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State of New Jersey
THE PINELANDS COMMISSION
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

November 12, 2019

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 October 11, 2019 for your information.

Sincerely,

Teri Melodick
Principal Clerical Assistant

PC1
Enclosure: Minutes

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

MINUTES

October 11, 2019

Commissioners Present
Sean Earlen, Jordan P. Howell, Jerome H. Irick, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn and Chairman Richard Prickett. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Kristina Miles.

Commissioners by Phone
Candace M. Ashmun

Commissioners Absent
Alan W. Avery Jr., Daniel Christy, Jane Jannarone and D'Arcy Rohan Green.

Chairman Prickett called the meeting to order at 9:32 a.m.

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

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (Eight Commissioners participated in the meeting. Commissioner Ashmun joined the meeting to vote on Resolution # PC4-19-37.)

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

Minutes

Chairman Prickett presented the open session minutes from the September 13, 2019 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Irick seconded the motion.

The minutes from the September 13, 2019 meeting were adopted by a vote of 8 to 0.

Chairman Prickett announced that the closed session minutes from the August 9, 2019 Commission meeting would need to be voted on in November due to lack of a quorum.

Committee Chairs' Reports

Chairman Prickett provided an update on the September 25, 2019 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the August 23, 2019 meeting.

The Committee received an update on Section 502 funding.

The Committee recommended the Commission approve the New Jersey Department of Environmental Protection's (NJDEP's) request to convey State-owned lands acquired with 502 funds to Ocean County to expand the County's holdings in the vicinity of the historic Cedar Bridge tavern.

The Committee received an update by NJDEP representatives on continuing efforts to protect public lands within the Pinelands Area from off-road motorized vehicle damage.

NOTE: Due to quorum issues, the original meeting agenda was shifted to adopt a resolution in support of a property exchange between the NJDEP and Ocean County.

Other Resolutions

Commissioner Quinn left the room.

Chairman Prickett said the next resolution is related to a proposal to exchange lands between the NJDEP and Ocean County.

Commissioner Lohbauer made a motion To Concur with the New Jersey Department of Environmental Protection's Conveyance of State-Owned Lands in Barnegat Township Acquired with Section 502 Funding to Ocean County (See Resolution # PC4-19-37). Commissioner Lloyd seconded the motion.

DAG Miles said Commissioner Quinn is recusing on this matter because he is an Ocean County Freeholder.

Commissioner Lohbauer asked if there was a public hearing process by the NJDEP associated with the land conveyance.

Judeth Yeany, Chief Legal Services and Stewardship for the Green Acres Program, said all conveyances involving properties greater than one acre require a public hearing. She said properties over five acres are required to have two public hearings. She said the hearings were held in the municipality and in Trenton and were widely advertised.

Commissioner Ashmun joined the meeting by telephone.

Mark Villinger, Supervising Planner Ocean County Planning Department, explained that the exchange of lands will better support the Cedar Bridge Tavern.

Timothy Hart, Ocean County Historian, said the property was once home to two taverns dating back to 1740, when Europeans first occupied the site. He said one of the taverns no longer exists but remnants were found through Monmouth University's three field schools, including fire crack rock, which indicates that Native Americans once inhabited the area. He said the site is also home to the last documented lands engagement of the Revolutionary War.

The Commission adopted the resolution by a vote of 8 to 0. Commissioner Quinn recused from the vote.

Commissioner Ashmun ended the call.

Commissioner Quinn rejoined the meeting.

Executive Director's Reports

ED Wittenberg provided an update on the following items:

- Stacey Roth is attending oral argument for Robert T. Winzinger, Inc. v. New Jersey Pinelands Commission, Docket No. BUR-L-00087019, which is an inverse condemnation case related to an ongoing mining application.
- Two meetings were held over the past month regarding agricultural employee housing at blueberry farms in the Town of Hammonton and Mullica Township. Director Chuck Horner attended one of the meetings, which he will provide an update on later in the meeting. ED Wittenberg attended a meeting with the NJDEP, Department of Agriculture and farmers to discuss wastewater compliance for next year's growing season.
- Chief Planner Susan R. Grogan and ED Wittenberg met with the Executive Director of Sustainable Jersey. ED Wittenberg said Sustainable Jersey is working with many municipalities and schools through its certification program. She said less than 20 Pinelands Area towns are participating. She added that staff is currently determining how the Commission and Sustainable Jersey can work together.
- A list of potential speakers for the Land Use, Climate Impacts and Sustainability Committee has been shared with the Chairman. She said she would circulate the list to the Committee.

- Carol Ebersberger, a new employee, was introduced. Ms. Ebersberger has joined the Business Services office.

Chairman Prickett reminded Commissioners that Ethics training must be complete through the on-line module.

Commissioner Prickett asked for an update on Hammonton's application for discharge of treated wastewater. (Director Horner provided an update later in the meeting.)

Chief Planner Grogan said she recently attended the second meeting of the Governor's interagency task force. She said the group is comprised of multiple state agencies and departments. She said at the first meeting, the discussion focused on the State Planning Commission, plan endorsement and expiring coastal centers. She said at the most recent meeting the group discussed ways in which to support the Governor's economic development objectives. She said the group is interested in what other agencies are currently doing to foster economic development, as well as opportunities for better coordination. She said the task force has a meeting scheduled for late October.

Commissioner Lloyd asked if climate change was discussed at the task force meetings.

Chief Planner Grogan said climate change came up, and the NJDEP said it would be focusing on coastal resiliency, including evaluating the boundaries of coastal centers and relocating future development.

Director Liggett provided an update on the following:

- Staff continues to work with the NJDEP on the Pinelands Infrastructure Trust Fund (PITF) projects. The NJDEP is preparing the Commission's projects and a number of its own projects for endorsement from the State Assembly and the Senate. He said the next step in the process is to notify the five municipalities that received funding for their projects and the municipalities that did not receive funding. He said staff continues to discuss possible solutions with the NJDEP for the water projects that need a separate approval process at the Department. He added that staff continues to investigate if more funds can be made available to PITF and if projects in Pinelands Towns can be added to the program.
- The Cape May County Municipal Utilities Authority (CMCMUA) is making revisions to its Landfill Management Plan. Initially, CMCMUA was interested in mining the landfill but because of the recyclable market collapse and odor problems associated with opening a capped landfill, they are now opting to reconfigure the landfill.

Director Chuck Horner provided information on the following regulatory matters:

- Staff issued a Certificate of Filing for the demolition of a single family dwelling in Southampton Township. The dwelling was constructed in 1785. According to the township ordinance and the Comprehensive Management Plan (CMP), the Township must issue a Certificate of Appropriateness, which will determine the treatment of the significant historic resource.

- Staff attended a meeting at NJDEP with the Department of Agriculture, regarding violation notices issued for failing septic systems related to seasonal agricultural employee housing at farms primarily in Atlantic County. Staff advised the NJDEP that the Commission's rules permit agricultural employee housing as long as CMP environmental standards can be met.
- Staff has been handling inquiries from the public concerning a large residential development application in Jackson Township. The public is being advised to participate in the local planning review process. He said once Jackson Township issues a determination on the application, staff will review it, including comments from the public.
- The Commission is reviewing an application for the demolition and reconstruction of a restaurant in New Gretna.
- Director Horner provided an update about the emergency approval issued to the Town of Hammonton for the removal of discharge pipe in response to Chairman Prickett's question earlier in the meeting. He said the Town submitted a formal application in July and on September 30th submitted additional information to complete the application.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval of the following three public development applications.

Commissioner Earlen made a motion Approving With Conditions Applications for Public Development (Application Numbers 1984-1345.008 (installation of a ground mounted solar facility in Jackson Twp.), 1990-0450.007 (construction of a gasoline station and convenience store at the Forked River Service Area on the Garden State Parkway) & 1990-0809.003 (demolition of a building in the Town of Hammonton) (See Resolution # PC4-19-38). Commissioner Lohbauer seconded the motion.

Director Horner provided an overview of the solar energy facility. He said Jackson Township is proposing to install 13.7 acres of ground mounted solar panels on a soil capped landfill. He noted that the landfill was closed prior to the Commission was established. He said the solar array was reduced and relocated due to the large population of the threatened and endangered plant Sickle-leaved golden aster on the landfill. He said the Township is imposing a conservation deed restriction on 45.48 acres of the parcel.

Commissioner Lloyd asked where the solar facility will connect to the grid.

Director Horner said there is an existing Jersey Central Power & Light easement on the western portion of the property. The applicant is proposing to connect with a pole line from the array and on to the utility line.

A brief discussion took place about the future of the Sickle-leaved golden aster habitat.

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

Chairman Prickett presented a resolution recommending approval for two road improvement projects in Galloway Township.

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 2018-0036.001(road improvements in the Jimmie Leeds Road right-of-way in Galloway Twp. & 2018-0095.001(road improvements at an intersection in Galloway Twp.)(See Resolution # PC4-19-39). Commissioner Irick seconded the motion.

Chairman Prickett noted that there was an article in the press clips about the road widening of Jimmie Leeds Road.

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

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

Chairman Prickett read the list of Public Development applications. No one from the public offered comment on the applications.

Ordinances Not Requiring Commission Action

Chairman Prickett asked if any Commissioners had questions regarding the ordinances not requiring Commission action.

- Beachwood Borough Planning Board Resolution 2019-30

No members of the Commission had questions.

Presentation- Fiscal Year 2019 Permanent Land Protection

Chief Planner Grogan outlined the number of acres protected in the Pinelands Area by source. She said a total of 9,128 acres were protected from July 2018 through June 2019. She said to date a total of 8,969 acres have been preserved through the Pinelands Conservation Fund. She provided an update on the land acquisition related to the Garden State Parkway Exit 44 Secondary Impacts Agreement. One of the slides displayed a map, depicting Ocean County's very large land acquisition in the Forest Area of Ocean and Lacey townships. One of the last slides exhibited the acres protected by Pinelands Management Area and it was evident that the conservation-oriented management areas are being preserved. See attached slides for additional details.

Commissioner Quinn applauded the taxpayers of Ocean County for continually voting in favor of the open space tax. He said it has allowed Ocean County to purchase and preserve lands in the Forked River Mountains. He said there are currently 23 additional acquisition projects in progress.

Chairman Prickett asked Commissioner Quinn if there is a visitor center at the Forked River Mountains.

Commissioner Quinn said the Ocean County Planning office in collaboration with the Sheriff's Department is working on an access plan that will include a visitor center, walking trails and special use areas. He said the success of Ocean County's parks and open spaces began with Ocean County Freeholder John Bartlett.

Stacey Roth, Chief Legal & Legislative Affairs said the Commission prevailed in its motion to dismiss, for failure to exhaust administrative remedies in the Winzinger matter. The CMP clearly states that there is a process that needs to be followed.

General Public Comment

Georgina Shanley of Ocean City, NJ, congratulated Ocean County and the Pinelands Commission on protecting so much land. She said she hopes that the South Jersey Gas pipeline does not come back. She said she was disappointed that it was not on today's agenda. She said she is working with a number of organizations to pressure the Governor to sign a moratorium on new fossil fuel infrastructure.

Chairman Prickett clarified that the Commission does not have a quorum and will not be entering into closed session today.

Margo Pellegrino of Medford Lakes, NJ, said she is happy to hear the Commission is addressing climate impacts on the Pinelands. She said she recently paddled the Mullica River, and the river was extremely low upstream. She said the river downstream was flooded. She said the New York Times recently ran an article about the impacts of sea-level rise on forests in various states along the Atlantic coast. She also said the United States needs to quit depending on fossil fuels.

Ryann Grech of the Pinelands Preservation Alliance expressed her frustration that yet another meeting has come and gone and the Commission has not addressed the South Jersey Gas remand. She said Commissioner Ashmun was on the phone and asked if she was needed for any other matters. She said the Commission told her no.

ED Wittenberg said at the last minute Commissioner Ashmun had an appointment and could not stay on the phone for the meeting. She noted that staff works hard to ensure there is a quorum.

Chairman Prickett said he takes responsibility for not having a quorum and he would be working on getting a quorum for the next meeting.

Commissioner Irick, in response to some of the public comments, said that nothing is happening behind the scenes with the South Jersey Gas application.

Arnold Fishman of Medford Lakes said he was frustrated that the Commission has not taken action on the South Jersey Gas remand.

Chairman Prickett said he hopes the South Jersey Gas matter can be resolved at the November Commission meeting.

Commissioner Lohbauer said the International Monetary Fund recently issued a report noting the detrimental effect climate change could have on the world, including human life. He said that makes the Commission's work on climate change even more important.

Commissioner Irick said the Department of Agriculture and Rutgers extension will be holding a program in November at Duke Farms entitled "Farming for Carbon".

