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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

June 12, 2018

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



Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for May 11, 2018 for your information.

Sincerely,

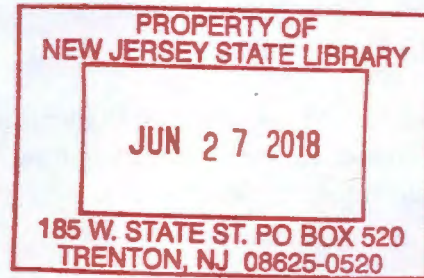
Teri Melodick
Principal Clerical Assistant

PCI
Enclosure: Minutes

974.905

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PC2-29



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

MINUTES

May 11, 2018

Commissioners present

Alan W. Avery Jr., Paul E. Galletta, Jordan P. Howell, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn, Richard Prickett, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

D'Arcy Rohan Green. Jane Jannarone participated briefly during the beginning of the meeting.

Commissioners Absent

Candace Ashmun, Bob Barr & Giuseppe Chila.

Chairman Earlen called the meeting to order at 9:36 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners who participated in the meeting.)

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

Minutes

Chairman Earlen presented the minutes from the April 13, 2018 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The April 13, 2018 Commission meeting minutes were adopted by a vote of 9 to 0, with Commissioner Rohan Green abstaining. Commissioner Jannarone was not on the telephone at the time of the vote.

Exhibit Center Naming

Commissioner Avery said he suggested to Commissioners and staff that the exhibit center be named after Commissioner Ashmun and requested a resolution be drafted to formalize the process of the naming. He said Commissioner Ashmun is the only remaining original member of this Board and she has been involved with numerous noteworthy achievements on this Commission and for the Pinelands.

Chairman Earlen read the resolution into the record. He said the new educational space will be officially named the Candace McKee Ashmun Pinelands Education Exhibit.

Commissioner Avery moved the resolution To Officially Name the New Pinelands Exhibits at the Pinelands Commission's Headquarters in Honor of Commissioner Candace McKee Ashmun. The resolution was seconded by Commissioner Lloyd and adopted unanimously (See Resolution # PC4-18-13).

Some Commissioners shared their appreciation of Commissioner Ashmun's work through the years.

ED Wittenberg added that as soon as Commissioner Ashmun is available, we will have a dedication.

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Commissioner Lloyd recused himself from this matter because he represents the New Jersey Conservation Foundation (NJCF). Commissioner Avery said he would also be recusing himself from this matter because he is a member of the Ocean County Natural Lands Trust Board. Both Commissioners left the meeting room. Commissioner Rohan Green said she would also be recusing herself, because she is a member of the Ocean County Natural Lands Trust Board.

Chief Planner Susan Grogan said that the CMP Policy and Implementation Committee was unable to authorize the advance payment of \$169,000 to the NJCF due to the lack of quorum. She said the full Commission needs to vote to authorize the advance payment so NJCF can close on the acquisition project in Woodland and Southampton townships at the end of this month.

Commissioner Lohbauer made a motion to authorize advance payment of \$169,000 from the Pinelands Conservation Fund (PCF) to the New Jersey Conservation Foundation. Commissioner Galletta seconded the motion. All were in favor.

Commissioner Lloyd and Commissioner Avery returned to the dais.

Committee Chairs' Reports

Chairman Earlen provided an update on the April 27, 2018 Policy and Implementation Committee meeting:

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The Committee recommended conditional certification of Egg Harbor Township Ordinance 35-2017.

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ED Wittenberg updated the Commission on the following:

- The auditors will be on-site beginning May 23, 2018 to conduct the FY 17 Audit.
- Chief Scientist John Bunnell recently worked with the New Jersey Department of Environmental (NJDEP) Protection, Herpetological Associates and the New Jersey Conservation Foundation to install barriers at Apple Pie Hill to protect vulnerable areas. (A picture was displayed of the barriers and is attached to these minutes.)
- Jonathan Meade from the National Park Service has requested a meeting with Commission staff. He advised staff that his name has been submitted for consideration as Pinelands Commissioner.
- Recruitment for a programmer in the Management Information Systems office continues. The Commission was able to post the job on the Office of Information Technology's website, which generated additional candidates.

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Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the placement of a 175- linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek in Pemberton Township.

Commissioner Prickett announced he would recuse from voting on this resolution because he resides in Pemberton Township. He left the room.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1982-3514.005) (See Resolution # PC4-18-14). Commissioner Pikolycky seconded the motion.

Commissioner Lloyd asked if a wetlands permit was required from the NJDEP.

Director Horner confirmed that a NJDEP Freshwater Wetlands Permit is necessary.

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

Commissioner Prickett returned to the dais.

Planning Matters

Chairman Earlen presented a resolution recommending a conditional certification of Egg Harbor Township Ordinance 35-2017.

Commissioner Galletta moved the adoption of a resolution Issuing an Order to Conditionally Certify Ordinance 35-2017, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township. (See Resolution # PC4-18-15). Commissioner Lohbauer seconded the motion.

