River Borough Ordinance 22-2 – establishes Chapter 20 (Cannabis Establishments) of the Code of South Toms River Borough. The ordinance provides regulations related to the zoning, application procedures, licensing, and taxing of cannabis establishments. Within the Pinelands Area portion of the Borough, the ordinance permits cannabis cultivation (class 1), manufacturing (class 2), wholesaling (class 3), distribution (class 4), retail (class 5), and delivery services (class 6) within the Special Economic Development (SED) and Neighborhood Commercial (C-N) zones. The SED and C-N zones are located within a Pinelands Regional Growth Area. The ordinance allows for up to three

licenses in each zone. The dimensional and bulk standards of the underlying zone are also required to be met.

Waterford Township Ordinance 2022-14 – amends Chapter 176 (Land Use, Development, and Zoning) of the Code of Waterford Township. The ordinance amends Section 176-118, General requirements for accessory uses and structures, by modifying setback standards for accessory structures over 500 square feet, increasing the maximum permitted height of all accessory structures to 35 feet, and increasing the permitted gross floor area of private garages to 1,500 square feet. The ordinance permits non-commercial personal home offices as a residential accessory use. The ordinance also amends certain procedural timelines related to conditionally granted use variances.

Winslow Township Ordinance O-2022-017 – amends the Churchill Redevelopment Plan previously certified by the Commission. The amendment expands an existing redevelopment area, located in the Township's Regional Growth Area, by 0.75 acres and adds age-restricted townhouses to the list of permitted residential uses in the redevelopment area's Senior Residential District.

Winslow Township Ordinance O-2022-018 – amends Chapters 204 (Property Maintenance), 294 (Zoning), and 296 (Zoning Within Pinelands Area) of the Code of Winslow Township. Chapter 296 is amended to include definitions for the terms: “Bed and Breakfast,” “Building Coverage,” “Child Care Center,” “Family Daycare Home,” “Lot Coverage,” and “Mobile Retail Food Establishments (Food Trucks).” Within the Rural Residential (PR-1), Low Density Residential (PR-2), Medium Density Residential (PR-3) and High Density Residential (PR-4) districts, the ordinance establishes a side- and rear-yard setback standard of 15 feet for any residential accessory structure exceeding 400 square feet in total area. The PR-1 District is located within a Pinelands Rural Development Area, while the PR-2, PR-3, and PR-4 districts are located within a Pinelands Regional Growth Area.



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 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

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

MEMORANDUM

To: Members of the Commission

From: Charles M. Horner, P.P. *C.M.H.*
 Director of Regulatory Programs

Branwen Ellis
 Environmental Specialist

Date: August 30, 2022

Subject: Forestry Policies for State Owned Land in the Pinelands Area

This memorandum identifies the specific forestry policies that the Commission may wish to consider recommending to the New Jersey Forest Task Force for State-owned lands in the Pinelands Area. The Forest Task Force was formed by New Jersey State Senator Bob Smith to study and identify ways in which the State can best manage its forests.

If the Commission decides to support some or all of the identified forestry policies, the Commission may wish to recommend the policies to the Forest Task Force for only State-owned lands in the Pinelands Area. To the extent that the Forest Task Force determines that some or all of the Commission recommended policies for the Pinelands Area are applicable to the balance of State-owned land in New Jersey, that would be a determination of the Forest Task Force.

For background information, page three of this memorandum provides the Pinelands Comprehensive Management Plan (CMP) definition of “forestry.”

For further background information, page four of this memorandum provides important language from the Pinelands Protection Act. Providing an overview of the goals of the Pinelands Protection Act, particularly the different goals of the Act with respect to the Pinelands Protection Area and the Pinelands Preservation Area, will hopefully facilitate the discussion of forestry policies for State-owned lands in the Pinelands Area. For reference, the State owns nearly 365,000 acres of land in the Pinelands Area, including State Forests, Wildlife Management Areas and other open space lands. Approximately two-thirds of this acreage is located in the Pinelands Preservation Area. The remaining third is located primarily in the Pinelands Forest Area, which is within the Pinelands Protection Area.

The fifth page of this memorandum identifies the specific forestry policies that the Commission may wish to consider recommending to the Forest Task Force.

Please note that the identified forestry policies are limited to the matters that the Commission regulates. For example, the Commission does not regulate hunting or fishing or directly regulate off-road vehicle usage in the Pinelands Area. Accordingly, the staff has not recommended forestry policies relative to deer management or off-road vehicle usage.