Commissioner Irick added that he hopes an even greater effort is made at ensuring a quorum for the next Commission meeting.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Earlen seconded the motion. The Commission agreed to adjourn at 11:00 a.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: October 23, 2019

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 37

TITLE: To Concur with the New Jersey Department of Environmental Protection's Conveyance of State-Owned Lands in Barnegat Township Acquired with Section 502 Funding to Ocean County

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

WHEREAS, Section 502 of the National Parks and Recreation Act of 1978 (Pub. L. 95-625) authorizes the United States Secretary of the Interior to provide financial assistance to the State of New Jersey for planning and land acquisition activities in support of the Pinelands protection effort; and

WHEREAS, Section 502 of the 1978 National Parks and Recreation Act originally authorized a total of $26 million in support of the Pinelands Commission's activities, including $23 million for acquisition of lands in the Pinelands; and

WHEREAS, the federal government subsequently authorized an increase in funding for land acquisition in the Pinelands to a total of $40 million, of which approximately $32 million has been appropriated and expended to date; and

WHEREAS, in 1980, the Pinelands Commission, the New Jersey Department of Environmental Protection and the United States Department of the Interior executed a Memorandum of Agreement for purposes of implementing the provisions of Section 502 as they pertain to grants for both planning and land acquisition; and

WHEREAS, in accordance with the 1980 Memorandum of Agreement:

The Department of Environmental Protection is responsible for overall administration of the Section 502 Land Acquisition Program, including submission of all applications for Section 502 funding, grant management and monitoring; and

The Pinelands Commission is required to evaluate all proposed land acquisitions for conformance with Section 502 and the Comprehensive Management Plan; and

The Secretary of the Interior is responsible for approving the expenditure of Section 502 funds after consultation with DEP and the Commission; and

WHEREAS, lands eligible for acquisition are those that have critical ecological values in danger of being adversely affected or destroyed, as well as acquisitions that are undertaken pursuant to the Comprehensive Management Plan and serve to further the preservation, conservation, recreation and/or cultural objectives of the Pinelands National Reserve; and

WHEREAS, to guide the State's acquisition efforts, the Pinelands Commission designated target areas throughout the Pinelands that met these criteria, based on their strategic ecological value related to watershed protection, wildlife corridors and contiguity with existing State-owned land; and

WHEREAS, in April 1980, the Department of Environmental Protection acquired 192 acres within the Bass River Section 502 target area using a combination of Green Acres Bond funds and Section 502 acquisition funds; and

WHEREAS, the acquired lands (Block 45, Lot 1; Block 51, Lot 4.01; and Block 52, Lot 6.05) are located in the Pinelands Preservation Area District and Pinelands Forest Area of Barnegat Township and have been managed by the Division of Parks and Forestry as part of Bass River State Forest since their acquisition by the State; and

WHEREAS, the Department of Environmental Protection is now proposing to transfer ownership of these lands to Ocean County in exchange for approximately 269 acres of County-owned land that is also located in the Pinelands Preservation Area District and Pinelands Forest Area; and

WHEREAS, the 1980 Memorandum of Agreement specifies that changes in use or management of lands acquired using Section 502 funding require concurrence by the Pinelands Commission and approval by the United States Department of the Interior; and

WHEREAS, the exchange of lands will allow the County to expand its holdings around the historic Cedar Bridge Tavern site in Barnegat Township, thereby facilitating opportunities for public education and better stewardship of the area; and

WHEREAS, the exchange of lands will also allow the Department of Environmental Protection to fill gaps in State ownership in Barnegat and Stafford townships, thus creating a larger contiguous parcel for administration as part of the State's park system; and

WHEREAS, all lands involved in the transfer will remain in public ownership and restricted to conservation and recreation, with all future development subject to approval by the Pinelands Commission in accordance with the Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy & Implementation Committee reviewed the Department of Environmental Protection's request and recommended its endorsement by the Pinelands Commission; and

WHEREAS, the Commission finds that the State's conveyance of Barnegat Township Block 45, Lot 1; Block 51, Lot 4.01; and Block 52, Lot 6.05 to Ocean County will further the preservation, conservation, recreation and cultural objectives of the Pinelands National Reserve and is otherwise consistent with the Comprehensive Management Plan, Section 502 of the National Parks and Recreation Act of 1978 and the 1980 Memorandum of 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 Pinelands Commission hereby concurs with the New Jersey Department of Environmental Protection's proposed conveyance of Barnegat Township Block 45, Lot 1; Block 51, Lot 4.01; and Block 52, Lot 6.05 to Ocean County and recommends that the United States Department of the Interior approve the change in ownership and management of these lands.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 11, 2019

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman

State of New Jersey

Department of Environmental Protection
Green Acres Program
Mail Code 501-01
P.O. Box 420
Trenton, New Jersey 08625
TEL: (609) 984-0500 FAX: (609) 984-0608

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

September 11, 2019

VIA EMAIL AND REGULAR U.S. MAIL

Nancy Wittenberg, Executive Director
The Pinelands Commission
P.O. Box 359
New Lisbon, New Jersey 08064

Re: Proposed Conveyance of Section 502-Funded Land from the New Jersey Department of Environmental Protection to the County of Ocean
Block 45, Lot 1, Block 51, Lot 4.01 and Block 52, Lot 6.05
Township of Barnegat, Ocean County

Dear Ms. Wittenberg,

I am writing to seek your assistance in obtaining the concurrence of the Pinelands Commission with the proposed conveyance of the above-referenced parcels by the New Jersey Department of Environmental Protection to Ocean County as part of a land exchange. As explained in more detail below, the Commission's concurrence is needed because these properties were purchased in part with federal Pinelands preservation funds provided to NJDEP under Section 502 of the "National Parks and Recreation Act of 1978" (Pub. L. 95-625). Under Section 502 and the 1980 funding agreement between the NJDEP, the Commission and the U.S. Department of the Interior (acting through the National Park Service), the Commission's concurrence is needed before the NPS can approve the proposed land exchange.

Background

The pending proposal involves the exchange of approximately 269 acres of land owned by the County in Barnegat and Stafford Townships for approximately 192 acres of land owned by the NJDEP in Barnegat Township (hereafter, "the NJDEP Tract"). The County's

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general objective for the proposed land exchange is to expand its holdings around the historic Cedar Bridge Tavern Site in Barnegat Township. The NJDEP's general objectives are to fill gaps in State ownership in Barnegat and Stafford Townships and create a larger contiguous parcel for administration as part of the State park system.

The NJDEP Tract was acquired by NJDEP from the New Jersey Conservation Foundation through the Green Acres program in April 1980 for $84,000 using 1974 Green Acres Bond funds and federal Pinelands preservation funds provided to the NJDEP under Section 502 of the "National Parks and Recreation Act of 1978" (Pub. L. 95-625). Once acquired, the NJDEP Tract was assigned to the NJDEP's Division of Parks and Forestry for management as part of Bass River State Forest. There are no structures or developed recreational facilities on any portion of the NJDEP Tract.

Within the NJDEP Tract, approximately 156 acres of land are located within the Forest Area of the Pinelands (Block 51, Lot 4.01, and Block 52, Lot 6.05) and the remaining 36 acres are located within the Preservation Area of the Pinelands (Block 45, Lot 1) (as such areas are currently designated under the Pinelands Comprehensive Management Plan.) The parcels are zoned PA (Preservation Area) and PF (Preserved Forest Pinelands) by Barnegat Township.

Transfer of the NJDEP Tract to the County will enable the County to re-assemble most of the original Cedar Bridge Tavern historic site. Currently, the County owns the Tavern structure itself on a 5-acre parcel (Block 51 Lot 4.02), but not the surrounding acreage. The larger site will allow the Ocean County Parks Department to more fully educate the public about, and interpret the history of, the Cedar Bridge Tavern. For the past several years the County has received a special use permit from NJDEP for use of portions of Bass River State Forest, within the NJDEP Tract, adjacent to the Tavern. This permit has allowed for the use of 0.25-acre area for temporary parking, and has also authorized archaeological research and construction of interpretive walking trails. Transfer of the NJDEP Tract will allow the County to better serve the public and conduct stewardship activities on these properties. The County also plans to make the Cedar Bridge Tavern site a trail head for a regional trail network, while showcasing the history of the Pine Barrens. In addition, with a permanent presence at the Cedar Bridge Tavern site, the County will be able to more easily and regularly patrol the area that has been previously used as an illegal dump site and an illegal camp ground.

In May 2018, the NJDEP and the Ocean County conducted four public hearings on the proposed land exchange. The hearings were required under N.J.S.A. 13:1D-51 et seq. (known as the "Ogden Rooney" statute), N.J.S.A. 40A:12-1 (known as the Local Lands and Buildings Law) and N.J.S.A. 40A:12-15.4 (the statute authorizing the County to collect and expend open space taxes). The hearings were also intended to satisfy the

public hearing requirements for transfer of Green Acres encumbered properties by local government units (under N.J.S.A. 13:8C-34 and N.J.A.C. 7:36-25.5.) The Secretary of the State House Commission participated in one of the hearings as required by N.J.S.A. 52:31-1.1.

Prior to the hearings, as required by the Ogden Rooney statute and the Local Lands and Buildings Law, the NJDEP and the County prepared and released a report analyzing the proposed land exchange from an environmental, recreational and economic perspective. A copy of the report, its attachments, and transcripts of the two public hearings required by the Ogden Rooney statute may be found at:

https://www.state.nj.us/dep/greenacres/archive_hearings.html#2018 (scroll down to May 2018 entry).

After the required public hearings concluded with no adverse public comments being received, NJDEP Commissioner McCabe approved the proposed land exchange on August 30, 2018 and referred the proposal to the State House Commission. The State House Commission approved the proposed exchange on September 27, 2018. However, neither the NJDEP Commissioner nor the State House Commission have jurisdiction over the issue of whether the NJDEP Tract can be transferred to Ocean County under Section 502. We now seek the Pinelands Commission's concurrence in the proposed transfer so we can obtain final approval of the proposed transfer from the National Park Service.

Section 502 Requirements and Analysis

Section 11(a) of the 1980 funding agreement between NJDEP, the Commission and Interior/NPS provides in part:

> (11) Retention and Use of Acquired Properties—It is the intention of Section 502 and of this agreement that acquisition funds mad available pursuant to Section 502 will be used to further the preservation, conservation, recreation and/or cultural objectives of the National Reserve and of the CMP. It is agreed that the National Reserve concept and the approved CMP may best be served by a program which utilizes acquisition funds in a creative and flexible manner, provided that the program is consistent with Section 502 and other applicable federal laws and the terms of this agreement.
>
> (a) Changes in Use and Management—Properties acquired with Section 502 assistance shall be retained, used and managed in accord with the approved program of use and management. Proposed changes in such

> program must serve the purpose of furthering preservation, conservation, recreation and/or cultural objectives of the Reserve.
>
> It is agreed that the Interior Department shall allow changes in the use or management of properties so acquired if such proposed changes are in accord with the findings and recommendations of the CMP, Section 502 objectives, and the requirements of this agreement. *Pinelands Commission concurrence in such proposed changes will be required prior to Interior Department consideration of such requests. Changes in use or management may entail a change in the ownership, provided that such change of ownership will not be in conflict with Section 502 objectives and as provided herein.* [emphasis supplied]

The proposed land exchange between the NJDEP and Ocean County is an "apples to apples" swap of preserved lands in close proximity to each other, with the general objective of putting County properties on one side of the NJDEP/County ownership border and NJDEP properties on the other, thereby improving management of both sides. The Ogden Rooney report clearly stated the intention for all lands involved in the proposed exchange to remain preserved:

> On both sides of the transaction, the lands proposed to be exchanged will remain as preserved open space after the exchange is completed. Any lands acquired by the NJDEP from the County will be preserved by statute (as replacement for lands originally purchased with Green Acres funds), and future conveyance of these lands will be governed by the Green Acres bond acts and the NJDEP property conveyance statute at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58. If the proposed land exchange is completed, the County has agreed to accept any lands acquired from the NJDEP with a deed clause limiting their future use to "recreation and conservation" purposes (as that term is defined in the Green Acres statutes and rules, including, but not limited to, *N.J.A.C.* 7:36-2.1.) Once acquired, these lands would then be listed on any future Recreation and Open Space Inventories (ROSIs) prepared by the County as part of future Green Acres funding applications.

While most attributes of the proposed exchange are substantially similar on both sides of the transaction, three issues that might bear upon the Commission's review were noted in the Ogden Rooney report:

- Atlantic White Cedar: The proposed land exchange will cause a net increase in acreage of Atlantic white-cedar wetlands under State ownership by the NJDEP by NJDEP conveying approximately 16 acres of white-cedar wetlands and accepting ownership of 82 acres of white-cedar wetlands. The areas to be gained by the NJDEP have had active cedar management ongoing for at least 80 years. The younger portions of the cedar wetlands on the County Tract appear to be in good condition. The older portions require some attention to remain as cedar due to recent hardwood encroachment. Overall, this action would be beneficial in enhancing the NJDEP's holdings of the Atlantic white-cedar resource, and would provide continuity with existing Atlantic white-cedar forest owned by the State.

- Forested Areas: The proposed land exchange would also result in a net increase in acres of non-cedar forest owned by the State. The State will give up 110 acres of non-cedar forest, while acquiring 182 acres.

- Historic and Cultural Resources: As part of the NJDEP's internal review of the proposed land exchange, the State Historic Preservation Office determined that the continued use of the State lands to be conveyed to Ocean County for recreation and conservation purposes will not adversely affect any historic or archeaological resources. However, the SHPO is opposed to any kind of future development altering the viewshed of the adjacent Cedar Bridge Tavern, which is listed on the National Register of Historic Places. Since this structure is already owned by the County and is listed on the New Jersey Register of Historic Places, then any future alterations to it are already subject to New Jersey Register review by the SHPO under the application process at http://www.nj.gov/dep/hpo/2protection/njrrevew.htm. The SHPO has been involved with Ocean County's restoration of the Cedar Bridge Tavern and understands that the proposed land exchange will also allow the County to address Pinelands environmental issues with their restoration work. Overall, the SHPO favors the proposed land exchange because the parcels that would be conveyed to the State are archaeologically sensitive.

Based on the above, we do not see the proposed land exchange as altering, in any meaningful way, the preservation status or future management of the lands involved on either side of the transaction. Therefore, it is our hope that, consistent with Section 11(a) of the 1980 Agreement, the Commission can find that the proposed change in ownership does not conflict with the objectives of Section 502 and/or the CMP.

It is my understanding that for this request to be considered by the full Commission, it must first undergo review by the Commission's CMP Policy and Implementation

Committee, which is scheduled to meet next on September 27th. If any additional information is needed to place this matter on the Committee's agenda, please have your staff contact Judeth Yeany, Chief of our Bureau of Legal Services and Stewardship, at (609) 984-0500 or Judeth.Yeany@dep.nj.gov. We appreciate your assistance with this request.

Sincerely,

Judeth P. Yeany for

Martha Sullivan Sapp, Director

cc: Mark Villinger, Ocean County Planning Department (via email only)
Courtney Wald-Wittkop, Green Acres Program (via email only)
Judeth Piccinini Yeany, Green Acres Program (via email only)

REPORT ON THE PROPOSED EXCHANGE OF VACANT PRESERVED PROPERTY BETWEEN THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE COUNTY OF OCEAN IN THE TOWNSHIPS OF BARNEGAT AND STAFFORD, COUNTY OF OCEAN

Block 45, Lot 1; Block 51, Lot 4.01; Block 52 Lot 6.05
Barnegat Township
(currently owned by the NJDEP)

Block 50, Lots 5 and 9; Block 51, Lot 10 Barnegat Township;
Block 2, Lot 6 Stafford Township
(currently owned by Ocean County)

Prepared by: Ocean County Planning Department
NJDEP Green Acres Program
March 2018

STATUTORY REFERENCES

For the State Lands:

Under L. 1993, c. 38, codified at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58, no lands acquired or developed by the State with Green Acres funds, or developed by the State in any other manner and administered by the New Jersey Department of Environmental Protection ("NJDEP"), may be conveyed unless the NJDEP first prepares a report on the proposed conveyance in accordance with N.J.S.A. 13:1D-52a(1), transmits the report to the individuals listed at N.J.S.A. 13:1D-52a(2), makes the report available to the public in accordance with N.J.S.A 13:1D-52a(3) and conducts one or more public hearings as required by N.J.S.A. 13:1D-52a(4). Public notice requirements for the hearings are specified at N.J.S.A. 13:1D-53 and –54. A summary and/or transcript of the public hearing(s) is provided to the NJDEP Commissioner, the State House Commission and the public under N.J.S.A. 13:1D-55. The methodology for valuing lands to be conveyed and the terms of such conveyances are governed by N.J.S.A. 13:1D-56.