Chief Planner Grogan said the ordinance is being recommended for conditional certification. She said the ordinance is not consistent with the Commission's standards for assisted living facilities in the Regional Growth Area. She said staff has discussed the issue with Egg Harbor Township and advised them that a residential density must be established and the use of Pinelands Development Credits will be required in excess of that number. She said the Township is not happy with the CMP standards regarding assisted living facilities. Staff has provided the Township with some alternatives. She advised the Commissioners she would keep them informed.

Commissioner Prickett asked about how the staff tracks ordinances such as this one.

Chief Planner Grogan said staff has an in-depth system which is used for tracking ordinance and master plans. She said it is more complicated to manage instances where the Commission disapproves or conditionally approves ordinances for which the towns do not respond. She said there is the potential for the town to adopt and publish the ordinance in its code. She said she will remind Egg Harbor that this ordinance is not in effect until it is formally approved by the Commission.

The Commission adopted the resolution by a vote of 10 to 0.

Public Comment on Public Development Applications and Items where the record is open
No one from the public spoke.

Ordinances Not Requiring Commission Action

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

- Buena Vista Township Ordinance 53-2018
- Egg Harbor City Ordinance 16-2017
- Galloway Township Ordinance 1988-2018
- Jackson Township Ordinance 05-18
- Mullica Township Ordinance 5-2018

Chief Planner Grogan mentioned that a number of towns have been submitting redevelopment plans.

General Public Comment

Katie Smith with the Pinelands Preservation Alliance encouraged the Commission to move forward on the Black Run rule proposal.

Margit Meissner Jackson, Acting Chair of the Ocean County Sierra Club, spoke about water issues related to the growing population in Ocean County. She also said she does not support cutting down trees near the Bass River Fire tower.

Resolution to Retire into Closed Session

DAG Velzy read a resolution to enter into closed session to discuss anticipated litigation.

Commission Lloyd made a motion to enter into closed session. Commissioner Lohbauer seconded the motion. The Commission agreed to retire into closed session by a vote of 10 to 0, beginning at 10:33 a.m.

Return to Open Session

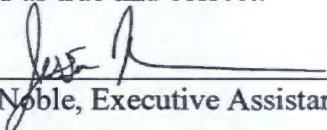
The Commission entered back into open session at 11:25 a.m.

DAG Velzy said that in closed session the Commission discussed attorney client advice as a follow up to a request by a Commissioner. No action was taken.

Adjournment

Commissioner Prickett moved to adjourn the meeting. Commissioner Galletta seconded the motion. The Commission agreed to adjourn at 11:29 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: May 22, 2018



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 13

TITLE: To Officially Name the New Pinelands Exhibits at the Pinelands Commission's Headquarters in Honor of Commissioner Candace McKee Ashmun

Commissioner Avery moves and Commissioner Lloyd seconds the motion that:

- WHEREAS, Candace McKee Ashmun has spent nearly four decades volunteering her time and expertise as a member of the New Jersey Pinelands Commission; and
- WHEREAS, Ms. Ashmun is the longest serving member in the Commission's history, and her contributions to the agency and its success are immeasurable; and
- WHEREAS, Ms. Ashmun has been a tireless advocate for the Pinelands, helping to raise awareness and appreciation of the region's resources, while touting the Pinelands Comprehensive Management Plan as a model for regional, land conservation planning; and
- WHEREAS, Ms. Ashmun's knowledge of the Pinelands Protection Act and of the Commission's past decisions and discussions have been invaluable in the agency's efforts to strengthen the Comprehensive Management Plan; and
- WHEREAS, Ms. Ashmun is a pioneer in land preservation, not only in the Pinelands but throughout the state; and
- WHEREAS, the Commission wishes to recognize and honor Ms. Ashmun for her service to the Pinelands Commission and the citizens of New Jersey; and
- WHEREAS, as a Trustee of the Fund for New Jersey, Ms. Ashmun was instrumental in obtaining the necessary funding to build the Commission's Richard J. Sullivan Center for Environmental Policy and Education; and
- WHEREAS, the Richard Sullivan Center will soon feature a collection of exhibits that will inspire current and future generations to explore and gain a better understanding of the Pinelands; and
- WHEREAS, the Commission believes it is only fitting to name these exhibits in honor of Ms. Ashmun; 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, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 11th day of May, 2018, does hereby honor and express its gratitude to Ms. Ashmun by naming this new educational space as the Candace McKee Ashmun Pinelands Education Exhibit.