The Pinelands Comprehensive Plan Definition of Forestry

(N.J.A.C. 7:50-2.11)

“Forestry” means the planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning.

For purposes of this Plan, the following activities shall not be defined as forestry:

1. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
2. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
3. Removal of trees necessitated by the development of the parcel as otherwise authorized by this Plan;
4. Removal of trees necessary for the maintenance of utility or public rights-of-way;
5. Removal or planting of trees for the personal use of the parcel owner; and
6. Removal of trees for public safety.

THE PINELANDS PROTECTION ACT

The Pinelands Protection Act (13:18A-9.) provides that the goals of the Pinelands Comprehensive Management Plan (CMP) with respect to the entire Pinelands Area shall be to protect, preserve and enhance the significant values of the resources thereof..

The Pinelands Protection Act delineates the approximately one-million-acre Pinelands Area. The Pinelands Protection Act also geographically divides the Pinelands Area into the Pinelands Protection Area and the Pinelands Preservation Area.

The goals of the Pinelands Protection Act with respect to the Pinelands Protection Area are:

- (1) Preserve and maintain the essential character of the existing pinelands environment, including the plant and animal species indigenous thereto and the habitat therefor;
- (2) Protect and maintain the quality of surface and ground waters;
- (3) Promote the continuation and expansion of agricultural and horticultural uses;
- (4) Discourage piecemeal and scattered development; and
- (5) Encourage appropriate patterns of compatible residential, commercial and industrial development, in or adjacent to areas already utilized for such purposes, in order to accommodate regional growth influences in an orderly way while protecting the pinelands environment from the individual and cumulative adverse impacts thereof.

The goals of the Pinelands Protection Act with respect to the Pinelands Preservation Area are:

- (1) Preserve an extensive and contiguous area of land in its natural state, thereby ensuring the continuation of a pinelands environment which contains the unique and significant ecological and other resources representative of the Pinelands Area;
- (2) Promote compatible agricultural, horticultural and recreational uses, including hunting, fishing and trapping, within the framework of maintaining a Pinelands environment;
- (3) Prohibit any construction or development which is incompatible with the preservation of this unique area;
- (4) Provide a sufficient amount of undeveloped land to accommodate specific wilderness management practices, such as selective burning, which are necessary to maintain the special ecology of the preservation area; and
- (5) Protect and preserve the quantity and quality of existing surface and ground waters.

Recommended Forestry Policy for State Owned Lands in the Pinelands Area

The Commission's current forestry policies for both public and private lands in the Pinelands Area are reflected in the forestry regulations contained in the CMP. The forestry regulations contained in the CMP allow for forestry throughout the entire Pinelands Area, in wetlands and uplands, and make little distinction between forestry practices on private lands and public lands.

The below recommended forestry policies for State-owned lands in the Pinelands Area are more restrictive than the forestry regulations currently contained in the CMP. For example, the CMP allows for clear cutting on all privately and publicly owned lands in the Pinelands Area. In addition, the CMP permits commercial forestry on privately and publicly owned lands in the Pinelands Area. It should be noted that clear cutting or commercial forestry on publicly owned lands is rarely proposed in the Pinelands Area.

Based upon the goals of the Pinelands Protection Act, the Commission may wish to consider recommending to the Forest Task Force the following forestry policies for State owned lands in the Pinelands Area:

1. Support forestry that eliminates invasive tree and plant species.
2. Support forestry that restores Atlantic white cedar.
3. Support forestry that improves threatened and endangered plant and animal habitat.
4. Support forestry that addresses insect infestation.
5. Unless proposed to accomplish 1, 2, 3 or 4 above, prohibit clear cutting or comparable forestry techniques.
6. Support tree removal necessary to protect public safety from wildfire.
7. Support prescribed burning conditioned upon environmentally based guidelines.
8. Support forestry that minimizes or eliminates the use of herbicides.
9. Require that all forestry activities result in maintenance of native Pinelands Forest types.
10. Prohibit all other types of forestry. (Commercial forestry or forest thinning not intended to accomplish one of the above goals would not be permitted.)
11. Require or encourage preparation of a Conceptual Forestry Master Plan(s) and a Conceptual Forest Fire Fuel Break Master Plan(s) for State owned lands.