Section 13 of L. 1993, c. 38 also amended N.J.S.A. 52:31-1.1 [Sale, conveyance of State's interest; terms; conditions; public hearing; proceeds] to require the State House Commission to conduct a public hearing at least 90 days in advance of determining the terms and conditions of any sale or conveyance for which the NJDEP is required to follow the public notice and hearing process at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58. In addition to any other applicable requirements of law, rule, or regulation concerning notice for its public hearings, the State House Commission is required to provide notice of the public hearing at least 30 days in advance of the date of the hearing in the same manner and according to the same procedures prescribed for the NJDEP pursuant to N.J.S.A. 13:1D-53 and -54. At its November 13, 2017 meeting, the State House Commission adopted a procedural resolution for the implementation of N.J.S.A. 52:31-1.1. The resolution provides that the State House Commission Secretary will represent the Commission at the second required NJDEP hearing, that the second hearing will be a joint NJDEP/State House Commission hearing, and that the joint NJDEP/State House Commission hearing is intended to satisfy the requirements of N.J.S.A. 52:31-1.1.[1]

Once these procedural requirements have been met, the conveyance proposed in this report requires the approval of the NJDEP Commissioner and the State House Commission. N.J.S.A. 13:1D-55; N.J.S.A. 13:8A-48; N.J.S.A. 13:8C-1 et seq.

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[1] A copy of the resolution adopted by the Commission may be found at: http://www.state.nj.us/treasury/statehouse-commission/pdf/9-20-2017update.pdf

For the County Lands:

Under N.J.S.A 40A:12-16, the governing body of any county by resolution may exchange any lands owned by the county for other lands or rights or interests therein desired for public use. The public notice and hearing requirements for such exchanges are specified at N.J.S.A. 40A:12-13.5.

Under N.J.S.A. 40A:12-15.4, lands acquired with county open space trust funds may be conveyed or transferred, subject to the requirements therein, including the requirement to conduct one public hearing.

The proposed conveyance of County land is also subject to the procedural requirements for transfers of Green Acres encumbered parkland at N.J.S.A. 13:8C-34 and N.J.S.A. 7:36-25.5.

RATIONALE FOR CONVEYANCE

The County of Ocean ("County") and the NJDEP propose to exchange approximately 269 acres of land owned by the County for approximately 192 acres of land owned by the NJDEP. As detailed below, the County's general objective for the proposed land exchange is to expand its holdings around the historic Cedar Bridge Tavern Site in Barnegat Township. The NJDEP's general objectives are to fill gaps in State ownership in Barnegat and Stafford Townships and create a larger contiguous parcel for administration as part of the State park system.

The specific parcels proposed to be exchanged are as follows:

Proposed Land Exchange Between the NJDEP and Ocean County

Municipality	Block	Lot	Street Address	Current Owner	Proposed Owner	Acres to State	Acres to County
Barnegat	50	5	50 Route 539	County	State	100.82	
Barnegat	50	9	109A Yellow Dam Road	County	State	5.14	
Barnegat	51	10	50 Route 539	County	State	147.91	
Stafford	2	6	Cedar Bridge Road at Route 539	County	State	15.62	
					Total	269.49	

Proposed Land Exchange Between the NJDEP and Ocean County							
Municipality	Block	Lot	Street Address	Current Owner	Proposed Owner	Acres to State	Acres to County
Barnegat	45	1	177 Old Halfway Road	State	County		2.98
Barnegat	51	4.01	50 Warren Grove Road	State	County		119.38
Barnegat	52	6.05	221 Old Cedar Bridge- Barnegat Road	State	County		70.50
						Total	192.86

A general location map of the properties proposed to be exchanged is attached as Figure 1. An aerial map of the properties proposed to be exchanged is attached as Figure 2.

On both sides of the transaction, the lands proposed to be exchanged will remain as preserved open space after the exchange is completed. Any lands acquired by the NJDEP from the County will be preserved by statute (as replacement for lands originally purchased with Green Acres funds), and future conveyance of these lands will be governed by the Green Acres bond acts and the NJDEP property conveyance statute at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58. If the proposed land exchange is completed, the County has agreed to accept any lands acquired from the NJDEP with a deed clause limiting their future use to "recreation and conservation" purposes (as that term is defined in the Green Acres statutes and rules, including, but not limited to, *N.J.A.C.* 7:36-2.1.) Once acquired, these lands would then be listed on any future Recreation and Open Space Inventories (ROSIs) prepared by the County as part of future Green Acres funding applications.

In addition, as required by N.J.S.A. 13:1D-56, the deed for the conveyance of the NJDEP Tract to the County will include statutory language requiring compensation to the State if the property is rezoned within 25 years of the purchase in a manner that increases the value of the lands.

Upon successful completion of the public hearing process, the proposed conveyance will require the approval of the NJDEP Commissioner and the State House Commission under *N.J.S.A.* 13:8A-48 and *N.J.S.A.* 13:8C-31. The NJDEP believes that the earliest it could obtain these approvals is September 2018.

Description of the NJDEP Tract

The NJDEP property proposed for conveyance to the County consists of 192.86+/- acres of vacant land located in Barnegat Township off both sides of Cedar Bridge Road (hereafter, the "NJDEP Tract."). This tract is comprised of three individual lots which form the north easterly limits of the Bass River State Forest. The lots are currently designated for tax purposes as Block 45, Lot 1, Block 51, Lot 4.01 and Block 52, Lot 6.05.

All three lots have paved or gravel road frontage, as follows:

Block 45, Lot 1	Old Halfway Road and Yellow Dam Road (727 feet)
Block 51, Lot 4.01	Old Cedar Bridge-Barnegat Road (2,280 feet)
Block 52, Lot 6.05	Old Cedar Bridge-Barnegat Road (3,100 feet)

The NJDEP Tract was acquired from the New Jersey Conservation Foundation through the Green Acres program in April 1980 for $84,000 using 1974 Green Acres Bond funds and federal Pinelands preservation funds provided under Section 502 of the "National Parks and Recreation Act of 1978" (Pub. L. 95-625). Once acquired, the NJDEP Tract was assigned to the NJDEP's Division of Parks and Forestry for management as part of Bass River State Forest. There are no structures or developed recreational facilities on any portion of the NJDEP Tract.

Within the NJDEP Tract, approximately 156 acres of land are located within the Forest Area of the Pinelands (Block 51, Lot 4.01, and Block 52, Lot 6.05) and the remaining 36 acres are located within the Preservation Area of the Pinelands (Block 45, Lot 1) (as such areas are designated under the Pinelands Comprehensive Management Plan.) The parcels are zoned PA (Preservation Area) and PF (Preserved Forest Pinelands) by Barnegat Township. The PA and PF zones are intended to preserve and protect the valuable resources of the Pinelands.[2]

The NJDEP Tract is made up of gently rolling contours, low-lying wetlands and stream corridors (associated with the Oswego River and Yellow Dam Branch) and some uplands. GIS aerial imagery of the NJDEP Tract illustrates that a Forest Area Wetlands buffer impacts a considerable ratio of the upland acreage. [Figure 4]

Block 45, Lot 1 borders an unnamed artificial lake. The parcel is approximately 2.98 acres. As indicated on Figure 4, this parcel is entirely uplands. The parcel is a mixed forest, more than 50% of which is deciduous.

As indicated on Figure 4, both the Oswego River and Yellow Dam Branch, which have surface water classifications of PL (the general surface water classification applied to Pinelands waters), run through the remainder of the NJDEP Tract (Block 51, Lot 4.01 and Block 52, Lot 6.05.) Both parcels contain wetlands complexes associated with the stream corridors.

Block 52, Lot 6.05 is 70.50 acres and contains an unnamed artificial lake. The parcel is a mixed forest, more than 50% of which is coniferous. This lot is heavily populated with pitch pine forest, deciduous wooded wetlands and Atlantic White Cedar stands. The front of the parcel has 1.59 acres of coniferous wooded wetlands and 1.25 acres of mixed wooded wetlands. The northern part

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[2] Further information on the zoning designations may be found at: http://clerkshq.com/default.ashx?clientsite=Barnegat-nj

of the parcel has small areas, less than one acre, of mixed scrub and shrub wetlands (mostly coniferous). Including the lake, this parcel is approximately 25-30% wetlands and another 25-30% Pinelands buffers.

Block 51, Lot 4.01 is 119.38 acres of mixed forest, more than 50% of which is deciduous. As indicated on Figure 4, the parcel is significantly wet, consisting of about 50-55% wetlands. The 300-foot regulatory buffers associated with those wetlands cover an additional 30% or more of the property. The wetlands on this parcel consist of the following: (1) a large 420-acre wetlands complex on the western edge of the property, consisting of approximately 24 acres of Atlantic White cedar wetlands,10 acres of deciduous scrub/shrub wetlands and 8 acres of deciduous wooded wetlands; (2) approximately 10 acres of mixed wooded wetlands along the frontage of Old Cedar Bridge-Barnegat Road and (3) approximately 3 acres of mixed wooded wetlands at the back (southern edge) of this parcel. The three acres of mixed wooded wetland on the southern edge of the lot are part of a larger 28-acre wetlands complex that extends onto a portion of the adjacent County Tract (Block 51, Lot 10).

The three lots in the NJDEP Tract surround a five-acre County-owned property containing the historic Cedar Bridge Tavern (Block 50, Lot 9.) The circa 1816 Cedar Bridge Tavern of Barnegat, New Jersey is on both the New Jersey and National (8-7-2014) Registers of Historic Places. The County purchased the tavern in December 2007. Under contract, Historic Buildings Architects (HBA) of Trenton completed the successful nomination to the Registers and a comprehensive preservation plan for Cedar Bridge Tavern (dated January 14, 2013.) Under a separate contract, HBA is currently completing construction documents and permitting for the renovation of the structure.

Description of the County Tract

The County property proposed for conveyance to the NJDEP consists of 269.49+/- acres located in Barnegat and Stafford Townships (hereafter, the "County Tract.") This tract is comprised of four individual lots: Block 50, Lots 5 and 9 in Barnegat Township; Block 51, Lot 10 in Barnegat Township and Block 2, Lot 6 in Stafford Township. The County Tract is known locally as the Wading River East Branch property.

Three of the four lots have paved or gravel road frontage, as follows:

Block 50, Lot 5	Route 539 (3,317 feet)
Block 50, Lot 9	No Road Frontage, off Yellow Dam Road
Block 51, Lot 10	Route 539 (3,643 feet)
	Cedar Bridge-Warren Grove Road (1,531 feet)
Block 2, Lot 6	Cedar Bridge-Warren Grove Road (747 feet)
	County Road 539 (335 feet)

The County Tract was purchased from Railroad Road, LLC, a private owner, in December 2014.[3] The acquisition was made by the County through the Ocean County Natural Lands Trust Fund, a dedicated open space tax program. The purchase price for the County Tract was $1,250,000 and

[3] Railroad Road, LLC is a corporate affiliate of Scarborough Properties, Railroad, LLC and Route 539, LLC.

the entire purchase was funded solely through the Natural Lands Trust Fund. There are no structures or developed recreational facilities on any portion of the County Tract.

Prior to acquiring the County Tract in 2014, the County forwarded the owner's application and interest in sale of the property for review by the NJDEP. At that time, the NJDEP informed the County that it was interested in acquiring the property, but did not have funding available for the purchase. Based on the NJDEP's expression of interest, the County pursued acquisition with the understanding that this property could be transferred to the NJDEP at a future date. This intention was memorialized in the authorization for acquisition by the Ocean County Board of Chosen Freeholders on June 14, 2014. [Appendix 2.]

Within the County Tract, approximately 164 acres of land are located within the Forest Area of the Pinelands (Block 51, Lot 10, and Block 2, Lot 6) and the remaining 105 acres are located within the Preservation Area of the Pinelands (Block 50, Lots 5 and 9) (as such areas are designated under the Pinelands Comprehensive Management Plan.) The parcels are zoned PA (Preservation Area) and PF (Preserved Forest Pinelands) by Barnegat Township and Stafford Township. The PA and PF zones are intended to preserve and protect the valuable resources of the Pinelands.[4]

The County Tract is made up of gently rolling contours, low-lying wetlands and stream corridors (associated with the Oswego River and Yellow Dam Branch) and some uplands.

As indicated on Figure 4, both the Oswego River and Yellow Dam Branch, which have surface water classifications of PL (the general surface water classification applied to Pinelands waters), run through portions of County Tract (Block 50, Lot 5 and Block 51, Lot 10.) Both parcels contain wetlands complexes associated with the stream corridors.

Block 50, Lot 5 in Barnegat Township is approximately 100.82 acres. As indicated on Figure 4, this parcel is approximately 80% wetlands, and another 10% pineland buffers. The wetland portion of this parcel is made up of mostly Atlantic White Cedar wetlands, with some mixed wooded wetlands. The upland portion of this parcel is coniferous forest. This parcel is surrounded on three sides by NJDEP property (Bass River State Forest). The northeast side of Block 50, Lot 5 is adjacent to Block 50, Lots 2 and 3, a privately-owned property being actively used by Eastern Concrete Materials, Inc. for sand mining. Although the tax map boundary between Block 50, Lot 5 and Block 50, Lots 2 and 3 appears to show the quarry operation encroaching on Block 50, Lot 5, the survey prepared for the County as part of the proposed land exchange shows that there is no encroachment. [Figure 5]

Block 50, Lot 9 in Barnegat Township is 5.14 acres. The parcel is a made up of coniferous forest, coniferous wooded wetlands, and deciduous wooded wetlands. As indicated on Figure 4, this parcel is almost 100% wetlands. According to mapping on file with the NJDEP, this parcel is part of a larger 257-acre tract of potential vernal habitat area, with possibly 10 current vernal pool locations.[5] This parcel is an isolated inholding in Bass River State Forest and is completely surrounded by property owned by the NJDEP. This parcel does not have frontage on a paved or gravel road.