Record of Commission Votes

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

*A = Abstained / R = Recused

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

Date: May 11, 2018
Sean W. Earlen
 Sean W. Earlen
 Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 14

TITLE: Approving With Conditions an Application for Public Development (Application Number 1982-3514.005)

Commissioner Lohbauer moves and Commissioner Pikolycky seconds the motion that:

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

1982-3514.005

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	April 20, 2018
Proposed Development:	Placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1982-3514.005 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	AR*		AYE	NAY	NP	AR*		AYE	NAY	NP	AR*
Ashmun			X		Howell	X				Prickett				R
Avery	X				Jannarone			X		Quinn	X			
Barr			X		Lloyd	X				Rohan Green	X			
Chila			X		Lohbauer	X				Earlen	X			
Galletta	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 13, 2018

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean W. Earlen
Sean W. Earlen
Chairman



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

Sean W. Earlen
 Chairman
 Nancy Wittenberg
 Executive Director

April 20, 2018

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

Re: Application # 1982-3514.005
 Block 827.01, Lot 7.04
 Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek on the above referenced parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 11, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

- c: Secretary, 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)
- John Helbig, PP, AICP (via email)
- Shannon Shadman (via email)





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

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PUBLIC DEVELOPMENT APPLICATION REPORT

April 20, 2018

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

Application No.: 1982-3514.005
 Block 827.01, Lot 7.04
 Pemberton Township

This application proposes placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek on the above referenced 16.23 acre parcel in Pemberton Township. The West End Park, a Township recreation area, is located on the parcel.

The placement of the gabion retaining wall will address a severe stream bank erosion problem that is resulting in a safety hazard for pedestrians utilizing the recreation area. The proposed nine foot wide gabion retaining wall will line the stream bank where the severe erosion is occurring.

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.5) provides that the Commission's Executive Director, after consultation with the Chairman of the Pinelands Commission, may authorize immediate action when it is necessary to remedy a condition dangerous to life, health or safety. On December 5, 2017, the Commission staff issued a letter authorizing the immediate placement of a gabion retaining wall to eliminate the concerned safety hazard. The Commission staff's December 5, 2017 letter required that an after-the-fact application for the proposed placement of the gabion retaining wall be completed with the Commission. This application satisfies that requirement.

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

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

The proposed development will be located in wetlands and the required buffer to those wetlands. The proposed development will disturb approximately 406 square feet of wetlands.

The CMP permits the placement of a retaining wall (linear improvement) in wetlands and 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 wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to wetlands and the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The applicant has represented that the proposed development is necessary to alleviate a safety hazard for pedestrians utilizing the recreational area. The applicant had 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 occur in an unvegetated portion of the stream bank. 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 application does not propose revegetation.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on March 16, 2018. Newspaper public notice was completed on March 19, 2018. The application was designated as complete on the Commission's website on April 3, 2018. The Commission's public comment period closed on April 13, 2018. The Commission received one public comment (attached) regarding this application.

Comment: The commenter requested a copy of the application.

Staff Response: The staff contacted the commenter and left a telephone message that there was a photocopying charge for the information and plan and offered the commenter the opportunity to review the application file. The commenter did not respond to that message. The commenter is copied on this Public Development Application Report containing the Executive Director's findings.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of one sheet, prepared by Adams, Rehmann & Heggan Associates, dated October 2017 and revised to April 3, 2018.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

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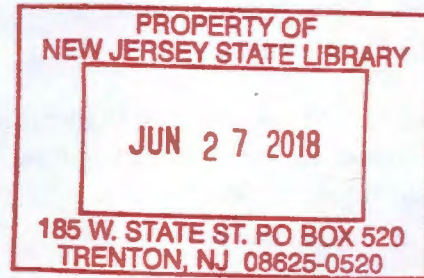
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Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval for the placement of a 175- linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek in Pemberton Township.

Commissioner Prickett announced he would recuse from voting on this resolution because he resides in Pemberton Township. He left the room.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1982-3514.005) (See Resolution # PC4-18-14). Commissioner Pikolycky seconded the motion.

Commissioner Lloyd asked if a wetlands permit was required from the NJDEP.

Director Horner confirmed that a NJDEP Freshwater Wetlands Permit is necessary.

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

Commissioner Prickett returned to the dais.

Planning Matters

Chairman Earlen presented a resolution recommending a conditional certification of Egg Harbor Township Ordinance 35-2017.

Commissioner Galletta moved the adoption of a resolution Issuing an Order to Conditionally Certify Ordinance 35-2017, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township. (See Resolution # PC4-18-15). Commissioner Lohbauer seconded the motion.

Chief Planner Grogan said the ordinance is being recommended for conditional certification. She said the ordinance is not consistent with the Commission's standards for assisted living facilities in the Regional Growth Area. She said staff has discussed the issue with Egg Harbor Township and advised them that a residential density must be established and the use of Pinelands Development Credits will be required in excess of that number. She said the Township is not happy with the CMP standards regarding assisted living facilities. Staff has provided the Township with some alternatives. She advised the Commissioners she would keep them informed.

Commissioner Prickett asked about how the staff tracks ordinances such as this one.

Chief Planner Grogan said staff has an in-depth system which is used for tracking ordinance and master plans. She said it is more complicated to manage instances where the Commission disapproves or conditionally approves ordinances for which the towns do not respond. She said there is the potential for the town to adopt and publish the ordinance in its code. She said she will remind Egg Harbor that this ordinance is not in effect until it is formally approved by the Commission.

The Commission adopted the resolution by a vote of 10 to 0.

Public Comment on Public Development Applications and Items where the record is open
No one from the public spoke.

Ordinances Not Requiring Commission Action

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

- Buena Vista Township Ordinance 53-2018
- Egg Harbor City Ordinance 16-2017
- Galloway Township Ordinance 1988-2018
- Jackson Township Ordinance 05-18
- Mullica Township Ordinance 5-2018

Chief Planner Grogan mentioned that a number of towns have been submitting redevelopment plans.

General Public Comment

Katie Smith with the Pinelands Preservation Alliance encouraged the Commission to move forward on the Black Run rule proposal.

Margit Meissner Jackson, Acting Chair of the Ocean County Sierra Club, spoke about water issues related to the growing population in Ocean County. She also said she does not support cutting down trees near the Bass River Fire tower.

Resolution to Retire into Closed Session

DAG Velzy read a resolution to enter into closed session to discuss anticipated litigation.

Commission Lloyd made a motion to enter into closed session. Commissioner Lohbauer seconded the motion. The Commission agreed to retire into closed session by a vote of 10 to 0, beginning at 10:33 a.m.

Return to Open Session

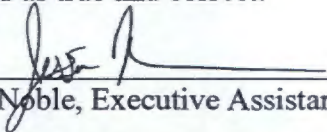
The Commission entered back into open session at 11:25 a.m.

DAG Velzy said that in closed session the Commission discussed attorney client advice as a follow up to a request by a Commissioner. No action was taken.

Adjournment

Commissioner Prickett moved to adjourn the meeting. Commissioner Galletta seconded the motion. The Commission agreed to adjourn at 11:29 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: May 22, 2018



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 13

TITLE: To Officially Name the New Pinelands Exhibits at the Pinelands Commission's Headquarters in Honor of Commissioner Candace McKee Ashmun

Commissioner Avery moves and Commissioner Lloyd seconds the motion that:

WHEREAS, Candace McKee Ashmun has spent nearly four decades volunteering her time and expertise as a member of the New Jersey Pinelands Commission; and

WHEREAS, Ms. Ashmun is the longest serving member in the Commission's history, and her contributions to the agency and its success are immeasurable; and

WHEREAS, Ms. Ashmun has been a tireless advocate for the Pinelands, helping to raise awareness and appreciation of the region's resources, while touting the Pinelands Comprehensive Management Plan as a model for regional, land conservation planning; and

WHEREAS, Ms. Ashmun's knowledge of the Pinelands Protection Act and of the Commission's past decisions and discussions have been invaluable in the agency's efforts to strengthen the Comprehensive Management Plan; and

WHEREAS, Ms. Ashmun is a pioneer in land preservation, not only in the Pinelands but throughout the state; and

WHEREAS, the Commission wishes to recognize and honor Ms. Ashmun for her service to the Pinelands Commission and the citizens of New Jersey; and

WHEREAS, as a Trustee of the Fund for New Jersey, Ms. Ashmun was instrumental in obtaining the necessary funding to build the Commission's Richard J. Sullivan Center for Environmental Policy and Education; and

WHEREAS, the Richard Sullivan Center will soon feature a collection of exhibits that will inspire current and future generations to explore and gain a better understanding of the Pinelands; and

WHEREAS, the Commission believes it is only fitting to name these exhibits in honor of Ms. Ashmun; 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, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 11th day of May, 2018, does hereby honor and express its gratitude to Ms. Ashmun by naming this new educational space as the Candace McKee Ashmun Pinelands Education Exhibit.

Record of Commission Votes

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

*A = Abstained / R = Recused

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

Date: May 11, 2018
Sean W. Earlen
 Sean W. Earlen
 Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 14

TITLE: Approving With Conditions an Application for Public Development (Application Number 1982-3514.005)

Commissioner Lohbauer moves and Commissioner Pikolycky seconds the motion that:

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

1982-3514.005

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	April 20, 2018
Proposed Development:	Placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1982-3514.005 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	AR*		AYE	NAY	NP	AR*		AYE	NAY	NP	AR*
Ashmun			X		Howell	X				Prickett				R
Avery	X				Jannarone			X		Quinn	X			
Barr			X		Lloyd	X				Rohan Green	X			
Chila			X		Lohbauer	X				Earlen	X			
Galletta	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 13, 2018

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean W. Earlen
Sean W. Earlen
Chairman



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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

April 20, 2018

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

Re: Application # 1982-3514.005
Block 827.01, Lot 7.04
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek on the above referenced parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 11, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

- c: Secretary, 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)
John Helbig, PP, AICP (via email)
Shannon Shadman (via email)





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Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 20, 2018

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

Application No.: 1982-3514.005
Block 827.01, Lot 7.04
Pemberton Township

This application proposes placement of a 175 linear foot gabion retaining wall within an unnamed tributary to the north branch of the Rancocas Creek on the above referenced 16.23 acre parcel in Pemberton Township. The West End Park, a Township recreation area, is located on the parcel.