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[4] Further information on the zoning designations may be found at:
http://clerkshq.com/default.ashx?clientsite=Barnegat-nj

[5] http://www.nj.gov/dep/gis/geowebsplash.htm

Block 51, Lot 10 in Barnegat Township is approximately 147.91 acres. As indicated on Figure 4, the parcel is 15% wetlands and another 10 to 20% Pineland buffers. The wetlands are mostly made up of Atlantic White Cedar wetlands. The upland portion of this parcel consists of coniferous forest to the north and to the west, and deciduous forest to the south and to the east. This parcel is located to the southwest of the NJDEP Tract. Due to the presence of an area of questionable title between the County Tract and the NJDEP Tract, Block 51, Lot 10 is adjacent to, but not touching, a portion of the NJDEP Tract (Block 51, Lot 4.01), other NJDEP property (Block 51, Lot 3 in Barnegat Township) to the northern and the northeastern edges of the parcel. To the southwest, Block 51, Lot 10 is bordered by several privately-owned lots and another NJDEP parcel (Block 3, Lot 11 in Stafford Township.) To the west and the south, Block 51, Lot 10 borders other lots within the County Tract.

Block 2, Lot 6 in Stafford Township is approximately 15.62 acres of mixed forest, more than 50% of which is deciduous. As indicated on Figure 4, the parcel is less than 5% wetlands and another 10% wetlands buffers. The wetlands on this parcel consist of less than one acre of mixed coniferous wooded wetlands. This parcel is contiguous to Block 51, Lot 10 in Barnegat Township and is surrounded on three sides by either the remainder of the County Tract or land owned by the NJDEP.

A detailed description of the County Tract may be found in the appraisals included in this report as Appendices 4 and 5.

ADVANTAGES AND DISADVANTAGES

For the NJDEP:

In exchange for the conveyance of the NJDEP Tract, which is not a contiguous part of Bass River State Forest, the NJDEP will acquire 269.49 acres currently owned by Ocean County. The proposed land exchange would fill gaps in State ownership and create a larger, contiguous parcel for management purposes, as well as consolidate passive recreational activities in that area of Bass River State Forest. The NJDEP Tract will remain permanently preserved for recreation and conservation purposes. The acreage being acquired by the NJDEP, adjacent to Bass River State Forest, will be more manageable for the State Division of Parks and Forestry than the area proposed to be transferred to the County.

In the past, the County has reported instances of illegal camping and illegal dumping in this area to the NJDEP. With a permanent presence at the Cedar Bridge Tavern site, the County will be able to more easily and regularly patrol this area, allowing the NJDEP to focus its limited enforcement resources on other portions of Bass River State Forest.

For the County:

Transfer of the NJDEP Tract to the County will enable the County to re-assemble most of the original Cedar Bridge Tavern Site. The larger site will allow the Ocean County Parks Department to more fully educate, interpret, and the history of the Cedar Bridge Tavern.

The Cedar Bridge Tavern is a historic treasure that offers a unique window into the European experience in the New Jersey Pinelands. From about 1740, a saw mill existed on the nearby branch of the Wading River and the town grew around the intersection of a major east/west thoroughfare and a southern route to reach Egg Harbor and Tuckerton. Eventually, two taverns in this hamlet served the travelers, hunters and rural region. Historic maps from about 1750 show Pettit's or Cedar Bridge as a named place on state and wider regional maps. A rich collection of traveler and academic references speak to the importance of this long-overlooked community.

On December 27, 1782, forces for the new republic led by Captains Richard Shreve and Edward Thomas were informed that notorious Loyalist John Bacon was in the vicinity of the tavern. They engaged Bacon and his Loyalist bandits (known now as "Refugees") at Cedar Bridge. A brief exchange of gunfire took place, and Bacon and his men were able to escape. One Patriot was killed, and four were wounded. Four Loyalists were also wounded, including Bacon. A ceremony commemorating this last documented land engagement of the American Revolution is held on the site each year on the Sunday closest to December 27.

For the past several years the County has received a special use permit with NJDEP for use of portions of Bass River State Forest, the NJDEP Tract, adjacent to the Tavern. This permit has allowed for the use of 0.25-acre area for temporary parking, and has also authorized archaeological research and construction of interpretive walking trails. Transfer of the NJDEP Tract will allow the County to better serve the public and the stewardship of these properties. The County also plans to make the Cedar Bridge Tavern site a trail head for a regional trail network, while showcasing the history of the Pine Barrens.

With a permanent presence at the Cedar Bridge Tavern site, the County will be able to more easily and regularly patrol the area that has been previously used as an illegal dump site and an illegal camp ground. There are no known disadvantages to this transfer from the County's perspective.

ENVIRONMENTAL ASSESSMENT

Assesment of Environmental Impact and Impact on Plants and Endangered and Non-Game Species

Due to their close proximity and shared boundary between the two Tracts, the environmental assessment contained herein pertains to both sides of this proposed transaction.

The proposed land exhange has undergone an internal review by the affected programs within the Department's Natural and Historic Resource Group, including the Nongame and Endangered Species Program, the State Historic Preservation Office ("SHPO"), the State Forest Service, the State Forest Fire Service and the Office of Natural Lands Management. This review did not raise any objections to the proposal.

The NJDEP is not aware of any specific reported sightings of threatened or endangered plant or animal species on the properties proposed for conveyance by the NJDEP to the County. However, the NJDEP's GeoWeb mapping indicates that there is a potential for multiple threatened and endangered species to exist on these parcels, specifically flora and fauna. [Figure 3] Much of the land lies proximate to Natural Heritage Priority Sites and Historic Sites, such as the West Plains Fireshed Macrosite, the Little Plains, and the East Plains Fireshed Macrosite. These parcels may also contain globally imperiled rare plants and animals, including Barred Owl, Cooper's Hawk, Timber Rattle Snake, Pine Barrens Treefrog, Northern Pine Snake, Brown Thrasher, Fowler's Toad, and Carpenter's Frog.

According to the NJDEP's GeoWeb mapping, the County Tract may contain several threatened and endangered species, including timber rattlesnke, northern pine snake, Pine Barrens tree frog, and barred owl.

The proposed land exchange will cause a net increase in acreage of Atlantic white-cedar wetlands under State ownership by the NJDEP conveying approximately 16 acres of white-cedar wetlands and accepting ownership of 82 acres of white-cedar wetlands. The areas gained by the NJDEP have had active cedar management ongoing for at least 80 years. The younger portions of the cedar wetlands on the County Tract appear to be in good condition. The older portions require some attention to persist as cedar due to recent hardwood encroachment.

The proposed land exchange would also result in a net increase in acres of non-cedar forest owned by the State. The State will give up 110 acres of non-cedar forest, while acquiring 182 acres. Overall, this action would be beneficial in enhancing the NJDEP's holdings of the Atlantic white-cedar resource, and would provide continuity with existing Atlantic white-cedar forest owned by the State.

As part of the NJDEP's internal review of the proposed land exchange, the SHPO determined that the continued use of the State lands to be conveyed to Ocean County for recreation and conservation purposes will not adversely affect any historic or archeaological resources. However, the SHPO is opposed to any kind of future development altering the viewshed of the adjacent Cedar Bridge Tavern, which is listed on the National Register of Historic Places. Since this structure is already owned by the County and is listed on the New Jersey Register of Historic

Places, then any future alterations to it are already subject to New Jersey Register review by the SHPO under the application process at http://www.nj.gov/dep/hpo/2protection/njrrevew.htm.

The SHPO has been involved with Ocean County's restoration of the Cedar Bridge Tavern and understands that the proposed land exchange will also allow the County to address Pinelands environmental issues with their restoration work. Overall, the SHPO favors the proposed land exchange because the parcels that would be conveyed to the State are archaeologically sensitive.

Assessment of Recreational Impact

The NJDEP does not anticipate that the proposed land exchange will have a negative recreational impact on either side of this transaction. As noted above, there are no recreational facilities on either the NJDEP Tract or the County Tract. All the properties involved in the proposed land exchange will remain permanently preserved for recreation and conservation purposes, will continue to be managed as parkland, and will remain available for public access and use.

Transfer of the NJDEP Tract to the County is expected to improve the recreational use of this area, both through interpretive programming to be offered at the re-assembled Cedar Bridge Tavern site and through the County's plans to improve the trail network in this area.

ECONOMIC ASSESSMENT

Under N.J.S.A. 13:1D-56a, any NJDEP property of more than one acre that is proposed to be conveyed in fee (for any purpose), must be valued as follows:

> a. For the purpose of determining the amount of consideration to be paid or transferred to the State in exchange for conveying lands acquired or developed by the State with Green Acres funds, or acquired or developed by the State in any other manner and administered by the department, the value of such lands ***shall be based upon their intended use upon conveyance or upon their highest and best use, whichever shall provide to the State the greatest value in return.*** [emphasis supplied]

Ocean County commissioned two appraisals for each tract, using appraisers from the NJDEP's Green Acres Program's list of approved appraisers and a scope of appraisal reviewed and approved by the NJDEP. The appraisals, which were completed in August 2017, are attached as Appendices 4 and 5. The appraisals were then reviewed by the NJDEP's Green Acres Program. Based on that review, the NJDEP's review appraisers certified the market value for each property. [Appendix 3.]

Although the County has agreed to accept title to the NJDEP Tract with a deed clause limiting future use of the property to "recreation and conservation purposes," both appraisers valued both the NJDEP Tract and the County Tract as unrestricted properties.

Valuation of NJDEP Tract

The NJDEP Tract was purchased in April 1980 from the New Jersey Conservation Foundation for $84,000. The NJDEP Tract has a certified market value of $972,000 (or $5062 per acre) as of August 2017. The basis for this determination is set forth in the Appraisal Review Memo at Appendix 3.

Valuation of County Tract

The County Tract was purchased in December 2014 from Railroad LLC for $1,250,000. The County Tract has a certified market value of $1,272,000 (or $4729 per acre) as of August 2017. The basis for this determination is set forth in the Appraisal Review Memo at Appendix 3.

Analysis

The NJDEP review appraiser has reviewed and certified the values above and has determined that the proposed exchange is an equitable one for the State of New Jersey. While the market values associated with the proposed conveyance favor the NJDEP, the overall benefit to the County is substantial and equitable for the citizens of Ocean County.

As discussed above, on both sides of the transaction, the lands proposed to be exchanged will remain as preserved open space after the exchange is completed. Any lands acquired by the NJDEP from the County will be preserved by statute (as replacement for lands originally purchased with Green Acres funds), and future conveyance of these lands will be governed by the Green Acres bond acts and the NJDEP property conveyance statute at N.J.S.A. 13:1D-51 through N.J.S.A. 13:1D-58. If the proposed land exchange is completed, the County has agreed to accept any lands acquired from the NJDEP with a deed clause limiting their future use to "recreation and conservation" purposes (as that term is defined in the Green Acres statutes and rules, including, but not limited to, *N.J.A.C.* 7:36-2.1.) Once acquired, these lands would then be listed on any future Recreation and Open Space Inventories (ROSIs) prepared by the County as part of future Green Acres funding applications.

In addition, under *N.J.S.A.* 13:1D-56, the NJDEP is required to include in the deed for the conveyance of the NJDEP Tract to the County statutory language requiring compensation to the State if the property is rezoned within 25 years of the purchase in a manner that increases the value of the lands.

Based on the above, the NJDEP and the County believe the proposed land exchange represents an equitable transaction for the public from an economic perspective. Although the overall fair market value of the County Tract is higher than the NJDEP Tract, the per acre values of the properties are comparable. The County has elected to transfer more land to the NJDEP than it is receiving in order to achieve both its objectives for future management of the Cedar Bridge Tavern site and the NJDEP's management objectives for Bass River State Forest. Since all lands involved in the proposed land exchange with remain preserved and open to all State residents, none of the real estate value involved in this transaction is being transferred for a private benefit.

FIGURES AND APPENDICES

The Figures and Appendices listed below may be accessed at:
http://www.state.nj.us/dep/greenacres/notices.html

Figure 1	General Location Map
Figure 2	Aerial Map of Proposed Conveyance and Replacement Land
Figure 3	Landscape Mapping for Proposed Conveyance and Replacement Land
Figure 4	Map of Wetlands and Surface Waters for Proposed Conveyance and Replacement Land
Figure 5	Survey of County Tract

Appendix 1	Public Hearing Notices (NJDEP and County)
Appendix 2	County Resolution Authorizing the Purchase of the County Tract
Appendix 3	Analysis of the "Diversion" and "Replacement/Compensation" Appraisal Reports submitted to NJDEP Green Acres, November 2017, prepared by Susanne M. Curran, MAI, AI-GRS, Review Appraiser and Anine Rusecky, Review Appraiser
Appendix 4	August 2017 Integra Realty Resources Appraisals
Appendix 5	August 2017 Hall Realty Consultants Appraisals

PUBLIC HEARINGS

In accordance with N.J.S.A. 13:1D-52a(4), N.J.S.A. 52:31-1.1 and N.J.S.A 40A:12-16, public hearings on the proposed conveyances are scheduled as follows:

A public hearing on the **proposed conveyance of the County Tract** will be held:

May 16, 2018 at **4:00 PM**

Stafford Township Historical Society, Old Baptist Church
120 N. Route 9
Manahawkin, NJ 08050
(609) 597-2237

A public hearing on **the proposed conveyance of both the NJDEP Tract and County Tract** will be held:

May 16, 2018 at 7:00 PM

Cloverdale County Park, Education Center
34 Cloverdale Road
Barnegat, NJ 08005
(609) 607-1861

[**NOTE:** The first May 16, 2018 public hearing will be conducted by the County in accordance with N.J.S.A 40A:12-16, but NJDEP representatives will be present to answer questions about the proposed land exchange. The second May 16, 2018 public hearing will be conducted jointly by the NJDEP and the County in compliance with the requirements of N.J.S.A. 13:1D-52a(4) (as to the NJDEP) and N.J.S.A 40A:12-16 (as to the County.)]