The placement of the gabion retaining wall will address a severe stream bank erosion problem that is resulting in a safety hazard for pedestrians utilizing the recreation area. The proposed nine foot wide gabion retaining wall will line the stream bank where the severe erosion is occurring.

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.5) provides that the Commission's Executive Director, after consultation with the Chairman of the Pinelands Commission, may authorize immediate action when it is necessary to remedy a condition dangerous to life, health or safety. On December 5, 2017, the Commission staff issued a letter authorizing the immediate placement of a gabion retaining wall to eliminate the concerned safety hazard. The Commission staff's December 5, 2017 letter required that an after-the-fact application for the proposed placement of the gabion retaining wall be completed with the Commission. This application satisfies that requirement.

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

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

The proposed development will be located in wetlands and the required buffer to those wetlands. The proposed development will disturb approximately 406 square feet of wetlands.

The CMP permits the placement of a retaining wall (linear improvement) in wetlands and 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 wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to wetlands and the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The applicant has represented that the proposed development is necessary to alleviate a safety hazard for pedestrians utilizing the recreational area. The applicant had 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 occur in an unvegetated portion of the stream bank. 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 application does not propose revegetation.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on March 16, 2018. Newspaper public notice was completed on March 19, 2018. The application was designated as complete on the Commission's website on April 3, 2018. The Commission's public comment period closed on April 13, 2018. The Commission received one public comment (attached) regarding this application.

Comment: The commenter requested a copy of the application.

Staff Response: The staff contacted the commenter and left a telephone message that there was a photocopying charge for the information and plan and offered the commenter the opportunity to review the application file. The commenter did not respond to that message. The commenter is copied on this Public Development Application Report containing the Executive Director's findings.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of one sheet, prepared by Adams, Rehmann & Heggan Associates, dated October 2017 and revised to April 3, 2018.
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. The applicant shall obtain a NJDEP Freshwater Wetlands Permit for the proposed development.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

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 at the Commission office no later than 5:00 pm on May 8, 2018 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.

AppInfo - Pinelands Application #1982-3514.005

From: "Shannon Shadman, LPC" <shannon@mentalmediator.com>
To: <appinfo@njpines.state.nj.us>
Date: 3/27/2018 8:51 AM
Subject: Pinelands Application #1982-3514.005

I am requesting a copy of the application in compliance with the letter sent to my address.

Shannon Shadman

Shannon Shadman, LPC, MMHC, NCC, M.Ed.
[484.515.6125](tel:484.515.6125) Phone
[Shadman0929](skype:Shadman0929) Skype
[Book a meeting with me](#)
www.facebook.com/sesolutionsinc
www.mentalmediator.com

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The information here is to be considered Confidential



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 15

TITLE: Issuing an Order to Conditionally Certify Ordinance 35-2017, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township

Commissioner Galletta moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, on October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township; and

WHEREAS, Resolution #PC4-93-139 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-93-139 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 November 29, 2017, Egg Harbor Township adopted Ordinance 35-2017, amending Chapter 225 (Zoning) of the Township's Code by adopting definitions and adding adult day care health facilities and assisted living facilities as permitted uses in the RCD (Regional Commercial Development) District; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 35-2017 on December 4, 2017; and

WHEREAS, upon review of Ordinance 35-2017, Commission staff advised the Township that the ordinance would require amendment for purposes of consistency with Comprehensive Management Plan standards for assisted living facilities in the Regional Growth Area; and

WHEREAS, the Township initially indicated, via email dated January 3, 2018, that it would request an extension of the Commission's review period for Ordinance 35-2017 to provide an opportunity for discussion and adoption of the necessary ordinance amendments; and

WHEREAS, the Township subsequently notified the Commission that it would not be requesting such an extension and instead asked the Commission to proceed with its formal review process; and

WHEREAS, by letter dated February 7, 2018, the Executive Director notified the Township that Ordinance 35-2017 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 35-2017 was duly advertised and noticed and scheduled to be held on March 7, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, due to inclement weather and the closure of all State offices on March 7, 2018, the public hearing had to be canceled and rescheduled; and

WHEREAS, a public hearing to receive testimony on Ordinance 35-2017 was duly advertised, noticed and held on March 28, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 35-2017 is not fully consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify with conditions that Ordinance 35-2017, amending Chapter 225 (Zoning) of the Code of Egg Harbor, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 35-2017 be conditionally certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 35-2017 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify with conditions that Ordinance 35-2017, amending Chapter 225 (Zoning) of the Code of Egg Harbor, is in conformance with the Pinelands Comprehensive Management Plan. To obtain full certification of Ordinance 35-2017, Egg Harbor Township must amend Chapter 225 of its Code in accordance with Attachment A of this Order. The Township need not adopt the conditions in Attachment A verbatim; revisions comparable thereto or consistent therewith in intent may also be acceptable.
2. Egg Harbor Township shall have until September 8, 2018 to adopt and submit the revisions to Chapter 225 (Zoning) of its Code to the Pinelands Commission for approval pursuant to N.J.A.C. 7:50-3.45 and Attachment A hereto.
3. If the Township fails to submit the revisions to Chapter 225 (Zoning) pursuant to N.J.A.C. 7:50-3.45 and Attachment A hereto by September 8, 2018, or if such a submission is not fully certified by the Pinelands Commission, Ordinance 35-2017 shall be disapproved.
4. Any additional amendments to Egg Harbor 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.