A public hearing on the **proposed conveyance of the County Tract** will be held:

May 30, 2018 at **4:00 PM**

Cattus Island County Park
Cooper Environmental Center
1170 Cattus Island Blvd
Toms River, NJ 08753

[**NOTE:** The May 30, 2018 public hearing will be conducted by the County in accordance with N.J.S.A 40A:12-16, but NJDEP representatives will be present to answer questions about the proposed land exchange.]

A public hearing on the **proposed conveyance of the NJDEP Tract** will be held:

May 31, 2018 at **3:30 PM**

New Jersey Department of Environmental Protection
501 East State Street
4th Floor Large Conference Room
Trenton, NJ 08625
(609) 984-0500

[**NOTE:** The May 31, 2018 public hearing will be conducted jointly by the NJDEP and the State House Commission in compliance with the requirements of N.J.S.A. 13:1D-52a(4) (as to the NJDEP) and N.J.S.A. 52:31-1.1 (as to the State House Commission.) Representatives of the County will be present to answer questions about the proposed land exchange.]

Please refer to the Public Hearing Notices, Appendix 1, for information about submitting written public comments on the proposed conveyances.

CONTACT INFORMATION

For further information, please contact:

For the New Jersey Department of Environmental Protection:

Sean Moriarty, Esq., Regulatory Officer
Bureau of Legal Services and Stewardship
New Jersey Department of Environmental Protection
Green Acres Program
Mail Code 501-01
P.O. Box 420
Trenton, New Jersey 08625-0420
(609) 984-0500
Sean.Moriarty@dep.nj.gov

For the County of Ocean:

Mark Villinger, Supervising Planner
Ocean County Department of Planning
PO Box 2191
Toms River, NJ 08754-2191
(732) 929-2054
mvillinger@co.ocean.nj.us

For the State House Commission:

Robert J. Shaughnessy, Jr., Secretary
New Jersey State House Commission

c/o
State of New Jersey, Department of Treasury
Division of Property Management & Construction
Office of Real Property Acquisition & Disposition
33 West State Street, 9th floor
P O Box 229
Trenton, NJ 08625-0229
(609) 984-7797
Robert.Shaughnessy@treas.nj.gov

DISTRIBUTION LIST

Debbie Mans, Deputy Commissioner, NJDEP

Martha Sullivan Sapp, Acting Assistant Commissioner, Natural and Historic Resources, NJDEP

Mark Texel, Director, Division of Parks and Forestry, NJDEP

Kate Marcopul, Administrator, State Historic Preservation Office, NJDEP

Judeth Piccinini Yeany, Acting Director, Green Acres Program, NJDEP

Frank Caputo, Mayor, Township of Barnegat

Martin J. Lisella, Township Administrator, Township of Barnegat

Michele A. Rivers, Clerk, Township of Barnegat

John Spodofora, Mayor, Township of Stafford

Alan R. Smith, Council President, Township of Stafford

Linda Martin, Clerk, Township of Stafford

Gerry P. Little, Director, Board of Chosen Freeholders, County of Ocean

Carl W. Block, County Administrator, County of Ocean

Scott M. Colabella, Clerk, County of Ocean

Betty Vasil, Clerk, Board of Freeholders, County of Ocean

Hon. Paul A Sarlo, Chair, Senate Budget and Appropriations Committee

Hon. James Beach, Chair, Senate State Government Committee

Hon. Bob Smith, Chair, Senate Environment Committee

Hon. Bob Andrzejczak, Chair, Assembly Agriculture and Natural Resources Committee