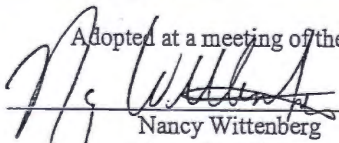
Record of Commission Votes

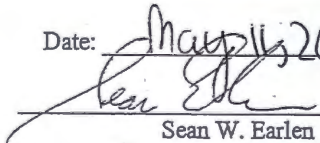
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun			X	Howell	X			Prickett	X		
Avery	X			Jannarone			X	Quinn	X		
Barr			X	Lloyd	X			Rohan Green	X		
Chila		X		Lohbauer	X			Earlen	X		
Galletta	X			Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 16, 2018


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman

**ATTACHMENT A TO EXECUTIVE DIRECTOR'S APRIL 27, 2018 REPORT
ON EGG HARBOR TOWNSHIP ORDINANCE 35-2017**

Adoption of the following amendments, or comparable revisions, to Chapter 225 (Zoning) of the Code of Egg Harbor Township will make Ordinance 35-2017 consistent with the Pinelands Comprehensive Management Plan:

1. Section 225-38A(18) is hereby amended to read as follows:
 - (18) Adult day health care facilities.

2. Section 225-38A is hereby amended by adding the following:
 - (19) Assisted living facilities, at a maximum density of 8.0 units per acre. When a variance of density requirements is granted by the Township, Pinelands Development Credits shall be used for all assisted living facility units in excess of that otherwise permitted without the variance.



State of New Jersey
 THE PINELANDS COMMISSION
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Philip D. Murphy
 Governor
 Sheila Y. Oliver
 Lt. Governor

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

Sean W. Earlen
 Chairman
 Nancy Wrenberg
 Executive Director

**REPORT ON ORDINANCE 35-2017, AMENDING CHAPTER 225 (ZONING)
 OF THE CODE OF EGG HARBOR TOWNSHIP**

April 27, 2018

Township of Egg Harbor
 3515 Bargaintown Road
 Egg Harbor Township, NJ 08234

FINDINGS OF FACT

I. Background

The Township of Egg Harbor is located in the southeastern Pinelands in Atlantic County. Pinelands municipalities adjacent to Egg Harbor Township include the Townships of Galloway and Hamilton and Estell Manor City in Atlantic County, as well as Upper Township in Cape May County.

On October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township.

On November 29, 2017, Egg Harbor Township adopted Ordinance 35-2017, amending Chapter 225 (Zoning) of the Township's Code by adopting definitions and revising permitted uses in two nonresidential zoning districts, one of which, the RCD (Regional Commercial Development) District, is located in the Pinelands Regional Growth Area. Ordinance 35-2017 adds adult day care health facilities and assisted living facilities as permitted uses in the RCD District. The Pinelands Commission received a certified copy of Ordinance 35-2017 on December 4, 2017.

Upon review of Ordinance 35-2017, Commission staff advised Egg Harbor Township that the ordinance would require amendment for purposes of consistency with Pinelands Comprehensive Management Plan (CMP) standards for assisted living facilities in the Regional Growth Area. The Township initially indicated, via email dated January 3, 2018, that it would request an extension of the Commission's review period so that the necessary amendments could be discussed and adopted. Subsequently, however, the Township notified the Commission that it would not be requesting such an extension. The Township instead asked that the Commission proceed with its formal review process for Ordinance 35-2017.

By letter dated February 7, 2018, the Executive Director notified the Township that Ordinance 35-2017 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 35-2017, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, introduced on November 1, 2017 and adopted on November 29, 2017

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

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Land Use Ordinance Relating to Development Standards**

Ordinance 35-2017 amends Chapter 225 (Zoning) of the Code of Egg Harbor Township by adopting a definition for "Adult Day Health Care Facility" and permitting such facilities in the RCD (Regional Commercial Development) District. Ordinance 35-2017 also adds assisted living facilities as a permitted use in the RCD District. A portion of the RCD District is located in the Pinelands Regional Growth Area, with the remainder of the zone outside the Pinelands Area. As depicted on the attached map (see Exhibit #1), the RCD District is situated along the Garden State Parkway and is bisected by the Black Horse Pike (Route 322). Prior to the amendments adopted by Ordinance 35-2017, only non-residential uses were permitted in the RCD District, including offices, shopping centers, restaurants, schools, banks, gas stations, commercial recreation, warehouses and research laboratories.