Hon. Nancy J. Pinkin, Chair, Assembly Environment and Solid Waste Committee

Hon. John J. Burzichelli, Chair, Assembly Appropriations Committee

Hon. Vincent Mazzeo, Chair, Assembly State Government Committee

Robert J. Shaughnessy, Jr., Secretary, State House Commission

FIGURE 1: GENERAL LOCATION MAP

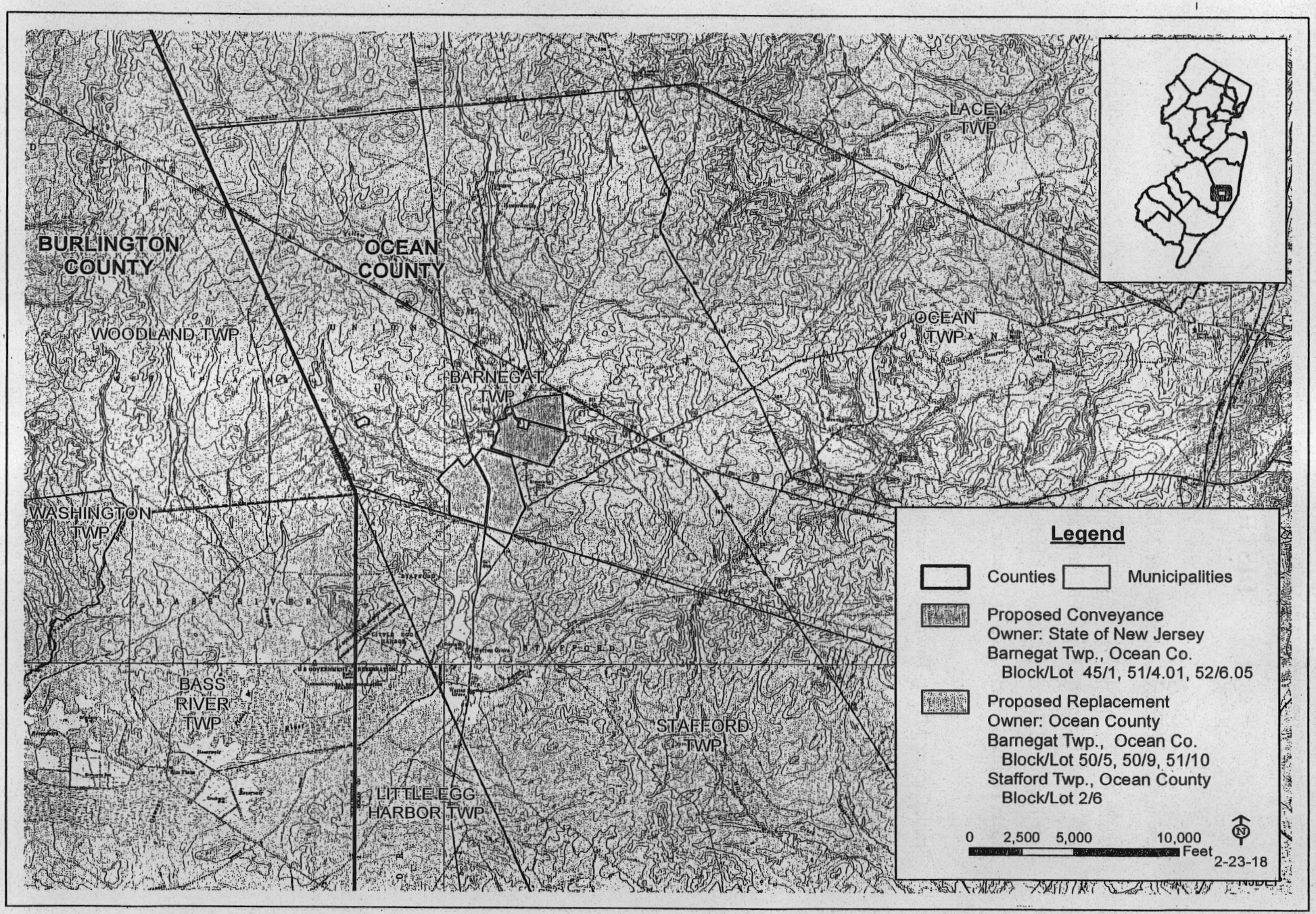


FIGURE 2: AERIAL MAP OF PROPOSED CONVEYANCE

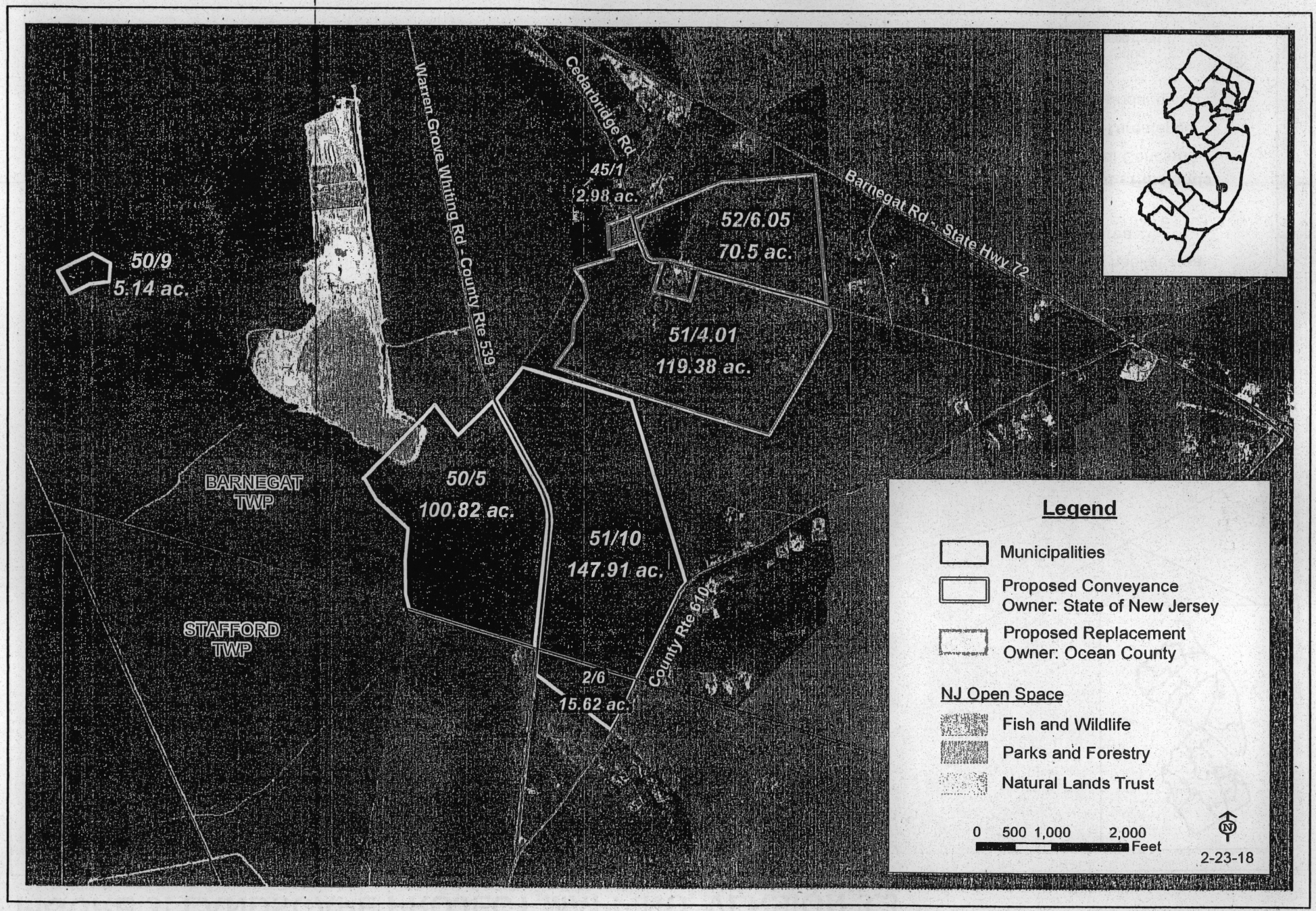


FIGURE 3: LANDSCAPE PROJECT MAPPING, VERSION 3.3

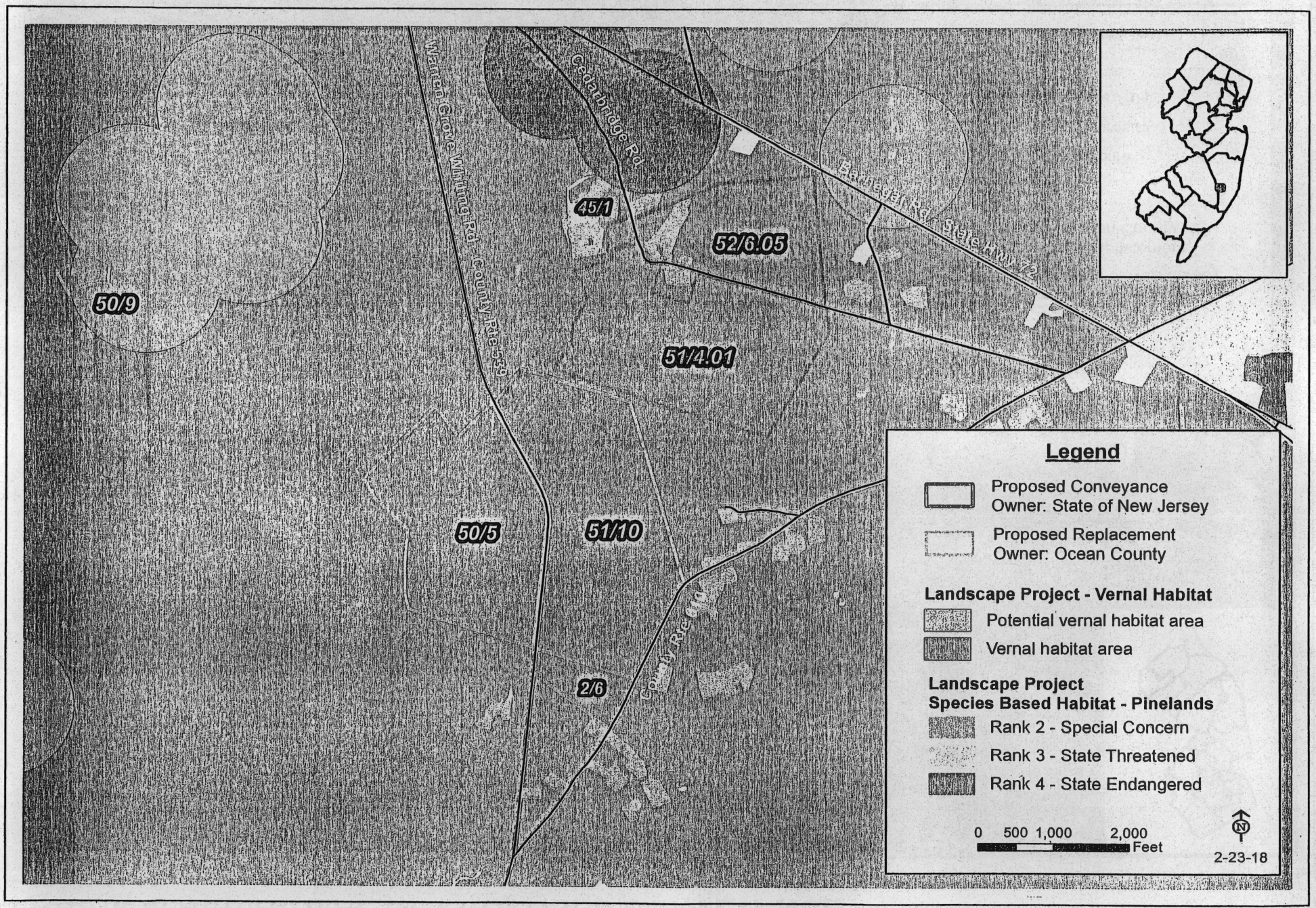
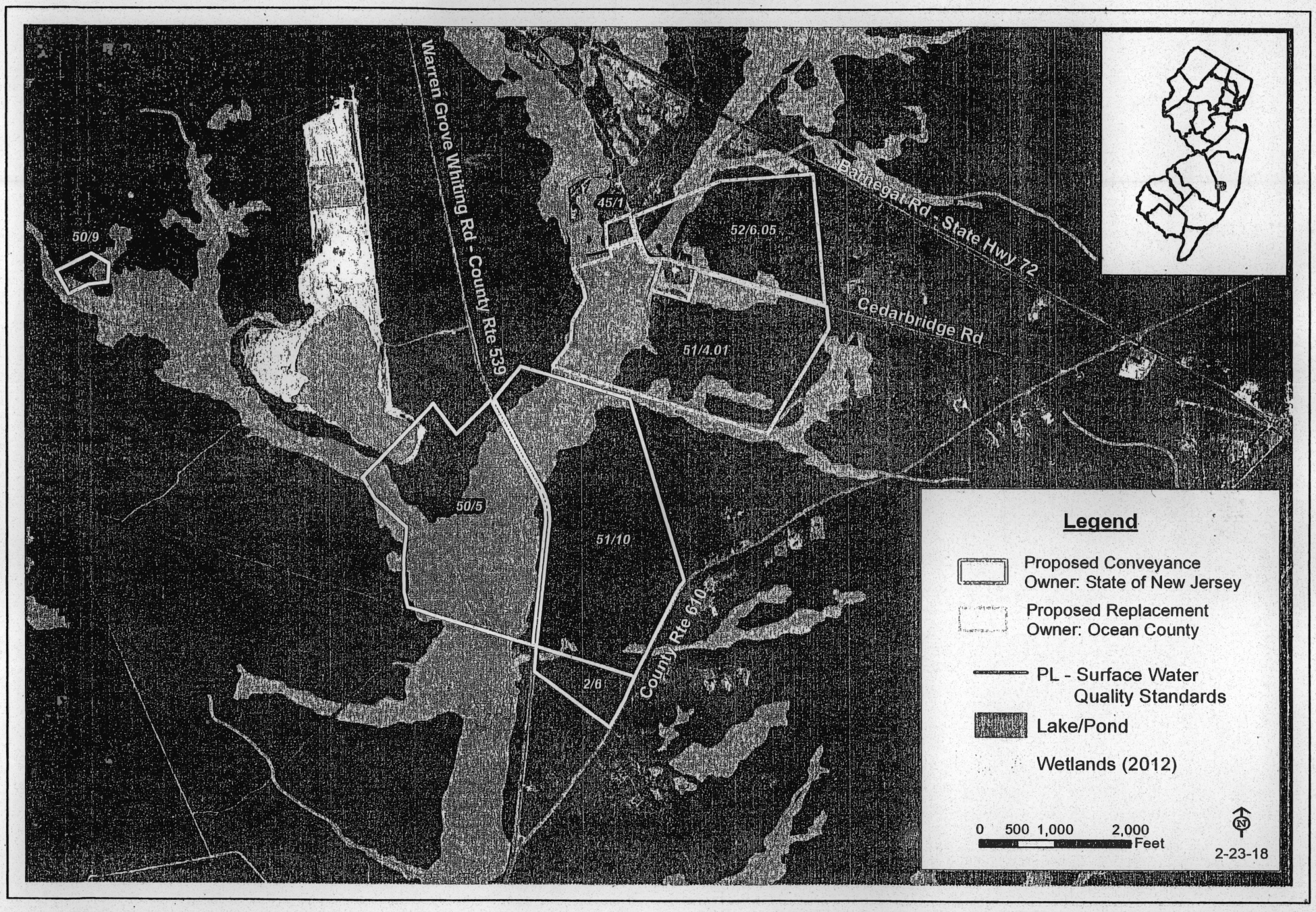


FIGURE 4: WETLANDS & SURFACE WATERS MAP



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 38

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1984-1345.008, 1990-0450.007 & 1990-0809.003)

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

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

1984-1345.008

Applicant:	**Jackson Township**
Municipality:	Jackson Township
Management Area:	Pinelands Rural Development Area
Date of Report:	September 20, 2019
Proposed Development:	Installation of a 13.7 acre ground mounted solar energy facility on the Jackson Township Legler Landfill;

1990-0450.007

Applicant:	**Sunoco Retail, LLC for New Jersey Turnpike Authority**
Municipality:	Lacey Township
Management Area:	Pinelands Preservation Area District
Date of Report:	September 19, 2019
Proposed Development:	Construction of a gasoline fueling station and a 3,899 square foot convenience store at the Forked River Service Area within the Garden State Parkway right-of-way; and

1990-0809.003

Applicant:	**Town of Hammonton**
Municipality:	Town of Hammonton
Management Area:	Pinelands Town
Date of Report:	September 18, 2019
Proposed Development:	Demolition of a building, 50 years old or older.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1984-1345.008, 1990-0450.007 and 1990-0809.003 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 11, 2019

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

September 20, 2019

Helene Schlegel, Township Administrator (via email)
Jackson Township
95 W. Veterans Highway
Jackson, NJ 08527

Re: Application # 1984-1345.008
Legler Landfill
Block 18702, Lot 29
Block 19001, Lots 5, 6 & 11.02
Jackson Township

Dear Ms. Schlegel:

The Commission staff has completed its review of this application for installation of a 13.7 acre ground mounted solar energy facility on the Jackson Township Legler Landfill. 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 October 11, 2019 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, Jackson Township Planning Board (via email)
Jackson Township Construction Code Official (via email)
Jackson Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)

Bill Schmitt (via email)
Adam Peterson, Esq. (via email)
Peter Leighton (via email)

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

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

September 20, 2019

Helene Schlegel, Township Administrator (via email)
Jackson Township
95 W. Veterans Highway
Jackson, NJ 08527

Application No.: 1984-1345.008
Legler Landfill
Block 18702, Lot 29
Block 19001, Lots 5, 6 & 11.02
Jackson Township

This application proposes installation of a 13.7 acre ground mounted solar energy facility on the Legler Landfill located on the above referenced 118.19 acre parcel. The parcel and the landfill are owned by Jackson Township. The applicant represents the proposed solar energy facility will generate between three and four megawatts of electricity.

The Pinelands Comprehensive Management Plan (CMP) requires, with certain exceptions, that all landfills within the Pinelands Protection Area which ceased operation on or after January 14, 1981 be capped with an impermeable material. The Legler Landfill is located in the Pinelands Protection Area and ceased operation in 1980, therefore an impermeable material cap was not required. The Pinelands Commission approved a minimum two foot soil cap of the Legal Landfill on March 7, 1996 and the installation of the cap was completed in 1997. The proposed solar facility will be located on a portion of the capped landfill.

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. 7:50-5.26)

The parcel is located in a Pinelands Rural Development Area. Solar energy facilities are permitted as a principal land use in a Pinelands Rural Development Area provided that the solar energy facility meets the siting standards specified in the CMP (N.J.A.C. 7:50-5.36). The proposed solar energy facility meets the solar energy facility siting standards specified in N.J.A.C. 7:50-5.36.

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

The applicant completed a threatened and endangered (T&E) animal species habitat assessment on the parcel to identify animal species of concern. The habitat assessment identified three T&E animal species of concern; Northern pine snake, Pine Barrens treefrog and Barred Owl. Based on the submitted T&E animal species habitat assessment and site inspections by the Commission staff, it was determined that only suitable habitat for Northern pine snake was located on the parcel. The applicant reduced the area of the proposed solar energy facility from 20 acres to 18 acres to avoid the portion of the parcel that contained suitable habitat for Northern pine snake. As required by the CMP, the proposed development is designed to avoid an irreversible adverse impact on habitats that are critical to the survival of any local population of T&E animal species.

The applicant then performed a T&E plant habitat assessment and visual survey of the parcel. The habitat assessment identified suitable habitat for Sickle-leaved golden aster, a CMP identified T&E plant species. The applicant performed a T&E species survey for Sickle-leaved golden aster plants. The T&E species survey identified a total of approximately 56,600 Sickle-leaved golden aster plants on the parcel.

The CMP requires that no development shall be carried out unless it is designed to avoid an irreversible adverse impact on the survival of a local population of a T&E plant species. Based upon the presence of the Sickle-leaved golden aster plants, the applicant further reduced the size of the proposed solar energy facility from 18 acres to 13.7 acres and redesigned the layout of the solar energy facility to avoid most areas on the landfill cap where Sickle-leaved golden aster plants were located. The proposed 13.7 acre solar energy facility will result in a loss of approximately 3,100 of the 56,600 Sickle-leaved golden aster plants.

The applicant proposes to impose a conservation deed restriction on 45.48 acres of the parcel located outside of the area proposed for development to protect the remaining population of approximately 53,500 Sickle-leaved golden aster plants on the parcel. The applicant also proposes utilization of low-impact construction equipment to limit land disturbance, fencing to limit construction impacts to only the area proposed for development and to have a qualified botanist on the parcel during construction to assist with protection of the Sickle-leaved golden aster plants.

Based upon the remaining population of approximately 53,500 Sickle-leaved golden aster plants and the measures proposed by the applicant to protect that remaining population, it has been demonstrated that the installation of the proposed solar energy facility will not result in an irreversible adverse impact to the local population of Sickle-leaved golden aster.

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

The proposed development will be located over a capped landfill. 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. For this application, revegetation of disturbed areas is not proposed or recommended because of the potential negative impact on Sickle-leaved golden asters from competing grass species.

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 these standards, the application proposes to utilize two existing topographic depressions on the parcel as stormwater infiltration basins.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to land owners within 200 feet of the proposed development was completed on February 21, 2019. Newspaper public notice was completed on February 22, 2019. The application was designated as complete on the Commission's website on August 27, 2019. The Commission's public comment period closed on September 13, 2019. The Commission received one public comment (attached) regarding this application.

Public Comment: The commenter expressed support of the proposed development.

Staff Response: The Commission appreciates the commenter's support of the proposed solar energy facility and their interest in the Pinelands Area.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the following plans:

   Site Plan, consisting of three sheets, prepared by FWH Associates, P.A. and dated as follows:

   Sheets 1 & 2 - dated March 21, 2018 and last revised July 24, 2019
   Sheet 3 - dated March 21, 2018

   Pinelands Deed Restriction Plan, consisting of one sheet, prepared by FWH Associates, P.A., dated March 21, 2018 and last revised May 10, 2019

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 solar energy facility shall be removed and the parcel shall be restored within 12 months of termination of its use.

6. The applicant shall implement the construction methods and techniques as detailed on sheet one of the Site Plan prepared by FWH Associates, P.A., dated March 21, 2018 and last revised July 24, 2019.

7. Prior to any disturbance, the applicant shall submit a recorded conservation deed restriction on the 45.48 acres of the parcel depicted on the Pinelands Deed Restriction Plan prepared by FWH Associates, P.A., dated March 21, 2018 and last revised May 10, 2019.

8. Prior to any disturbance of the existing landfill cap, the applicant shall obtain any required authorization from the New Jersey Department of Environmental Protection.

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made 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 4:00 PM on October 8, 2019 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: jpleighton1@verizon.net (jpleighton1@verizon.net)
Received: 2/23/2019 2:45:38 PM
To: AppInfo, PC (AppInfo@pinelands.nj.gov)
CC:
Subject: [EXTERNAL] Jackson township solar farm
Attachments: None

My name is Peter Leighton my property backs up to the township land fill at 661 Ollie Burke RD. I would like to let the commission know that I'm in favor of the location of the solar farm there. My phone number is 732-928-4259.

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

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

September 19, 2019

Narciso Lira, PE (via email)
Sunoco Retail, LLC for
The New Jersey Turnpike Authority
8020 Park Lane, Suite 200
Dallas, TX 75231

Re: Application # 1990-0450.007
Garden State Parkway
Forked River Service Area
Lacey Township

Dear Mr. Lira:

The Commission staff has completed its review of this application for construction of a gasoline fueling station and a 3,899 square foot convenience store at the Forked River Service Area within the Garden State Parkway right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its October 11, 2019 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, 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)
Daniel T. Sehnal, PE (via email)

State of New Jersey
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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

September 19, 2019

Narciso Lira, PE (via email)
Sunoco Retail, LLC for
The New Jersey Turnpike Authority
8020 Park Lane, Suite 200
Dallas, TX 75231

Application No.: 1990-0450.007
Garden State Parkway
Forked River Service Area
Lacey Township

This application proposes construction of a gasoline fueling station and a 3,899 square foot convenience store at the Forked River Service Area within the Garden State Parkway right-of-way in Lacey Township.

The applicant also proposes the demolition of two structures that are less than 50 years old, an existing gasoline fueling station and a 2,574 square foot convenience store. The demolition of a structure less than 50 years old does not require application to the Commission.

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 in the CMP designated Parkway Overlay District and underlain by the Pinelands Preservation Area District. As an accessory facility to the Garden State Parkway, the proposed development is a permitted land use in the Parkway Overlay District.

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

The proposed development will be located within existing developed, paved and landscaped 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 existing Forked River Service Area is comprised of pavement and existing maintained lawn areas. The site of the proposed gas station and convenience store building is surrounded by existing pavement. The applicant proposes to plant native and non-native grass species totaling less than 4,520 square feet, immediately adjacent to the proposed convenience store.