Within Regional Growth Areas, the CMP provides that Pinelands municipalities may permit any use, with the exception of certain waste management facilities, provided residential density and opportunities for the use of Pinelands Development Credits are appropriately accommodated. The CMP also expressly authorizes assisted living facilities as a permitted use in Regional Growth Areas pursuant to N.J.A.C. 7:50-5.34, which sets forth specific standards for such uses. Among these standards is the establishment of a permitted residential density applicable to assisted living facilities, as well as a requirement for the use of Pinelands Development Credits when that permitted density exceeds eight units per acre. Egg Harbor Township Ordinance 35-2017 does not incorporate any density standards or PDC requirements for assisted living facilities in the RCD District; therefore, the ordinance is inconsistent with CMP standards.

In order to make Ordinance 35-2017 consistent with N.J.A.C. 7:50-5.34 of the CMP, Egg Harbor Township will need to amend Chapter 225 (Zoning) of its code to establish a permitted density of no more than eight units per acre for assisted living facilities in that portion of the RCD District located in the Pinelands Area. Additional ordinance amendments will be necessary to make clear that a density in excess of eight units per acre may be permitted only through the use

of PDCs. The necessary ordinance language is included in the conditions for certification set forth in Attachment A to this report.

Ordinance 35-2017 is not consistent with the development standards set forth in the Comprehensive Management Plan. However, with the adoption of the amendments set forth in Attachment A, or comparable revisions, this standard for certification will be met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinance 35-2017 amends Chapter 225 (Zoning) of the Code of Egg Harbor Township by adding assisted living facilities as a permitted use in the RCD District, a portion of which is located in the Pinelands Regional Growth Area. As detailed in section 2, however, Ordinance 35-2017 does not establish a permitted density for such facilities and does not require the use of PDCs for densities in excess of eight units per acre, both of which are required by N.J.A.C. 7:50-5.34 of the CMP. Therefore, Ordinance 35-2017 is not consistent with Comprehensive Management Plan standards.

The conditions for certification set forth in Attachment A to this report contain the language necessary to make Ordinance 35-2017 consistent with the CMP. These conditions include establishment of a maximum permitted density of eight units per acre for assisted living facilities in the RCD District, with the use of PDCs required for projects that exceed that permitted density. The Township could consider a number of alternatives, including the establishment of a higher permitted density, exemption of affordable units, required PDCs for a minimum

percentage of units or a different density structure entirely. The amendments set forth in Attachment A are the minimum necessary for conformance with N.J.A.C. 7:50-5.34(a)2 of the CMP.

Ordinance 35-2017 is not consistent with CMP standards for the accommodation of PDCs. However, with the adoption of the amendments set forth in Attachment A, or comparable revisions, this standard for certification will be met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 35-2017 is fully not consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

With the adoption of the amendments set forth in Attachment A, or comparable revisions, this standard for certification will be met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

No special issues exist relative to the Federal Act. However, Ordinance 35-2017 is not consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

With the adoption of the amendments set forth in Attachment A, or comparable revisions, this standard for certification will be met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Egg Harbor Township's application for certification of Ordinance 35-2017 was duly advertised, noticed and scheduled to be held on March 7, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. However, due to inclement weather and the closure of all State offices on March 7, 2018, the public hearing was canceled and rescheduled. The hearing was subsequently duly advertised, noticed and held on March 28, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 35-2017 were accepted through April 4, 2018. However, no written comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 35-2017 is not fully consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to conditionally certify Egg Harbor Township Ordinance 35-2017.

SRG/CEH
Attachments

**ATTACHMENT A TO EXECUTIVE DIRECTOR'S APRIL 27, 2018 REPORT
ON EGG HARBOR TOWNSHIP ORDINANCE 35-2017**


Adoption of the following amendments, or comparable revisions, to Chapter 225 (Zoning) of the Code of Egg Harbor Township will make Ordinance 35-2017 consistent with the Pinelands Comprehensive Management Plan:

1. Section 225-38A(18) is hereby amended to read as follows:
 - (18) Adult day health care facilities.

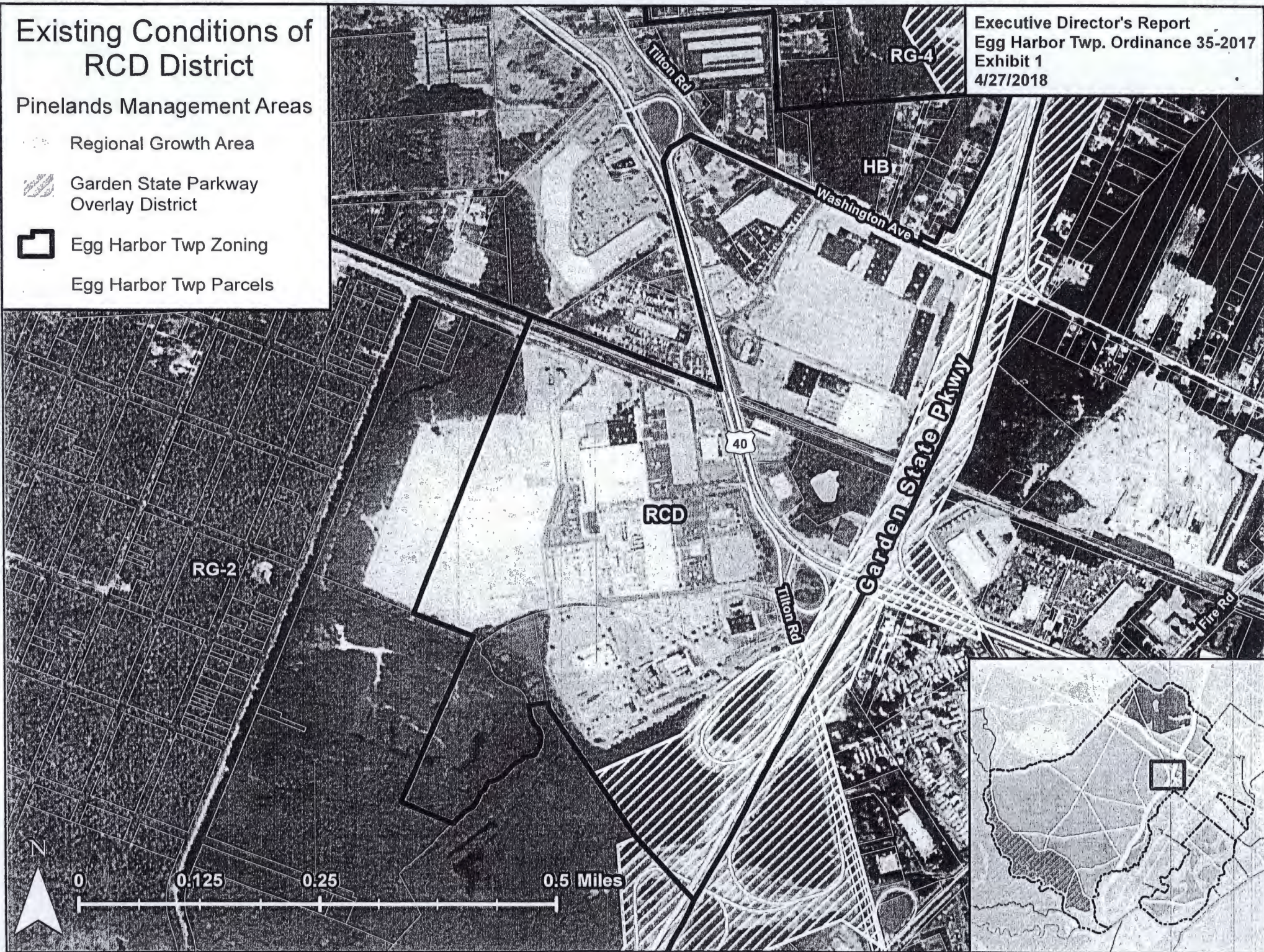
2. Section 225-38A is hereby amended by adding the following:
 - (19) Assisted living facilities, at a maximum density of 8.0 units per acre. When a variance of density requirements is granted by the Township, Pinelands Development Credits shall be used for all assisted living facility units in excess of that otherwise permitted without the variance.

Existing Conditions of RCD District

Pinelands Management Areas

-  Regional Growth Area
-  Garden State Parkway Overlay District
-  Egg Harbor Twp Zoning
-  Egg Harbor Twp Parcels

Executive Director's Report
Egg Harbor Twp. Ordinance 35-2017
Exhibit 1
4/27/2018



The Pinelands Comprehensive Management Plan Regulates:

- Permitted land uses by Pinelands management area (Municipal zoning districts)
- The number of houses/acre that can be developed by Pinelands management area (Municipal zoning districts)
- Wetlands and require buffers to wetlands
- Vegetation clearing associated with development and native landscaping requirements
- Protection of T&E animals and plants
- Forestry
- Mining

The Pinelands Comprehensive Management Plan Regulates:

- Waste Management (landfills, recycling facilities)
- Water quality (septic systems, potable water wells, stormwater)
- Air quality
- Scenic (visual character)
- Forest Fire protection; development design standards
- Cultural resources (archaeology)

The Pinelands Comprehensive Management Plan Does Not Regulate:

- Traffic
- Noise
- Lighting
- The need or demand for proposed development
- Clearing of less than 1,500 square feet or any clearing accessory to a dwelling
- Trespassing/Security

The Pinelands Comprehensive Management Plan Does Not Regulate:

- Hours of operation of nonresidential uses
- Adequacy of available emergency services to serve proposed development
- Number or type of animals/pets permitted on a parcel.
- Types of surfacing materials for roads/parking lots/pedestrian path/sidewalks
- Proposed road widths and number of lanes
- Whether curbing and sidewalks are, or are not, proposed

The Pinelands Comprehensive Management Plan Does Not Regulate:

- Compatibility of proposed development permitted by the CMP with an adjacent land use
- Location of site improvements on a parcel such as stormwater basins and pump stations
- Building/construction materials
- Home occupations within an existing dwelling/accessory building
- Additions to existing dwellings or the minimum size of a dwelling