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

The existing convenience store is serviced by public sanitary sewer. The proposed convenience store will be serviced by public sanitary sewer.

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

The New Jersey State Historic Preservation Office (SHPO) previously determined that the Garden State Parkway was eligible for the National Register of Historic Places. The two buildings proposed for demolition are not contributing resources to the register eligible Garden State Parkway Historic District. A noncontributing resource means any building 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 two buildings proposed for demolition are not contributing resources 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 notices. Newspaper public notice was completed on July 22, 2019. The application was designated as complete on the Commission's website on August 28, 2019. The Commission's public comment period closed on September 13, 2019. 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 26 sheets, prepared by Dynamic Engineering and dated January 14, 2019 and revised to May 6, 2019.

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

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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 October 7, 2019 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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Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

September 18, 2019

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

Re: Application # 1990-0809.003
Block 2421, Lot 2.03
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for demolition of a building, 50 years old or older. 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 October 11, 2019 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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

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

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

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

September 18, 2019

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

Application No.: 1990-0809.003
Block 2421, Lot 2.03
Town of Hammonton

This application proposes demolition of a building, 50 years old or older, located on the above referenced 0.25 acre parcel in the Town of Hammonton.

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 parcel is located in the Pinelands Town of Hammonton. The demolition of a building is permitted in the Pinelands 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 on the parcel, a cultural resource survey was not required.

PUBLIC COMMENT

The CMP defines the proposed development as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on August 13, 2019. The Commission's public comment period closed on September 13, 2019. No public comment was submitted to the Commission regarding this application.

CONDITIONS

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

2. Disposal of any demolition debris may only occur at an appropriately licensed facility.

3. This application is for the proposed demolition only. Any future development of the parcel shall be governed by the Town of Hammonton's certified land use ordinance and the CMP.

CONCLUSION

As the proposed demolition 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 demolition subject to the above conditions.

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on October 7, 2019 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. PC4-19- 39

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 2018-0036.001 & 2018-0095.001)

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

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

2018-0036.001	
Applicant:	**Atlantic County**
Municipality:	Galloway Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	September 18, 2019
Proposed Development:	Road improvements within the Jimmie Leeds Road right-of-way ; and

2018-0095.001	
Applicant:	**Atlantic County and Stockton University**
Municipality:	Galloway Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	September 19, 2019
Proposed Development:	Improvements to the intersection of Pomona Road and Vera King Farris Drive.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 2018-0036.001 and 2018-0095.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 11, 2019

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

September 18, 2019

Mark Shourds (via email)
Atlantic County
P.O. Box 719
Northfield, NJ 08224

Re: Application # 2018-0036.001
Jimmie Leeds Road
Galloway Township

Dear Mr. Shourds:

The Commission staff has completed its review of this application for road improvements within the Jimmie Leeds Road right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its October 11, 2019 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, Galloway Township Planning Board (via email)
Galloway Township Construction Code Official (via email)
Galloway Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)

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Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

September 18, 2019

Mark Shourds (via email)
Atlantic County
P.O. Box 719
Northfield, NJ 08224

Application No.: 2018-0036.001
Jimmie Leeds Road
Galloway Township

This application proposes road improvements within the Jimmie Leeds Road right-of-way located in Galloway Township.

The applicant proposes to widen Jimmie Leeds Road for approximately 5,000 linear feet between Vera King Farris Drive and Laurel Avenue. Jimmie Leeds Road is currently paved to a width ranging from 27 feet to 46 feet within the project area. The proposed widening will result in Jimmie Leads Road having a paved width ranging from 47 feet to 55 feet to accommodate center turn lanes and increased road shoulder widths to improve traffic safety.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26(b)10 & 5.28)

The proposed development is located in a Pinelands Rural Development Area and a Pinelands Regional Growth Area. The proposed road improvements are a permitted land use in a Pinelands Rural Development Area and a Pinelands Regional Growth Area.

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

The proposed road improvements will be located in existing dirt and grass road shoulders. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed road improvements.

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 road improvements are consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing an underground stormwater infiltration system comprised of perforated piping within stone trenches.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on June 24, 2019. The application was designated as complete on the Commission's website on August 22, 2019. The Commission's public comment period closed on September 13, 2019. 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 38 sheets, prepared by the Atlantic County Division of Engineering and dated as follows:

   Sheet 1 - undated; last revised August 9, 2019
   Sheets 2, 4 & 9-23 - June 7, 2019; last revised August 9, 2019
   Sheet 3 - June 7, 2019
   Sheet 5 - January 28, 2016
   Sheets 6-8, 27-30 & 32-38 - November 17, 2017
   Sheets 24-26 & 31 - January 25, 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. 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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APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on October 7, 2019 and include the following information:

1. the name and address of the person requesting the appeal;

2. the application number;

3. the date on which the determination to be appealed was made;

4. a brief statement of the basis for the appeal; and

5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

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

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

September 19, 2019

Charles West
Stockton University
101 Vera King Farris Drive
Galloway, NJ 08205

John Peterson
Atlantic County Department of Regional Planning and Development
PO Box 719
Route 9 and Dolphin Avenue
Northfield, NJ 08225

Re: Application # 2018-0095.001
Pomona Road and Vera King Farris Drive
Galloway Township

Dear Mr. West & Mr. Peterson:

The Commission staff has completed its review of this application for improvements to the intersection of Pomona Road and Vera King Farris Drive in Galloway Township. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its October 11, 2019 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, Galloway Township Planning Board (via email)
Galloway Township Construction Code Official (via email)
Galloway Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Beth-Ann Grasso, PE, CME, CFM (via email)

State of New Jersey
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Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

September 19, 2019

Charles West
Stockton University
101 Vera King Farris Drive
Galloway, NJ 08205

John Peterson
Atlantic County Department of Regional Planning and Development
PO Box 719
Route 9 and Dolphin Avenue
Northfield, NJ 08225

Application No.: 2018-0095.001
Pomona Road and Vera King Farris Drive
Galloway Township

This application proposes improvements to the intersection of Pomona Road and Vera King Farris Drive in Galloway Township. Vera King Farris Drive provides access to Stockton University.

This application proposes to widen approximately 1,250 linear feet of Pomona Road from an existing paved width of 23 feet to a maximum paved width of 43 feet. This widening will accommodate a dedicated access ramp from eastbound Pomona Road onto Vera King Farris Drive and a left turn lane from westbound Pomona Road onto Vera King Farris Drive.

In addition, approximately 295 linear feet of Vera King Farris Drive will be widened from an existing paved width of 24 feet to a maximum paved width of 44 feet. This widening will accommodate dedicated left and right turn lanes onto Pomona Road.

The applicant has indicated that the proposed development will improve traffic safety at the intersection.

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(b)10 & 5.28(a))

The project is located partially in a Pinelands Rural Development Area and partially in a Pinelands Regional Growth Area. The proposed intersection improvements are permitted in a Pinelands Rural Development Area and a Pinelands Regional Growth Area.

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

The proposed road improvements will be located within existing grass road shoulders and within an oak/pine forested area. The proposed improvements will disturb approximately 1.5 acres of forested land. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed intersection improvements.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize the disturbed areas, 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 road improvements are consistent with the CMP stormwater management standards. 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 Commission staff reviewed the application for evidence of cultural resources within the project area. Based upon the lack of potential for significant cultural resources within the project area, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on July 10, 2019. Notice to required land owners within 200 feet of the proposed development was completed on July 16, 2019. The application was designated as complete on the Commission's website on August 15, 2019. The Commission's public comment period closed on September 13, 2019. 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 33 sheets, prepared by Pennoni Associates Inc., and dated as follows:

   Sheets 1-3, 5, 6, 9, 10, 13, 14, 16-29, 32 & 33 - May 17, 2019
   Sheets 4, 7, 8, 11, 12, 15, 30 & 31 - May 17, 2019; last revised July 15, 2019

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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1. the name and address of the person requesting the appeal;

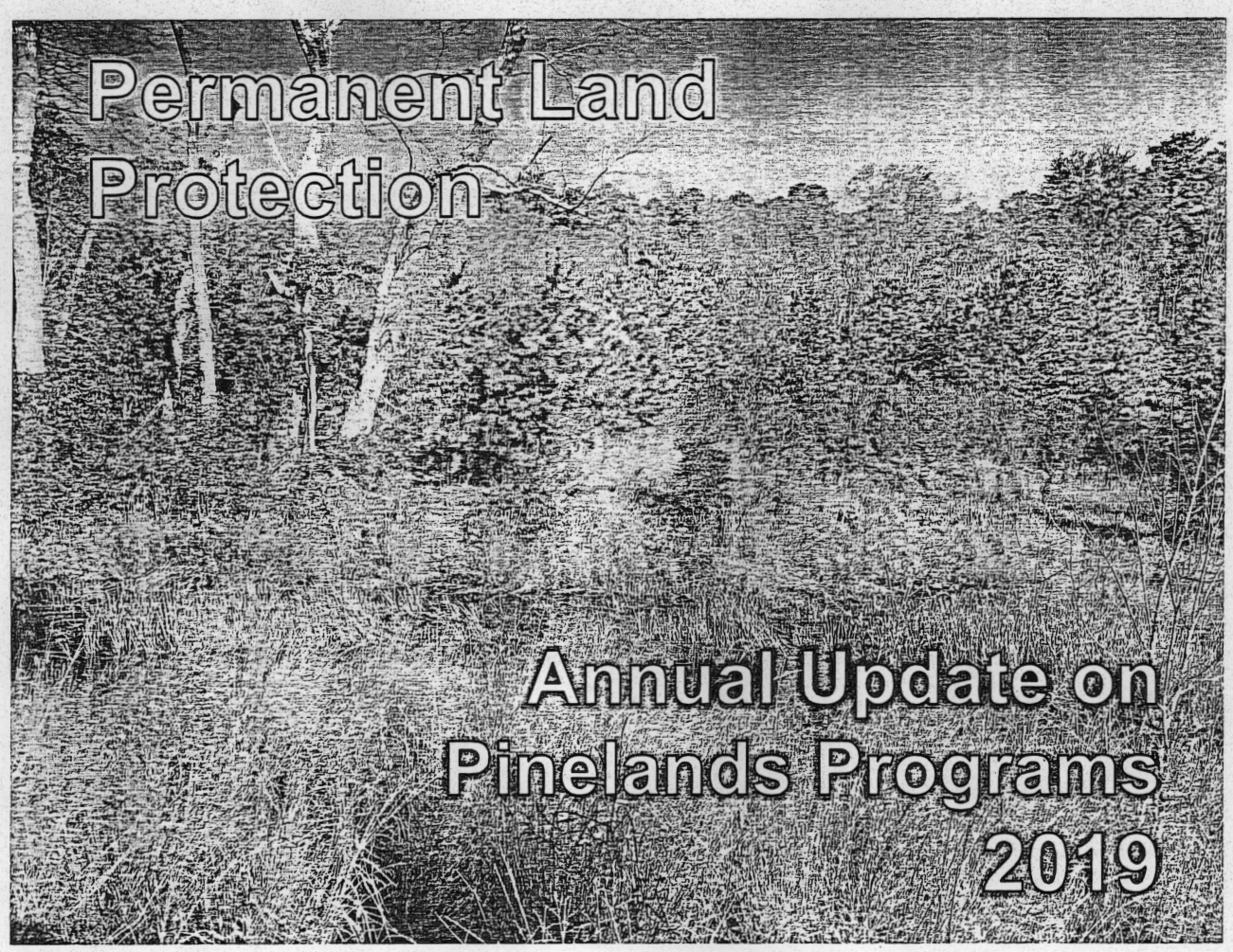
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Newly Protected Land in the Pinelands Area

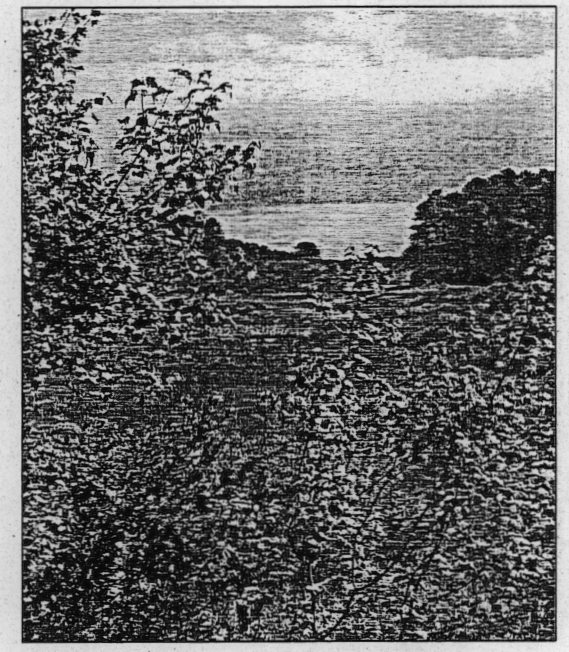
July 2018-June 2019

	Acres Protected
Pinelands Programs	1,877
State Acquisition (Green Acres)	460
County Farmland Preservation	154
County Open Space	6,656
Municipal Open Space	2
Non-Profit Acquisition	33
Total Acres	9,182



The 44-acre Daniels property in Ocean Township, protected in 2019 through the PCF acquisition program
Photo by NJPC

Acres Protected Through Pinelands Commission Programs
July 2018 – June 2019



The 457-acre Thompson-Wright property in Southampton and Woodland townships, protected in 2019 through the PCF acquisition program
Photo by NJPC

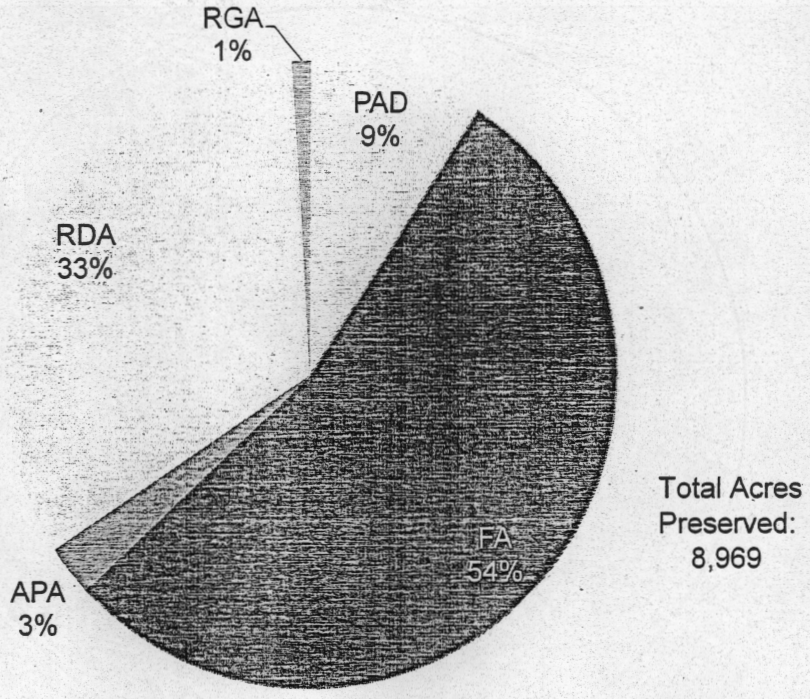
- PCF Acquisition – 535 acres
- GSP Exit 44 – 129 acres
- Clustering – 234 acres
- Density Transfer – 5 acres
- T&E – 876 acres
- Miscellaneous – 98 acres

Total Acres: 1,877

PCF Acquisition Program
Lands Preserved Through FY19

Management Area	Acres Preserved
Preservation Area District	823
Forest Area	4,834
Agricultural Production Area	232
Rural Development Area	2,992
Regional Growth Area	90
Total	8,969

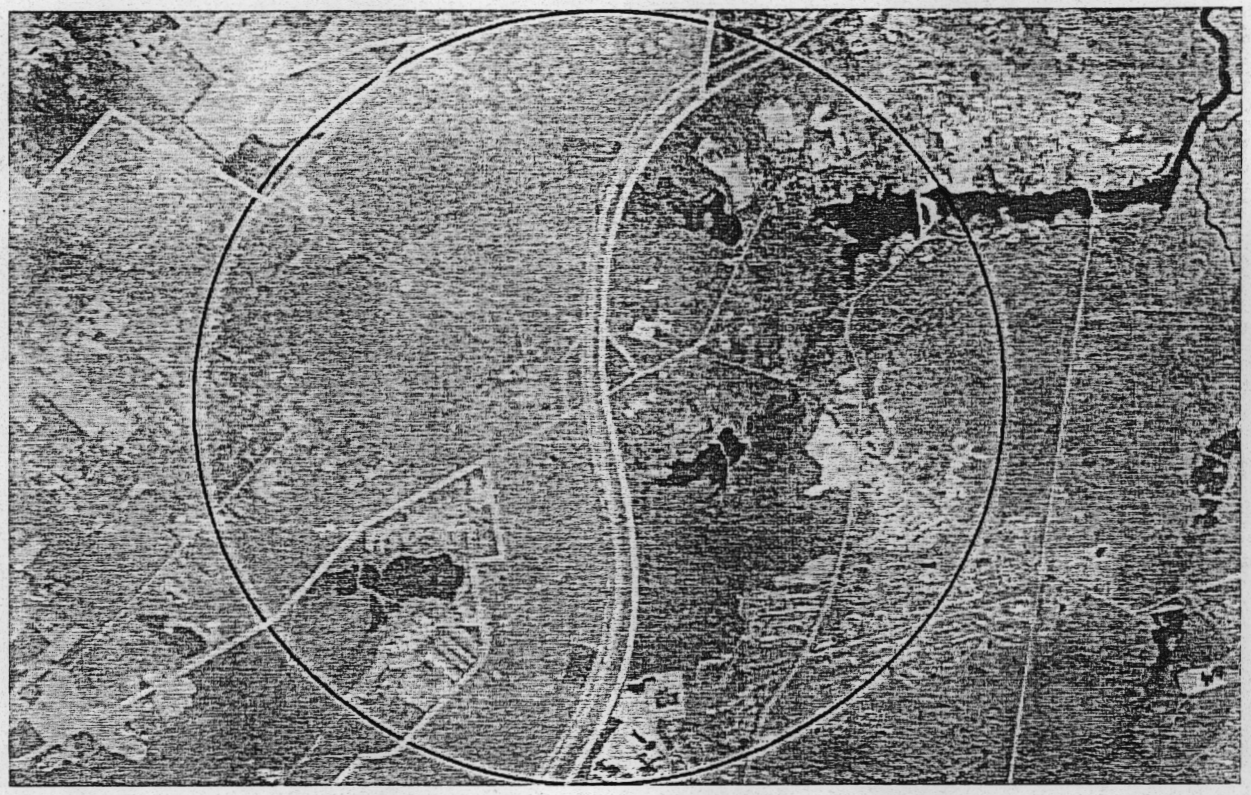
PCF Acquisition Program
Lands Preserved Through FY19



Garden State Parkway Exit 44 Secondary Impacts Agreement

- Atlantic County agreed to protect 356 acres within 1.5 miles of Interchange 44 by December 2019
- FY19 acquisition: 129 acres
- Total acquired to date: 326 acres

1.5 Miles from Interchange 44

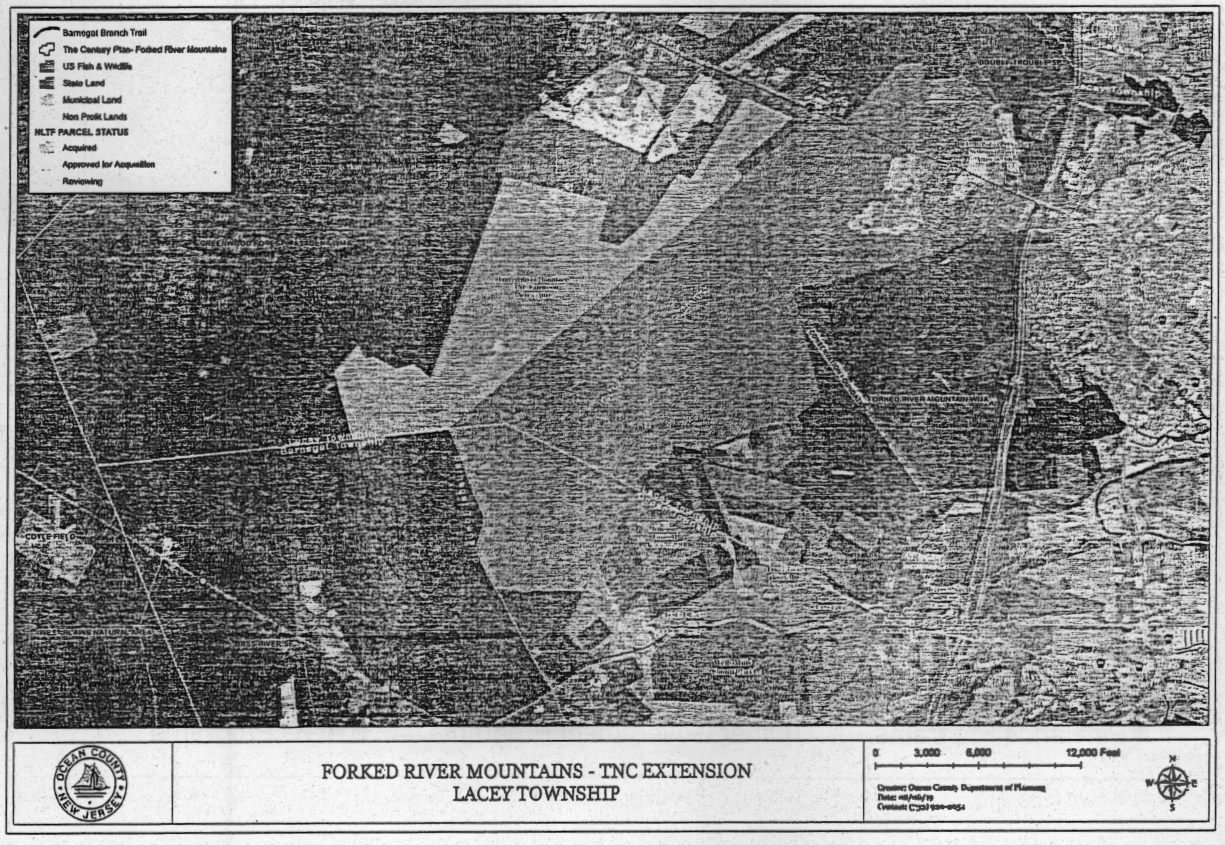




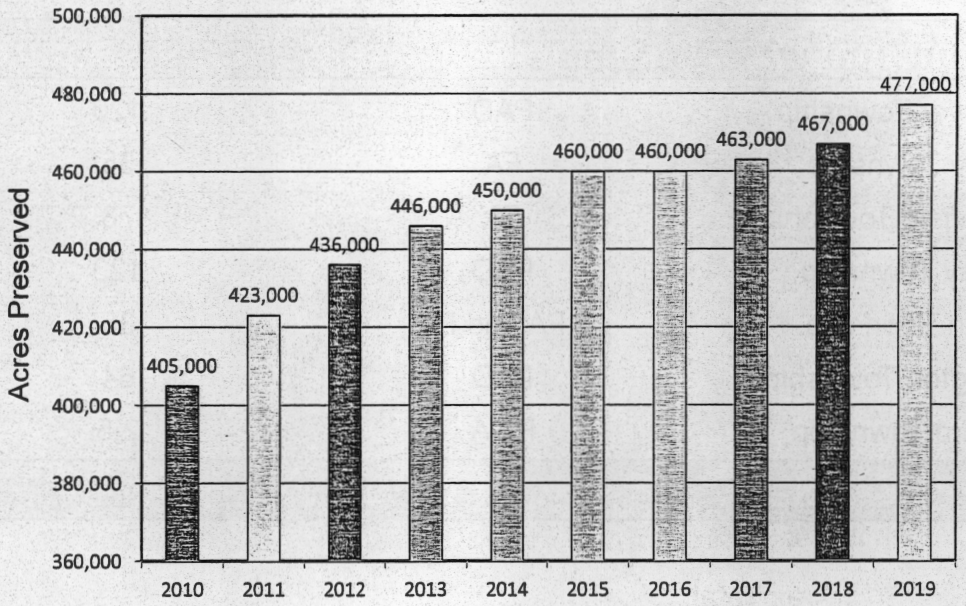
Green Acres Program
FY19 Pinelands Area Acquisition

Municipality	Management Area	Acres Acquired
Bass River Township	PAD	120
Berkeley Township	FA	35
Buena Vista Township	FA	78
Galloway Township	PAD	123
Hamilton Township	APA and FA	35
Washington Township	PAD	64
Waterford Township	RDA	2.5
Total		460

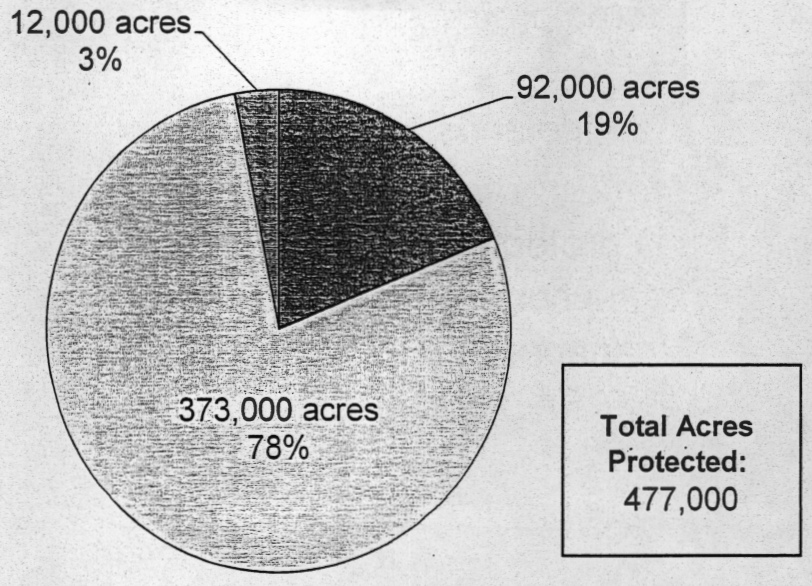
FY19 County Open Space Acquisition



Permanent Land Protection in the Pinelands Area
through June 2019



Permanent Land Protection Programs in the Pinelands Area
through June 2019



Protected Lands by Management Area

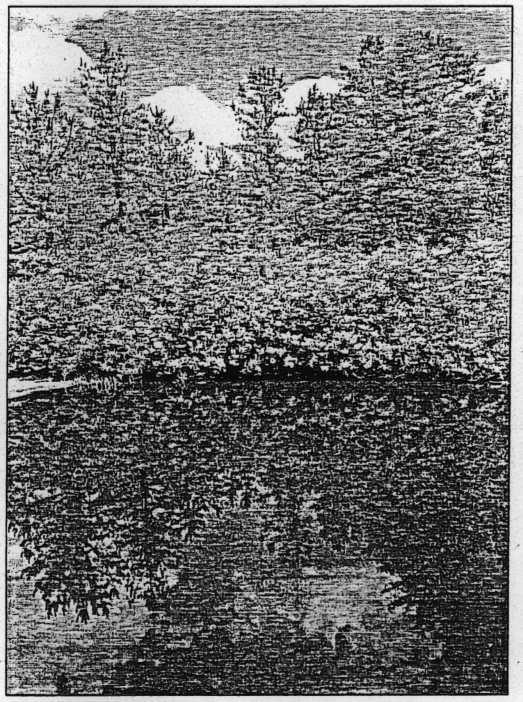
June 2019

Management Area	Total Acres	% Protected
PAD	295,000	82.5%
SAPA	37,500	60%
FA	257,000	58%
APA	68,500	41%
RDA	109,500	20.5%
RGA	76,500	8%
Village	26,000	4%
Town	21,500	6%
Military/Federal	47,000	1%
Pinelands Area Total	938,000	51%

Permanent Land Protection in the Pinelands Area

June 2019

- 477,000 acres protected
- 51% of the Pinelands Area
- 94% of the protected land is located in the conservation-oriented management areas (PAD, SAPA, FA, APA)



The 200-acre Katz property in Pemberton Township, protected through PDC severance in 2006 and the PCF acquisition program in 2019
Photo by NJPC

LEGLER LANDFILL SOLAR FACILITY- Jackson Township, Ocean County

